

2024



Unified Government Public Works

RIGHT-OF-WAY MANUAL

For Permitting and Construction in the Public Right-of-Way

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1. INTRODUCTION

- The Unified Government has created this Right-of-Way Procedures Manual to manage the use of the public right-of-way. This manual is intended to provide technical criteria and details necessary to construct, install and maintain facilities within the Public right-of-way, according to provisions stated in chapter 32 of the Unified Government Code of Ordinances.
 - “Obstruct” shall mean to place or remove any tangible object or material in the Right of Way in a manner that stops, hinders, disrupts, or otherwise interferes with free and open passage over a specific area or part of the Right of Way. The term does not include the otherwise legal parking of a vehicle subject to all the current parking regulations of the City.
- 1.1.1. "Public Street" means the surface, the area below the surface, and the airspace above the surface, of any highway, street, road, lane, alley, unpaved alleys, path, parkway, viaduct, bridge, sidewalk, or other public right of way for motor vehicle or pedestrian travel under the jurisdiction and control of the City which has been acquired, established, dedicated, or devoted to such purposes.
 - 1.1.2. "Right of Way" means and includes all present and future: (i) Public Streets, (ii) utility easements or similar properties in which the Unified Government now or hereafter holds a property interest and/or a maintenance responsibility which, consistent with the purposes for which it was granted or dedicated. "Right of Way" does not include Unified Government Property; land dedicated for roads, streets, and not opened and not improved for motor vehicle use by the public; structures, including poles and conduits, located within the public way; federally granted trust lands or forest board trust lands; lands owned or managed by the state parks and recreation commission; federally granted railroad rights of way that are not open for motor vehicle use, or utility easements granted to utility companies (which may be reflected in a real property deed, subdivision plat, or other real property record) with respect to which the Unified Government holds no property interest or maintenance responsibility.
 - 1.1.3. “Excavation” Permit means a construction permit that is generally required for single excavations within the public right-of-way for access to existing private facilities for the purpose of maintenance, repair or service hook-up.
 - 1.1.4. “Right-of-Way” (ROW) Construction Permit means a construction permit that is required for any installation or extensive maintenance of private facilities within the public right-of-way, by a private utility company, as well as all new construction being conducted within the public right-of-way for all Unified Government Departments.

- 1.1.5. ROW Permits require plans stamped by a registered professional engineer to be submitted and approved.
- 1.1.6. “Fiber Optic” (FOP) Construction Permit means a construction permit which is required for any installation or maintenance of private communication facilities within the public right-of-way, by a private utility company and where once the facilities are installed, a portion of the installed facilities, will be transferred to “Unified Government” ownership. This permit is also required when the installation of private facilities utilizes an existing Unified Government-owned conduit. FOP Permits also require plans stamped by a registered professional engineer to be submitted and approved.
- 1.1.7. “Major Project” shall mean any project that meets the following criteria:
 - 1.1.7a. Franchisee or private utility company wishing to bore or trench within the public right-of-way for the purpose of installing or maintaining private facilities, are required to submit construction plans signed by a registered professional engineer. The plans shall be submitted, along with a Traffic Control Plan (TCP), as part of an application for a “ROW” or a “FOP” Construction Permit.
 - 1.1.7b. Franchisee or private utility company wishing to install or maintain overhead facilities or wishing to pull communications or electrical cable through existing underground conduit along a collector or arterial street, where the time to conduct the work will exceed 60 minutes. This will require the submittal of a Traffic Control Plan (TCP) as part of an application for a “ROW” or a “FOP” Construction Permit.

2. AUTHORITY TO OCCUPY THE PUBLIC RIGHT-OF-WAY

All Certified Telecommunications Carriers and Telecommunications Providers, who own or operate telecommunications facilities within the public right-of-way, must register with the City, as per [sec 32-25](#)

Any other person wishing to use any space underneath, on, or above the surface of any street, alley, sidewalk, public space, or other public ground within this city, shall apply for a permit as per Chapters [sec 32-26](#) of the Unified Government Municipal Code. Both require approval by the Unified Government.

3. CONSTRUCTION PERMITS

As per [sec 32-26](#) and of the Unified Government Municipal Code, a construction permit is required prior to any installation, construction or maintenance of private facilities located within the public right-of-way.

Any work to be completed within the right-of-way of a State Highway shall require the acquisition of a State of Kansas Department of Transportation (KDOT) “Right-of-Way Permit.” Applicants for Unified Government construction permits shall be required to

produce a copy of this State permit prior to commencing work. State Highways within the City Limits of the Unified Government include:

- US 169 Hwy / 7th Street Trafficway / Rainbow Blvd
- US 69 Hwy / 18th Street
- US 73
- K 5 Hwy / Leavenworth Road
- I-70
- K-32 / Kansas Ave / Turner Diagonal
- I-35
- I-435
- I-635
- I-670

Engineer stamped plans must accompany the KDOT 304 form and be submitted to the Unified Government for review. Once the UG Engineer approves the plans, the KDOT application and plans will be forwarded to the KDOT Metro Engineer and copy the applicant.

