

Policy and Procedures for Right of Way Excavations

FEE SCHEDULE

FOR COUNTY CONSTRUCTION PERMITS

ROAD OPENING PERMITS	REVISED FEE	PAST FEE
Application Fee		
Normal	\$36.00	
Non-reported opening	\$108.00	
Permit Fee		
Up to 20 sq. ft.	\$48.00	\$40.00
Between 20 & 80 sq. ft.	\$120.00	\$100.00
Addition over 80 sq. ft.	.60 per sq. ft.	.50 per sq. ft.
Multiple openings are a min of	\$48.00 each	\$40.00
Cash Bond		
Up to 43 sq. ft.	Same	\$800.00
Over 43 sq. ft.	Same	\$18.75 per sq. ft. per opening
Multiple Openings	Same	\$800.00 each
Newly Paved Roads (5 years or less)	Same	\$10,000.00 min or as determined by County Engineer
CURB PERMITS	REVISED FEE	PAST FEE
Application Fee	\$24.00	\$20.00
Permit fee		
Depressed Curb	\$0.60 per linear ft. \$30.00 minimum	\$.50 \$15.00
Full Height Curb	\$0.60 per linear ft. \$30.00 minimum	\$15.00
Cash Bond		
For a single driveway	\$20.00	
All Others	\$20.00	
BRIDGE PERMITS	REVISED FEE	PAST FEE
Application Fee	\$36.00	\$30.00
Permit Fee	\$ 300.00	\$290.00
All work within 10 ft.	Out of these limits: same as road opening fee	
Cash Bond		
All work within 10 ft. of bridge	Same	\$1,600.00
Outside these limits	Same	\$400.00 for each 200 sq. ft. of opening

SECTION 1: That no person, firm, corporation, public utility, authority or municipality, shall hereafter tear up, open or excavate any portion of the right-Of-way of any road, curb, or bridge in the county of union, owned, maintained or controlled by the County of Union as a part of the county road system or any County owned structure along a municipal roadway, for any purpose whatsoever without first making application for and receiving a permit thereof, signed In the name of the county of union by the County Engineer, or one of his authorized agents. The construction of concrete curbs and/or gutters along streets or roads shall be considered as tearing up or opening of county Roads and shall come under the provision of this ordinance. The creating or widening of a driveway or for the construction of a driveway at its connection with a county road shall come within the provisions of this ordinance.

SECTION 2: The written application shall state the name and address of the applicant, the name and address of the contractor performing the work, emergency phone numbers, name & number of the county road to be opened, the nature, location and purpose of the excavation, anticipated time of completion, a statement that the permittee will comply with the ordinances and laws related to the proposed work, and any other data as may be reasonably required by the County Engineer or his authorized agent. The application shall be accompanied by a reasonably accurate sketch plan triplicate, showing the location, dimensions of the proposed opening. A separate permit shall be required for each and every opening unless otherwise agreed upon by the Bureau of Inspection. The applicant shall sign the permit application and shall be bound for all obligations of the permit and shall be referred to hereafter as permitted. A permit shall not be transferred except upon prior written consent of the county Engineer or his authorized agent.

The county will charge the permitted according to the Fee schedule as attached. No person to whom a permit has been issued shall disturb or remove pavement other than that for which this permit provides for.

SECTION 3: No permits will be issued for openings in excess of ten (10) square yards in area, except for emergency openings, requirements of law, or at the county Engineer or his authorized agent's discretion. During the period from the first day of December to the fifteenth day of March.

