

April 23, 2007

TOWN OF TREMONT
ROAD COMMISSIONER
Rules, Regulations and Policies
HIGHWAY OPENING PERMITS

I. REGULATIONS

Pursuant to the authority contained in Title 23 M.R.S.A. Section 52, and to the rights, powers and duties contained in Title 23 M.R.S.A. Section 54, as aforesaid the following items, terms, instructions and conditions shall be and are hereby adopted to regulate and control the application and issuance of Highway Opening Permits granted by the Town of Tremont Road Commissioner, its agents and authorized employees, and the excavation, use and repair of state and highways by holders of highway opening permits.

A highway Opening Permit shall be obtained before any excavation is made within the right of way of the highway, except for emergency maintenance of an existing facility. If an opening is made for emergency purposes a written permit shall be obtained on the first business day thereafter.

II. APPLICATION

- A. All applicants shall be made on appropriate forms supplied by the Town of Tremont.
- B. All applications shall be made and signed by and in the names of the person, persons, firm, corporation or district for whom the work is to be done, i.e. the owner of the proposed facility.
- C. Every application shall contain:
 - 1. For Licensed Utilities, Municipalities or other Government Institutions:
 - a) The name and address of the applicant or applicants.
 - b) The purpose of the opening
 - c) The estimated time the excavation will remain open.
 - d) A plan showing the location and size of cuts to be made
 - e) An agreement that the applicant shall comply with all the applicable rules, regulation and statutes of this State which pertain to highway openings; such agreements to be joint and several with multiple applicants.
 - f) An estimate of the square yards of roadway and shoulder area to be opened.

- g) An estimated cost to replace the highway surface and shoulders, based on the fee schedule published in the application, this amount shall be known as the estimated permit fee.
 - h) Every application shall be accompanied by a check in the amount of 10% of the estimated permit fee, except as noted in Section II E, which amount shall be the application fee and will be subject to adjustment depending upon the surface area actually disturbed and satisfactorily rehabilitated. This application fee is non-refundable, except as noted in Section IV, D. 9 (Special Opening Permits with Escrow Accounts). The permit holder shall be responsible for all final restoration of the affected area to the satisfaction of the Department. Upon satisfactory completion of all repairs, the permit shall be deemed complete. If satisfactory repairs are done in a timely fashion, and upon reasonable notice to the permit holder to do same, the Department will accomplish the final restoration and bill the permit holder for the cost of same up to an amount equal to the final permit fee.
2. For all other applications including private individuals or entities, (Letter of No Objection Installations):
- a) The same requirements as shown above for Utilities, Sect II. C. 1. para. a) thru g).
 - b) Every application shall be accompanied by a check in the full amount of the permit fee, except as noted in Section II. E., which amount will be subject to adjustment depending upon the surface area actually disturbed. This fee is non-refundable, except as noted in Section IV, D. 9 (Special Opening Permits with Escrow Accounts). The Town of Tremont Road Commissioner shall be responsible to make permanent roadway repairs for these type installations. The permit holder shall notify the Town of Tremont Road Commissioner when the area is ready for restoration, and shall be responsible to maintain same in a satisfactory manner until such time as the final restorations is complete.
- D. Every application shall be identified with the permit number when the permit is issued.
- E. For instances where the estimated permit exceeds \$1,000.00, application shall be made for a special Opening Permit, Under this Special Opening Permit, the estimated permit fee is held in escrow, and refunded to the applicant, minus an amount retained for future maintenance, upon satisfactory, repair of the roadway by the applicant. The use of “bonds”, collateral, or other similar funding arrangements will not be considered.

III. PERMIT

A. All permits shall be made on prepared forms.

B. All permits shall be signed by a duly authorized Road Commissioner of the Town of Tremont.

C. Every permit shall contain:

1. A serial number
2. a permit number.
3. The date of issuance
4. The name or names of the applicant or applicants permit tees.
5. The location of the proposed excavation.
6. The time limitation or period during which the excavation may remain open.
7. Any standard or special instruction together with such safety precautions to be observed as may be required due to the particular circumstances.

IV. ADMINISTRATION

A. Issuance. The Town of Tremont Road Commissioner may execute and issue a Highway Opening Permit on behalf of the Town of Tremont.