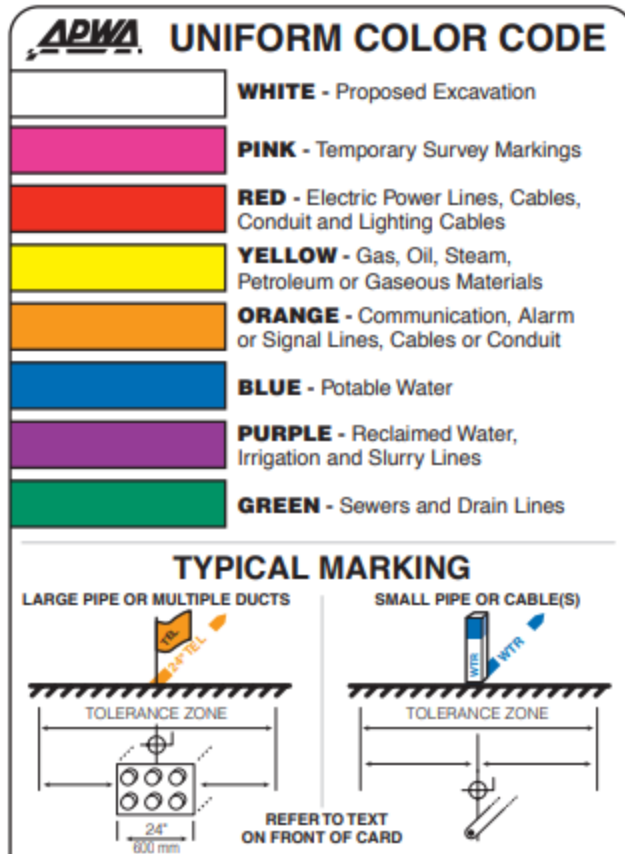
For more information regarding State “Right-of-Way Permits,” check out the Kansas Department of Transportation website at: <https://www.ksdot.org/index.asp>

City Construction Permits:

Currently, there is one Right of Way application to submit for all permits issued by the Unified Government, Public Works Engineering for all work to be conducted in the public right-of-way: [ROW Permitting Public Facing Hub](#)

The online form is easy to use and contains five sections in which applicant describes the work to be done:

Section 1 addresses the permit type, if a dig safe ticket was acquired and if the contractor has insurance. The dig safe ticket provides markings on the ground to identify any potential conflicts in the work area. In the image below, colors are referenced. The items in this section are first primarily because they can delay the permit movement.



Section 2 identifies the parties on the permit itself. It separates by applicant, owner, contractor and or subcontractor. Applicants are required to submit contact information as well as an address.

Section 3 describes the work location and duration of the permit. It also addresses the purpose, area and methods.

Section 4 is permit specific for underground work regarding communications or electrical. It addresses the methods, material, and structures.

Section 5 is where we finalize the permit with attachments needed such as engineered drawings. Here the applicant can add any additional information and submit their signature along with the application.

Once completed, the online form is submitted to the Right of Way team for review. In the review process, the team communicates with the customer to execute the permit through email and phone if needed. Once approved, the applicant pays for it online and carries out the work. Progress can be tracked at any time through the previously mentioned Hub as well as view other permits and permit applications managed by the team. Relatedly, there is a public facing site that has a 'dot on the map' that can be found by any interested party with a brief description.

3.1 Permit Application – ROW Permits

Upon Right-of-Way application submission with a copy of engineered drawings, Traffic Control Plan, and erosion control plans, the Public Works Engineering Dept. will review, and once approval of the project has been determined, the Permit fees will be determined and the Permit will be issued.

3.2 Permit Intake, Review, and Issuance – ROW Permits

Once a permit application is completed using the Public Works, Right-of-Way Construction Section will distribute the plans. Plans are distributed to various Public Works Divisions with the goal of either approving the permit or notifying the applicant to make changes or adjustments to the plans within three business days. *(Please note that this turn-around is our goal, however, dependent upon factors such as the current workload of the plan reviewers or other factors beyond our control, the turn-around time may be longer.)*

Notification to the applicant regarding the need to make changes to the plans is made through an email. Once the applicant has made the necessary changes to the plans, the updated plans must be re-submitted.

(NOTE: All contractors must be registered through the Unified Government Licensing Dept. prior to being allowed to work under a “ROW” Permit.)