SECTION 4: All permitted Including Public Utilities, Municipalities, their contractors or contractors of State or federal agencies shall deposit cash with the Treasurer of the county of union in the form of a Check or Bank Draft unless otherwise decided by the county Engineer or his authorized agents. The deposits required here in for cash bond monies shall be held in a separate account by the county. After a year from final restoration is completed and the work meets the county specifications, and upon receipt of all necessary approvals from the county Engineer or his authorized agent, and the Board of County Commissioners; then the cash Bond shall be returned to the permitted. However, should the Bureau of inspection upon final Inspection determine that the construction within the county Right of way was unsatisfactory and/or otherwise in violation of the approved plans and should the permitted, upon receipt of written notice of deficiencies fail to remedy the same in a reasonable amount of time. Then the County Engineer or his authorized agent shall initiate the process to deduct from the permitted cash bond, all expenses incurred by the county of Union In performing the necessary repairs to remediate same. Said cost to be based on current annual county contract rates included in the Annual County Paving Program, if such are in effect, or the previously awarded Annual County Paving Program Contract. The County Engineer or his authorized agent shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other Investigations as deemed necessary to

confirm that the provisions of the road opening permit have been satisfied. The cost of such Investigations shall be billed to the permitted. The County Engineer or his authorized agent may require the permittee to enter into a cash bond which shall be in place for a period of ONE (1) YEAR FROM THE DATE OF ACCEPTANCE OF SAID WORK and shall provide that the permitted guarantee the work in the manner required by the specifications. The County Engineer or his authorized agent may require an extended maintenance period or an additional maintenance bond depending upon the nature of the work involved or the workmanship observed during construction. The maintenance bond shall be executed by the permitted as principle and safety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

- To identify and hold harmless the county of Union for all loss, damage, claim or expense, including expenses incurred in defense of any litigation arising out of Injury to any person or property resulting from any work done by the permitted under the permit.
- To identify the County of Union for any expense incurred in enforcing any of the provisions of this section.
- To identify any person who shall sustain personal injuries or damage to his property as a result of any act or admission of the permitted, his agents, employees or subcontractors done in the surface and foundation of the road, curb and bridges for which the permit is granted in the manner acceptable to the county Engineer or his authorized agent. The bond shall be conditioned upon the permitted restoring surface and foundation of the street abutting the work site and those streets which had sustained damage through the use of construction equipment and by their construction vehicles which had been utilized for the transportation of material to and from the work site for which the permit is granted in a manner acceptable to the county Engineer or his authorized agent.

SECTION 5: For utility main construction, other or additional regulations may be prescribed by the Board of County Commissioners. Plans for such projects must have the approval of the County Engineer or his authorized agent before a permit may be issued.

SECTION 6: Prior to the start of any paving or repaving work on any County road the County Engineer or his authorized agent shall notify each permitted, utility and municipality of said work. Any work to be done on these roads will have to be done before paving is started. Such notice shall notify such permitted that no excavation permit shall be Issued for openings, cuts, or excavations in said county roads for a period of five (5) years after the date of such resurfacing. Such notice shall also notify such permitted that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than forty-five (45) days from the date of enactment of such notice.

The County Engineer is authorized to demand a cash escrow in an amount of \$10,000 to assure that any road opening on roadways paved within a five (5) year period is restored satisfactorily. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway within said forty-five (45) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this ordinance, as may be necessary to Install or repair sewers, mains, conduits, or their utility installations. Additionally, for individual excavations or openings of two (2) adjacent and distinct areas or more, the restoration shall include the milling and paving from curb to curb and 10' beyond each limit of excavation, end to end, including all disturbed

striping, for all roadways under moratorium. The same restoration requirement shall be in effect at the discretion of the County for roadways that are not under moratorium. In the event any permitted of real property abutting said county roads shall fall within said forty-five (45) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such permittee or his successors in interest to make openings, cuts or excavations in said county roads, shall be forfeited for a period of five (5) years from the date of enactment of said resurfacing. During said five-year period no excavation permit shall be issued to open, cut, or excavate in said County roads unless, in the judgment of the County Engineer, an emergency exists which makes it absolutely essential that the excavation permit be issued. A permitted obtaining such emergency permits shall observe any special back fill or other construction requirements requested by the County Engineer. All emergency work performed in the absence of a County representative shall be subject to testing, if deemed necessary, to determine those conditions of said permits have been satisfied. All testing costs shall be charged to the permittee.

SECTION 7: Wherever it is necessary to cross over, through or under existing bridges, or culverts, plans must be filed with the County Engineer which will outline in detail the proposed method of crossing such structures. No work of any kind whatsoever shall be performed until the said supplemental plans have been approved by the County Engineer. Detailed plans of all construction proposed at waterways and bridges shall be submitted to the New Jersey Department of Environmental Protection, for approval when required; after which an approved copy shall be forwarded to the County Engineer for approval.

