

Berrien County Road Department

2860 E. NAPIER AVENUE, BENTON HARBOR, MICHIGAN 49022

TELEPHONE: • (269) 925-1196 FAX (269) 925-8098

WEBSITE: www.bcroad.org E-MAIL: weighmaster@bcroad.org

RIGHT OF WAY PERMIT – SUPPLEMENTAL SPECIFICATIONS

GENERAL TERMS:

The attached permit will be carried out in the manner applied for and in accordance with the plans, specifications, maps and statements filed with the Berrien County Road Department (Road Department) as part of this application and if granted, the applicant agrees to do the following:

1. To operate and maintain the structure covered by this permit at their own expense.
2. Give written notice to the Permit Department of the Road Department at least **48 hours** prior to commencement of operations covered by this permit.
3. Maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit and use safety devices which are in accordance with the Michigan Manual of Uniform Traffic Control Devices.
4. Surrender the permit applied for; surrender all rights, cease operations and remove, alter, relocate at applicant's own expense the facilities for which this permit is granted whenever ordered to do so by the Road Department because of the need for the area covered by this permit for public road uses or because of a default in any of the conditions of the permit. Upon failure to remove, alter, relocate or surrender the facilities pursuant to the order of the Road Department, reimburse the Road Department for its costs in doing same.
5. At the option of the Road Department, deposit cash, performance bond or a certified check for an amount determined by the Road Department and conditioned upon performance of the conditions of the permit and compliance with all requirements of law.
6. Comply with the requirements of Act 347, PA 1972 controlling soil erosion and sedimentation.
7. This permit is issued on the condition that applicant and any person working under the authority of this permit shall comply with the requirements of Act 53 of PA 1974 concerning giving notice to public utilities.
8. This permit is subject to supplemental specifications on file with the Road Department and Act 200 of Public Acts of 1969.
9. Full compliance is required with any regulations of the Public Service Department, Municipal and County Regulations.
10. **MISS DIG** shall be called at least 3 working days before you dig at the Toll Free number 8-1-1.

INSURANCE:

The permit holder shall provide the Road Department with a **CERTIFICATE OF INSURANCE** or **Owner's Protection Policy** covering the term of the permit in the amount of **\$500,000 for Individual Homeowners** or **\$1,000,000 for Commercial Contractors** for **Bodily Injury and Property Damage** and if applicable, statutory worker's compensation insurance naming the **BERRIEN COUNTY ROAD DEPARTMENT** and the **BOARD OF COUNTY ROAD DEPARTMENTERS OF THE COUNTY OF BERRIEN** and their officers, agents and employees as **ADDITIONAL NAMED INSURED** for all operations covered by this permit.

REQUIRED ATTACHMENTS:

1. Deposit, performance bond or fee for Commercial Permit Application if required.
2. Plans, specifications, and location of facility.
3. Copy of resolution for local units of Government
4. Traffic Plan in case of street closures.
5. In cases of banner applications, legend must be shown.

PERMIT SPECIFICATIONS

1. **PERMIT** - The individual in charge of the work shall have the permit and the approved plans or sketches in their possession on the job at all times.
2. **EXCAVATION AND DISPOSAL OF EXCAVATED MATERIAL** - The Contractor and/or the Utility Company shall provide and place the necessary sheeting, shoring and bracing required to prevent caving, loss or settlement of foundation material supporting the pavement, or any other highway installation such as sewers, culverts, etc. The Contractor and/or Utility Company shall assume the full responsibility for this protection and shall not proceed in these areas before approval of methods by the Department. Excavated materials shall be stock piled in such locations that it does not obstruct vision on the traveled portion of the highway and in such a manner that it will interfere as little as possible with the flow of traffic. Sod and top soil shall be stock piled separately from other excavated material. The applicant shall dispose of all surplus and unsuitable material outside the limits of the highway unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.

