

CITY OF CUMBERLAND ROW PROJECT PERMIT PROVISIONS AND CONDITIONS OF APPROVAL

FOR RIGHT-OF-WAY EXCAVATION AND OCCUPANCY

The following requirements shall apply to the permit to construct and maintain a utility or other objects, including but not limited to, communication, fiber optic, cable/video, utility service, and any excavation in the street right-of-way and for all work for which the City of Cumberland has permitting authority. The City ROW Management Ordinance, including but not limited to, the following provisions and any other attached special provisions shall govern permits approved, conditionally approved or denied.

PERMIT APPLICATION

A Utility Project Permit is required for all utility projects in the City of Cumberland street right-of-way, City of Cumberland public property, and platted public utility easements and shall be obtained by application to the Department of Public Works on the forms provided by the City of Cumberland.

You must also obtain and furnish documentation of any other permitting required by law.

Each project will be reviewed individually for the safety and welfare of the public including but not limited to vision obstruction, clear zones, breakaway design, fall and failure areas, climbing prevention devices, and corridor management assignments.

Project permit forms include the Project Permit Application, Warranty and Project Completion forms.

1. A utility project permit application shall include a properly signed Utility Project Permit Application form and Construction Warranty form and shall be provided to the permitting authority along with Plans and details, Repair Bond, traffic and erosion control plans and the required fee. The Completion Certificate shall be submitted upon completion of the project.

DEFINITIONS

1. Maintenance: Repairs, replacement of same size type of cable/wiring, minor modifications which do not include additions of structures or other work that will not modify the existing function or capability of the existing utility system are considered routine maintenance work.

STANDARD PROVISIONS

1. The registrant and contractor are responsible to ensure that the proposed facilities are installed in the locations shown on the approved plans including any City modifications as noted. If the conditional approval modifications are not acceptable to the applicant, applicant shall resubmit alternative plans for further review and consideration.
2. The applicant shall comply with the City of Cumberland Municipal Code of Ordinances pertaining to street obstruction and shall obtain necessary permit(s) prior to starting any work with the exception of an emergency in which case the applicant shall have until the next business day to apply. Applicant shall assume all responsibility for any claim of damage or injury made against the City of Cumberland caused by such street obstruction. Further, the applicant shall sign and barricade the work zone in accordance with the Manual of Uniform Traffic Control Devices and Wisconsin Supplement. Warning signs and barricades shall be in place prior to start of permitted work and shall stay in place until all permit associated work is completed.
3. The applicant shall comply with Chapter 8 Right of Way Management, City of Cumberland, Municipal Code of Ordinances, pertaining to street excavation and shall assume all responsibility for any claim of damage or injury made against the City of Cumberland allegedly caused by such excavation. The applicant

shall assume all responsibility for any claim of damage or injury made against the Village allegedly caused by the work undertaken pursuant to the utility permit.

4. The applicant shall assure that proper erosion control measures are implemented prior to and at all times during work operations according to the Technical Reference Guidance contained in the City's Standard Construction Specifications and Standards. The applicant shall be responsible for providing and maintaining erosion control measures to protect all restored areas upon completion of the permitted work until the replacement vegetation achieves a minimum 70% cover. Where applicable, applicant shall obtain a Construction Site Erosion Control Permit pursuant to the City of Cumberland Municipal Code of Ordinances. Applicant shall assume all responsibility for any claim of damage or injury made against the City allegedly caused by its erosion control measures or failure thereof. Restoration work shall be completed within two weeks of the completion of work or completion of 500' portions of the work or if wintertime by May 15th.
5. A copy of the Utility Project Permit and Construction Site Erosion Control Permit, along with plans and specifications, shall be kept at the work site and shall be made available for examination by the City of Cumberland representative at all times.
6. Permitted utilities shall be installed according to the minimum clearances according to right of way management corridors unless otherwise approved by the Director of Public Works.
7. All costs for removing, altering, replacing, constructing, and maintaining the utilities installed under this permit shall be the sole responsibility of the applicant, its successors or assigns. The permitted facilities shall, if necessary, be altered at the expense of the applicant to facilitate alteration, improvement, or maintenance of City of Cumberland facilities, as may be ordered by the Director of Public Works.
8. Permitted facilities shall be located as defined within this permit and constructed as shown on the engineering plans provided with the utility permit application. Any part of a facility found to be otherwise located shall be subject to correction to such extent as the Director of Public Works may specify and at the sole cost of the applicant.
9. It shall be responsibility of the applicant to determine the location of, and protect or cause to be protected from any damage, all sewer and water utilities already in place in the area of the permitted work. Any damage caused to existing sewer and water utilities by the applicant due to the permitted work shall be repaired immediately and all costs associated with the repair shall be the sole cost of the applicant. The Director of Public Works may require televising of existing sewer utilities, at the sole cost of the applicant, to confirm that existing utilities were not damaged during the work.
10. All notification of adjacent property owners is the responsibility of the applicant. At least seventy-two (72) hours before starting the work the applicant shall provide a notice to all affected property owners including the person with phone number to contact with any questions or concerns during construction. Emergency work notifications shall be made as soon as practical.
11. This permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement. Any permit approval is for work in the right of way that is under the City's Jurisdiction.
12. The permitted work shall be coordinated, and in no case interfere with any public improvements being undertaken at the same time. It shall be the responsibility of the applicant to obtain the information from the Village of Howard regarding upcoming sewer and water projects in the proposed work area and incorporate this information into the design and construction plans for the work to minimize interferences, improve safety and optimize the location of the utilities.
13. Construction work and site restoration shall be in accordance with the applicable sections of the City of Cumberland Standard Specifications and Construction Standards for Public Works Construction, current edition.
14. Pavement excavations shall be permitted only in locations authorized by the Director of Public Works. Unless otherwise authorized, any utility pipes or cables installed across and beneath pavement shall be

installed by jacking and/or dry auguring, with no open cut excavation permitted between points no less than feet (3) feet outside the back of curbs or outer shoulders.