SECTION 8: If future installation of drainage or sewer facilities or the regrading and/or realignment and widening of pavements is prevented by the presence of the underground County structures covered by this permit, then the cost of making the necessary changes in said structures, so as to permit installation of the proposed drainage or sewer facilities or to permit regrading and/or realignment and widening of pavements, shall be done by the permitted.

SECTION 9: The County road when opened pursuant to this ordinance and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devised and outlined by NJDOT, MUTCD and AASHTO or as required by the County Engineer or his designee. All permits issued under this section shall be subject to the following rules and regulations:

- 1) Safety:
 - a) All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation shall be properly guarded at any time to prevent accidents and a sufficient number of lights, shall be maintained between sunset and sunrise by the person whom such permits have been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic officers and all other man-powered equipment as required by or directed the County Engineer or Bureau of inspection shall be provided.
 - b) The work area shall be made passable to all emergency vehicles during all phases of the work.

- c) In the event that the work requires the detour of the vehicular traffic, the permitted shall submit a detour plan for review and approval by the County Engineer or his authorized agent, who at his sole discretion, may require the approval of the municipalities involved prior to any road closings if said detour includes municipal roads.
- d) If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users and shall be approved/coordinated with the municipality.
- 2) All existing potholes, road surfaces, sewers, curbs, gutters, pipes, manholes, drains, conduits or other Installation or fixtures and property liable to be damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been Issued during the time when such work Is being performed and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.
- 3) No person shall divert or discharge water Into, upon or across any county road or sidewalk so that a nuisance Is created, or a hazardous condition is caused to exist, as a result of the work of the permitted or cause the adjacent pavement to be damaged, including the addition of sump pumps, leader pipes, or other discharge points.
- 4) It shall be unlawful to make any such excavation, or tunnel, in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration; the excavation shall not have any portion below the surface extending beyond the opening at the surface (undermining).
- 5) No Injury shall be done to any pipes, cables, or conduits in the making of such excavations, or tunnels. Notice shall be given beforehand to the utility company maintaining any such pipe, cables or conduits or to the officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel. The permitted shall not be authorized to proceed with any excavation until he submits to the Bureau of Inspection a reference number or verification stating that New Jersey One Call (811) was properly notified.

All work by the permitted shall be done in accordance with the provisions of N.J.S.A. 34: 6-47.1et.seq., and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550 of the rules and regulations issued under said acts.

- 6) No work shall occur in such a manner as to result in damage or destruction of any property of Union County unless this is necessary for completion of the work and written permission has been obtained in advance from the county Engineer or his authorized agent.
- 7) The permitted shall clean up and remove promptly from the work site at the end of each work day, all surplus excavated material and debris, and upon final completion of the project shall leave the site of work in a neat and orderly condition as good as It was previously. Where top soil, seeded areas or sod is disturbed in the course of the work, permitted shall restore such ground surfaces to a condition equal to that prior to commencement of work.
- 8) Bar holes and probes by utility companies shall be restored within 24 hrs. Unless otherwise authorized by the Bureau of Inspection. A permit will need to be issued if either of these terms is not completed.

- 9) If permitted shall fail to comply with the rules and regulations as provided in this section, after receipt of written notice, then the County reserves the right to take any action to insure compliance with the section in that event, the permitted shall be charged with the cost of same at a rate determined by the County Engineer or his authorized agent based on annual county contract rates, if such are in effect, or a certain schedule of costs maintained by the county Engineer, based on the rates included in the Annual County Paving Program, if such are in effect, or the previously awarded Annual County Paving Program Contract. Permitted shall be responsible for the expense incurred by the county. Any monies due to the County in excess of the permit fee shall be billed upon completion of the work and shall be paid by the permitted within thirty (30) days after the receipt of the bill. Failure to pay such dues shall result in the permitted paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the county in furtherance of the collection of said monies. The county Engineer or his authorized agent shall also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the County Engineer or his authorized agent.