B. Limitation. Permits for any portion of the highway, the construction (structural overlay or higher type construction) of which was completed within five (5) years prior to the date of the permit, must be referred to the Town of Tremont Road Commissioner before the permit is granted, except in the case of an emergency no work shall be done by the utility on any such section of highway until the permit has been approved by the Town of Tremont Road Commissioner. If the applicant can show that the need for an opening permit could not have been reasonably anticipated before the highway was paved, and has made an effort to investigate alternate installation procedures, an “emergency” permit may be issued.

For any Opening Permit issued within the 5 year period mentioned above, the Town of Tremont Road Commissioner may make sufficient charge, over and above the normal opening charge, to offset the cost of additional paving adjacent to the opening.

C. Locations. No Highway Opening Permit shall be issued for an installation for which the Town of Tremont Road Commissioner may also issue a Location Permit, as required by Title 35A M.R.S.A. Section 2501 thru 2503, without prior approval of the Utility Engineer. In no case shall

an opening permit for an installation within the controlled access limits of an Interstate Highway be issued to an applicant who does not hold a Location Permit for the same installation. Regulations and conditions pertaining to Location Permits will be provided in another agreement.

D. Conditions. All permits shall be granted subject to the following conditions.

1. The traveling public shall be adequately protected
 - a) At least one-way traffic shall be maintained at all times.
 - b) Work shall be signed, lighted, traffic officers will be supplied when necessary. All traffic controls shall be in accordance with the latest editions of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.
2. Construction methods shall be such that excessive excavation and excessive destruction of pavement will be avoided. Pavements shall be cut in advance along the proposed edges of the excavation. All trench work shall comply with current OSHA regulation.
3. The backfill material shall be as follows:
 - a) Top 12 inches, or full depth of gravel base in more recently constructed highways, shall conform to the MDOT gravel base specifications.
 - b) All other backfill shall be equivalent to material removed, except that special backfill of suitable material may be used immediately around pipe, cable, conduit, etc. or to replace material which can not be compacted.
 - c) The permittee may, in the interest of good public relations, place a temporary bituminous mix on trench. The placing of the temporary bituminous mix will not reduce the opening fee.
4. Backfill material shall be uniformly distributed in layers of not more than 8 inches and thoroughly compacted by the use of approved mechanical compactors before successive layers are placed. Water shall be added when necessary to increase the moisture content of the backfill material in order to obtain adequate compaction. Puddling or jetting of backfill will not be allowed.

Base materials for highways under construction shall be compacted in accordance with the applicable Department specifications.

5. Surplus material shall be removed from the site and the area shall be left clean, presentable condition.

6. Permanent pavement shall be placed to the full depth and extent of existing pavement removed. This work to be done by the permit holder as described in Section II. C.
7. Compliance with the terms and conditions of this permit shall be the responsibility of the permit holder. The Town of Tremont Road Commissioner will not assume any liability for damages arising out or resulting from a violation of the permit terms.
8. The Town of Tremont Road Commissioner reserves the right, after due notice in writing to the holder of the permit:
 - a) To provide such supervision and inspection as it may deem necessary.
 - b) To re-excavate and backfill as may be necessary.
 - c) If the area is improperly and unsatisfactory cleaned up, to clean up the area.
 - d) To charge the holder of the permit the cost of all work under reservation (a,b,and c above); which charge will be in addition to the normal fee for opening the highway and will be included in the bill to permit holder.
9. After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by a representative of the Town of Tremont. If the final permit fee, based upon actual measurements differs from the estimated permit fee, and adjustment will be made either in the form of a refund or a bill showing the additional amount due. In the case of the Special Opening Permit, the estimated permit fee held in escrow will be refunded to the permit tee, less 10% of the final permit fee, upon satisfactory repair of the roadway by the permittee

E. Policy-Conditions

1. The Town of Tremont Road Commissioner shall limit the permit by setting the time within which the work must be accomplished and may prohibit work on Saturday, Sunday or holidays.
2. No permit, except in the case of an emergency shall be granted unless the work is `contemplated is to be complete before November first. No new work shall start in the spring before such time as the frost leaves the ground. This provision will not apply where the location of the facility or the method of installations proposed by the Utility and approved by the Town of Tremont Road Commissioner is such damage to or opening of the pavement is not anticipated. In any

particular case, the applicant for a permit may appeal to the Town of Tremont Board of Selectmen to make an exception to the dates specified above. The appeal shall be accompanied by supporting data adequate to show cause why an exception should be granted. The Town of Tremont Board of Selectmen may consider the appeal and the supporting data, and make an exception to the applicable date, and may specify the terms and conditions of the exception.