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3. **BACKFILLING AND COMPACTING BACKFILL** - All trenches holes and pits shall be filled with sound earth or with sand-gravel if so provided placed in successive layers not more than 9 inches in depth, loose measure and each layer shall be thoroughly compacted by tamping and all backfill compaction will be subject to check by the Controlled Density Method. Restoration shall be such that it will provide a condition equal to or better than the original and in accordance with Michigan Department of Transportation Standard Specifications. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings with gravel or crushed stone provided that there shall be a substantial excess of sand or stone screenings in the mixture. All material shall be of such size that it will pass through a screen having 2 ½ inch square openings, unless otherwise authorized.
4. **CROSSING BY CUTTING GRAVEL AND TRENCHING** - All trenches shall be backfilled with sand and/or gravel as specified in paragraph 3 or material acceptable to the Road Department, to within 6 inches of surface of traveled portion of road. Place 8 inches of 22A gravel in trench on traveled portion of road.
5. **CROSSING ROADBED BY BORING OR JACKING** - When the pipe or cable is installed by boring or jacking without cutting the existing pavement, the pipe or cable must be at a minimum depth of 36" below ground level or structure. The backfill shall be made by tamping a dry mix of lean concrete into place so as to completely fill any voids remaining around the installation. The concrete shall be composed of one part of Portland cement and 10 parts of sand-gravel by volume. Sand-gravel shall conform to the requirements given in paragraph 3.
6. **CROSSING BY CUTTING PAVEMENT AND TRENCHING** - When this method is approved by the Road Department, the pavement shall be cut back so that the opening is at least one foot wider on each side than the width of the trench. In all concrete surfaces or bases, edges of trenches shall be formed by the use of a concrete saw. The pavement shall be broken in manner as to allow the reinforcing steel to protrude a sufficient distance for lapping or tying with similar reinforcement in the pavement patch. In all asphalt surfaces or bases, the material shall be cut in a straight line. Backfill shall be made with sand-gravel as specified in Item 3. After the backfill has been placed by the controlled density method, the pavement shall be replaced with new pavement of the original type and quality unless at a season of the year when it is not feasible to replace pavement in kind, in which case a temporary surface of bituminous material shall be placed and maintained, until it is later replaced with pavement of original type at the applicant's expense. This repair shall be maintained by the applicant for the next 12 months after completion, to the Road Departments satisfaction.
7. **DEPTH OF COVER MATERIAL** - Pipes shall be placed to a depth that will provide not less than 4 feet of cover between the top of roadway surface and the top of the pipe and not less than 3 feet below bottom of ditches to the top of the pipe, unless otherwise authorized by the Road Department.
8. **TREE TRIMMING OR TREE REMOVAL** - (a) Contact and secure permission of the abutting property owner where necessary (b) Dispose of all limbs logs, stumps and litter in a manner acceptable to the Road Department. (c) Comply with any additional supplemental provisions deemed necessary to protect the interests of the Road Department.
9. **INSPECTION** - In all cases the applicant or contractor shall notify the Road Department 48 hours in advance of when the work will commence so if necessary arrangements may be made to have an inspector present while the work is in progress. The applicant or contractor may be billed for the necessary expense of the inspector.
10. **INDEMNIFICATION** - Permit Holder shall hold harmless and indemnify and keep indemnified the Road Department, its officers and employees from all claims, suits and judgments to which the Road Department, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Road Department, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Road Department arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
11. **LIMITATION OF PERMIT** - This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
12. **ASSIGNABILITY** - This permit may not be assigned without the prior approval of the Road Department. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of this permit.
13. **UTILITY SPECIFICATIONS** - The Contractor and/or the Utility Company, Phone Company or Cablevision Company shall install all Pedestals and above ground level Equipment Within (one) 1 Ft. of the right of way line; shall clear and maintain a 5 Ft. by 5 Ft. clear area around all Pedestals and above ground level Equipment; and place a 5 Ft. Marker at all Pedestals or above ground level Equipment that will be visible in high grass or brush.