NON-LIABILITY OF COUNTY. The County shall not be liable for damages for any personal injuries or damage to property sustained as the result of any excavation or opening in any street, bridge or curb work made by any person by virtue of the provisions of this chapter.

Neither the county nor any of its employees shall be deemed to be the agent or the servant of the permitted for any of the purposes of this section.

INDEMNIFICATION. Every permitted shall, as a condition for accepting any permit issued hereunder, save and hold harmless the County and identify the County, its officers, agents, servants and employees from and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or result of the opening of any street and the issuance of a permit therefore as provided in this section.

RELEASE OF DEPOSIT OR BOND.

No cash deposit, certified check or performance bond shall be released until all repairs, payment of all monies due to the county pursuant to this ordinance, and title restoration and repaving of excavated areas to the satisfaction of the county Engineer or his authorized agent is completed and a one 111year guarantee period, if required, in a form acceptable to county counsel is in place to insure proper installation and maintenance. Deposits and bonds shall be released by the Bureau of Inspection with the signature of the county Engineer and the authorized agent from the Bureau of Inspection immediately after the works performed for which the opening made, road repair and backfilling shall be done in accordance with details prepared by the county engineer which accompanied the permit. Excavated material shall not be used as backfill. Backfilling with clay or heavy black loam shall not be permitted. All backfill shall be certified soil cement or approved equal at the discretion of the County. Temporary pavement or patch work shall be removed approximately 1month later. In all cases the opening shall be restored, to the grade, slope and profile that prevailed at the time of the opening as directed by the county engineer.

SECTION 11: The permitted shall notify the county Bureau of Inspection in writing at least forty-eight (48) hours in advance of any activity. Likewise, the permitted shall notify the Bureau of inspection at the completion of the activity or project.

Failure to provide such notification may result in additional fees being Imposed on the permitted. The permitted shall keep a copy of the permit at the site at all times. The permitted shall retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals from the County Engineer or his authorized agent.

The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped, for more than 24 hours, the trench shall be temporarily backfilled and capped with a temporary pavement. Upon completion of work, it shall be inspected by the County Engineer or his authorized agent. The permittee shall start work within 20 working days of issuance of a permit and the permit shall remain valid for 60 working days from the start of work unless otherwise authorized by the Bureau of Inspection. If work on the permit does not start In 20 working days then the permit shall expire and a new permit shall be obtained, unless a written extension is obtained from the Bureau of Inspection. The validity of a permit may be extended, if so requested, in writing by permitted prior to the. Expiration period thereof for such additional periods as determined by the county Engineer or his authorized agent.

SECTION 12: In the event the repairs are not performed within the required frame on the permit the County Engineer or his authorized agent, does not approve the replacement, the permitted shall be so notified in writing and shall give a reasonable time to correct the deficiencies. Upon failure of the permittee to correct said deficiencies, the County Engineer, or his authorized agents. Shall cause the County road to be properly repaired and any expenses shall be billed to the permitted. The County Engineer or his authorized agent shall have the authority to deny all future permits until deficiencies identified as above are corrected to the satisfaction of the County Engineer or his authorized agent

SECTION 13: The County Engineer, at such time or times as he shall deem necessary may cause the work being done by the permitted to be inspected by an agent of the County. The County Engineer or his authorized agent may, upon failure of a permitted to comply with the conditions of the permit and upon reasonable notice, stop any work being performed In the Right-of-way. The County shall have the right to remedy any deficiency and assess the permitted the costs of any remediation. The County Engineer or his authorized agent may deny any and all future permits to said permitted until trench backfilling, trench restoration and final repair activities shall be scheduled in succession and shall not be fragmented.

SECTION 14: In the event of any emergency In which a sewer, main, conduit or utility In or under any road breaks, bursts or otherwise Is In such condition as to immediately endanger the property, life, health or safety of any Individual, the person, company or utility owning or controlling such sewer, main, on duty or utility, without first applying for and obtaining an excavation permit hereunder, Shall Immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of Individuals .However, such person owning or controlling such a facility shall apply for an excavation permit not later than the end of the next succeeding day during which the County permit office Is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit here under.