15. Any turf area disturbed by the permitted work shall be restored in accordance with the City of Cumberland terrace restoration policy. Turf restoration shall be completed within fourteen (14) days of completion of the utility work.
16. Any non-metallic underground pipe or cable shall include a metallic tracer wire or a metallic tracer tape at the same alignment and depth as the carrier, cable or conductor. Such installation shall be as specified by the City of Cumberland.
17. Installation of above ground permanent markers within the public right-of-way is prohibited, unless otherwise approved by the Director of Public Works.
18. Manhole covers, water shut-off and regulator valves, and like facilities shall be adjusted to the level of the immediately adjacent grades.
19. Overhead or above grade wiring of any type (new, modification and upgrades) is strictly prohibited except for routine maintenance work. New wiring, modified, and upgraded wiring shall be buried in accordance with City Ordinances.
20. All permanent above grade utility boxes or cabinets shall be placed (behind the existing or future sidewalk if easements exist) at finished sidewalk / terrace grade and aligned with exiting property lot lines. If sidewalks are not currently installed the finished grade shall be 6-7" above the curb.
21. Utility installations shall not occur until after City Utility and roadway construction is completed unless specifically approved otherwise.
22. Cables and wires shall be buried in utility easements outside of the right of way when they are available and may only cross streets at right angles.

ENGINEERING REQUIREMENTS

1. Provide two (2) sets of scaled engineering plans with the Utility Permit Application. The plans shall include the following:
 - a. Approximate location and depth of all proposed cable, fiber optic, structures, cabinets and access boxes. Identify the actual dimension of proposed utilities and structures to the street right-of-way.
 - b. Show all planned excavations and bore pits for the project. Any excavations added after issuance of the permit must be approved by the City of Cumberland
 - c. Show all existing and proposed municipal sewer and water, manholes, laterals, and storm inlets and private utilities in the right of way. Identify other significant feature in the right of way and utility easements.
 - d. Site restoration including topsoil, seeding, and mulch must be specified to match preconstruction conditions.
 - e. Identify and provide dimensions and details for all utility cabinets, structures and other above grade facilities are to be located on private property easements or on public utility easements outside the right-of-way unless otherwise approved by Director of Public Works.
 - f. Landscaping of all above grade structures must be provided and approved by the City of Cumberland. All cabinets are must be shielded from view by landscaping within Right of Way (ROW).
2. Applicable requirements of the City of Cumberland Construction Site Erosion Control Ordinance shall be shown on the plans.
3. Record drawings of the construction work shall be provided to the City of Cumberland.

STREET AND ROADWAY EXCAVATION

1. Excavations occurring within an existing asphalt or concrete surface shall be saw cut full depth prior to removal. Excavations occurring within the limits of existing or proposed pavements, driveways, parking areas, and sidewalks shall be backfilled in 12-inch layers with WDOT highway design manual approved and mechanically compacted to obtain 95% standard proctor density or compacted to 100 % native / original soil density, whichever is greater. All surplus excavation material shall be disposed of by the applicant. Excavations shall be closed by the end of the workday. Permanent replacement of pavement surfaces shall be restored within 6 weeks of the completion of any 500' portion of the work. Cold mix shall be installed and maintained as a temporary pavement surface until permanent pavement is restored. Excavations within an existing asphalt or concrete street surface shall be restored as follows:
 - a. Asphalt streets – Replace to original depth with bituminous concrete binder and surface material (see standard details).
 - b. Concrete streets – Replace to original depth with concrete pavement installed by a City of Cumberland pre-qualified contractor.
 - c. Curb & Gutter – Work to be performed by a City of Cumberland pre-qualified contractor, per standard specification.
 - d. Driveways & Sidewalks – Work to be performed by a City of Cumberland pre-qualified contractor, per standard specification.
 - e. Cored Potholes – Repair using infrared patching on asphalt streets, and filling with concrete on concrete streets. Potholes must not exceed 10" diameter.
 - f. Patching - During periods when hot bituminous concrete material is not available the applicant may request permission to utilize cold mix asphalt material. When requested and approved by the City of Cumberland the applicant may use cold mix as a temporary patch until final repairs are made. Consideration in granting this approval include the availability of hot mix asphalt and the number of repairs to be made. The applicant shall be responsible for maintaining the cold mix until the final repair is completed.
2. Surface tolerances for street repairs shall meet the standard for new construction. The finished surface of the street repair, when tested with a ten (10) foot straightedge parallel to the centerline or perpendicular across joints, will show variations measured from the testing face of the straightedge to the surface of the street repair shall not exceed one-quarter (1/4) inch. In the event pavement variances exceed the 1/4 – inch requirement or other quality factors during the three-year warranty period, reasonable consideration of the condition of the surrounding street will be made in determining compliance with the Three-Year Warranty Agreement.

WARRANTY REQUIREMENTS

1. A Three Year Warranty Agreement is required stating that the applicant shall be responsible for maintenance and repair costs of any open-cut trench, pavement failure, sidewalk and curb construction for a 3-year period after submission of the signed project Completion Certificate.
2. The City of Cumberland may require the applicant, at applicants cost, to video televise any existing underground municipal utilities adjacent to the applicant's work to confirm that no damage was incurred to the municipal utilities.