If an opening is made after November 1st the Town of Tremont may require the permit holder to provide temporary paving and to maintain the trench until the frost is out of the ground.

3. It should be noted that the total bill to the permit holder is dependent on the damage done to the highway facility. There is no opening unless the opening of a paved area (areas surfaced with gravel are considered paved), a shoulder area, or an opening between a normal ditch cut, or bottom of slope in fills and the shoulder is required.
4. In general, there is no opening fee if an installation is made immediately before or during reconstruction of the highway. Although an opening fee may not be charged, the permit holder will be billed for any damage to the highway facility.

If traffic is to pass the location, the trench shall be capped with 3 inches of cold mix bituminous pavement for openings made before construction, and shall be subject to the highway contact specification for openings made during construction. The permittee shall be responsible for maintaining the trench area until such time that the roadway surface falls under jurisdiction of the construction project.

5. Installations proposed to be made under paved areas shall be designed to use the shortest possible distance under the pavement consistent with the particular installation involved. The Town of Tremont Road Commissioner may require, or the Utility/Owner may propose, a method of installation (such as Tunneling or jacking), which will not cause damage to, or opening of the pavement. When such method is required or proposed: the method to be used shall be developed by the Utility and approved by the Town of Tremont Road Commissioner. Approval by the Town of Tremont Road Commissioner will not relieve the Utility of its responsibility for performing the work in a satisfactory manner.
6. When crossing of a major highway is involved, the Utility shall give due consideration to the installation of a conduit or sleeve of adequate design to permit the operating facility to be removed for repair or replacement without opening the highway.

7. Private water, power and cable crossing shall be placed through a suitable pipe sleeve extending not less than out to out of shoulder.
8. All installations under pavement and shoulders shall have not less than 24 inches cover. Elsewhere cover shall be not less than 12 inches. Installation subject to freezing shall be sufficiently deep so that it will not be damaged by frost penetration.

F. Policy-Locations

1. Existing installation may be adjusted in place to clear highway construction, except when replacement of a substantial portion of the existing installation is required, or when prohibited from its location because of specific regulations.
2. New installations, unless otherwise clearly indicated, shall mean proposed new installations or replacement of existing installations
3. Urban Type Highways-New installations under the normal paved traveled way will be only permitted where a showing can be made by the applicant that a similar installation under or outside the shoulder (or outside lane if there is no shoulder) is not practical.
4. Rural Type Highways- Installations may be made under the shoulder immediately before or during construction provided that the near edge of trench is not less than one half its depth from the edge of pavement.

On modern highways with 4:1 slopes and gravel shoulders the near edge of the proposed opening shall not be less than 4'-0" from the outside edge of the shoulder.

On highways, which are in reasonably good condition, the near edge of the proposed opening shall be no less than 2'-0" from the outside edge of shoulder.

On older highways, which are in poor condition, the installation may be made in the shoulder, if the judgment of the Road Commissioner, such installation will not be seriously detrimental to the highway, (in general this would apply to roads with dirt shoulders).

If, in the opinion of the Road Commissioner, the highway may be reconstructed in the foreseeable future, installation may be made at any location agreed upon between he and the Utility/Owner, which location may fit the probable construction.

5. The Town of Tremont Road Commissioner shall consider the condition of the road, the type of installation the size of the trench, the proposed methods of construction, and the experience of the Utility/Owner and shall make such adjustment in this location. Policy as may be justified.

6. Exceptions to above locations may be made at:
 - a) Underpasses where the abutting structure makes installations outside the shoulder impossible or inadvisable.

 - b) Bridge approaches immediately adjacent to the bridge when it is necessary for the installation to be supported on the bridge.

 - c) Sections with sidewalks, provided the space available under and outside the sidewalk is not adequate to permit installation of the utility.

 - d) Box sections with curbs and without sidewalks where valuable shade tree, buildings or other permanent obstructions are so close to the curb as to prohibit installation of the utility outside the curb.

 - e) Box Sections with curbs and without sidewalks where valuable shade trees, buildings or other permanent obstructions are so close to the curb to prohibit installation of the utility outside the curb.

 - f) Box sections similar to item 4 but without curbs.

 - g) Points where there is inadequate right of way.