SECTION 15: Where the permitted is not making progress satisfactory to the County Engineer or his authorized agent, or violates any provision of the permit, the Board of County Commissioners hereby authorizes the County Engineer or his authorized agent, to revoke the permit and to replace, by its own repair force, the pavement removed by said permitted on any county road, bridge, or curb, at the expense of the permitted. Written notice shall be given by the County Engineer or his authorized agent of Intent to make such repairs. The permitted shall complete proposed construction within the time specified in the permit. If not done within this time and if no extension has been obtained, such failure to complete shall be deemed a violation.

SECTION 16: The permitted shall maintain vehicular and pedestrian traffic over the roadway within the scope of the project at all times in accordance with the union county Traffic Bureau Guidelines.

The permitted shall backfill all excavated areas within the roadway to a grade compatible with the existing traveled way at such time he is not actively working. This shall include nights, weekends, and periods of shut downs. Trenches shall not remain open overnight under any circumstances without prior approval from the Bureau of Inspection.

Roadways and shoulders in areas within which the permitted has actually commenced construction operations and which are reserved for traffic shall be maintained by the permitted, at his expense, free from obstructions and in a smooth riding condition all times, including seasonal shutdowns. Escape ramps shall be provided at the edges of pavement lifts or at excavations. Final responsibility for the installation of adequate precautions and for the protection of the traveling public and his own personnel, for the duration of the work, shall rest with the permitted. Compliance with all prescribed safety precautions contained herein shall not relieve the permitted of his primary responsibility to take all necessary measures to protect and safeguard the public nor relieve him of any responsibilities described in the ordinance. If the excavation extends the full width of the County road, only one-half of the road shall be excavated at one time, and shall be backfilled and a temporary pavement placed before the other half's excavated, unless otherwise permitted by the Bureau of Inspection, so as not to interfere with traffic. Where considered necessary, work under a permit shall be carried on only within such hours as allotted by the County Engineer or his authorized agent or those work hours allotted by the municipal ordinance. If work cannot be completed within time specified, open trenches shall be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed, pinned and can only be left out with the approval of the County Engineer or his authorized agent. If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the County Engineer or his authorized agent shall have full power to order at the time the permit is granted, that a crew of men and adequate facilities be employed by the permitted twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible. The County Engineer or his authorized agent still also have full power to limit the hours of work as the public interest may require in coordination with the municipality.

SECTION 17: Each permitted shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris.

SECTION 18: Users of sub-Surface street space shall maintain accurate drawing and plans, showing the location and character of all underground structures including abandoned Installations. Said drawings and plans are to be kept on file in the office of said users and shall at all times be available for Inspection by the County Engineer or his authorized agent.

SECTION 19: ORDINANCE NOT APPLICABLE TO COUNTY WORK. The provisions of this ordinance shall not be applicable to any excavation work under the direction of County authorities by employees of the County or by any contractor of the County performing work for and on behalf of the County necessitating openings or excavations in County roads, curbs or bridges.

Section 20: LIABILITY OF COUNTY. This ordinance shall not be construed as imposing upon the County or any official or employees any liability or responsibility for damages to any person Injured by the performance of any excavation work for Which an excavation permit Is Issued hereunder; nor shall the County or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

SECTION 21: Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty as a disorderly person, and upon conviction thereof in a court of competent jurisdiction shall be fined in an amount not exceeding two hundred dollars (\$200.00) or be imprisoned in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 22: If any section, sub-section, sentence, clause, phrase, or portion of the ordinance Is for any reason held Invalid or unconstitutional, by any court of competent Jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 23: Written notification by permitted must be given utility companies seventy-two (72) hours prior to any County road, curb, or bridge opening, as regulated by statute.

SECTION 24: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 25: This ordinance shall take effect at the time and in the manner provided by law.

The Clerk of the Board shall be and Is hereby directed to publish a notice in the appropriate newspaper of such Introduction and holding of a public hearing on the date of introduction and shall forward one certified copy, upon final passage, to each clerk of all Municipalities located with the County of Union.