3.3 Construction Plans

The construction plans shall be submitted electronically in the online permit in section 5 and are required to show the following:

- 3.3.1 Engineered drawings are required with any projects where there will be underground boring or multiple excavations within the public right-of-way for new builds over 100’
- 3.3.2 A Cover Sheet that shows the full limits of the proposed work.
- 3.3.3 A plan size of 11” x 17” and minimum scale is 1” = 100’, unless otherwise approved.
- 3.3.4 The location of all existing and proposed public facilities, including City water lines, storm drainage facilities and sanitary sewer lines and related appurtenances (hydrants, valves, manholes, etc.) in relation to all proposed utilities. Proposed facilities shall be dimensioned with measurements taken from existing adjacent visible structures (curbs, poles, cabinets, manholes, inlets, fire hydrants, etc.) and showing the spatial relationship between the facilities and adjacent right-of-way or easement line, to clearly identify the location of such facilities. ***Right-of-Way and/or easement lines shall be shown, complete with dimensioning, on all plans.***

- 3.3.5 All streets must be clearly labeled.
- 3.3.6 The elevation of the existing and proposed public facilities should be noted, or a profile shown, in relation to the proposed utility line, if there is a potential for conflict. The plans shall indicate how potential conflicts will be avoided.
- 3.3.7 The location of overhead and underground electric, detector and communication lines and associated pull boxes for streetlights and trafficsignals.
- 3.3.8 Detail of proposed facility installation, i.e., pipe size, depth and dimensions of occupied space. If utility structure is proposed, dimensions, type, and location shall be indicated on the plans.
- 3.3.9 ***Any facilities being installed must be identified on the plans.***
- 3.3.10 A complete Legend of drawings.

“Required Right of Way Construction Plan Sheet Notes”

- 3.3.11 Project Coordination Contact information (phone number & email address) for both the Facility Owner and the Unified Government Right-of-Way Construction Section contacts.
- 3.3.12 Clearly show any removal limits for impacted paving, sidewalks, etc. (when allowed) and material used to replace the item(s).
- 3.3.13 The length and depth of all bores.
- 3.3.14 All concrete driveways and streets shall be bored rather than open cut.
- 3.3.15 Detailed drawings of any bores, trenches, hand holes, manholes, vaults, switch gears, transformers, pedestals, valves and regulating stations including height, width, and depth. Utility structures need a dimensional drawing and the placement site pre-approved by the Unified Government.
- 3.3.16 Landscape protection or restoration measures.

3.4 Traffic Control Plans

Traffic Control Plans are required as part of the permit application process, whenever a project causes any lane of traffic, any alley, any sidewalk, or bike trail to be closed or obstructed. The following guidelines should be used to determine the complexity of the Traffic Control Plans:

- 3.3.17 All work zone traffic control, including pedestrian control measures, shall be in compliance with “Part 6” of the MUTCD, and Unified Government Code, Sec [32-29](#)
- 3.3.18 All pedestrian detours and any reconstruction of pedestrian facilities should meet current ADA standards and specifications.

- 3.3.19 A Traffic Control Plan is required for any closure of a traffic lane, alley, or sidewalk for a duration of more than one hour.

There shall be no lane closures on any arterial street during Peak Hours (7:00-9:00 am and 4:00-6:00 pm) directly adjacent to a school, unless authorized by the Public Works Department, Right-of-Way Construction or Traffic Operations Sections. The Contractor shall strictly adhere to all time limits and other restrictions as specified.

- 3.3.20 There shall be no instance where pedestrian facilities are closed or restricted on both sides of the street, simultaneously, unless authorized by the Public Works Department, Right-of-Way Construction Section.
- 3.3.21 All lane closures shall be re-opened at the end of each day, unless authorized by the Public Works Department, Right-of-Way Construction Section. **(NOTE: All traffic control associated with the lane closure(s), shall be relocated out of the traffic flow and advance signs turned or some way removed from the sight of oncoming traffic.)**
- 3.3.22 Except in the case of an emergency, the permittee is required to obtain written approval (email is acceptable) to work on a weekend or holiday. A written request must be made to the Public Works Right of Way Manager.
- 3.3.23 Except in the case of emergency, no work will be permitted between the hours of 10 pm and 6 am, except for instances when the Public Works Department deems it necessary to expedite construction and/or minimize traffic disruption.
- 3.3.24 Dependent upon the individual situation, the requirement for submitting a Traffic Control Plan may be fulfilled by submitting a copy of the appropriate Traffic Control scenario.

3.5 Trench Safety Plan

Trench safety systems shall meet or exceed U.S. Occupational Safety and Health Administration Standards.

3.6 Emergency Repairs

Any emergency excavation or repair of private facilities within the public right-of-way required to maintain the safety and well-being of the general public or to restore service to the facility owners' customers, should be commenced without delay. Notification of the emergency repairs must be provided to the Public Works, Right-of-Way Construction Section within twenty-four (24) hours of the commencement of the emergency repair project. If the emergency repair was due to damage caused by a contractor or City agency, authorized to be working in the public right-of-way, contact must be made to the Public Works, Right-of-Way Construction Section as soon as possible for assistance with the investigation. When notification is made, please provide the following information:

- 3.3.25 Location of the damaged facility

- 3.3.26 Date and time of the incident that caused the damage to the facility.
- 3.3.27 Any additional work zone traffic control needed.
- 3.3.28 Anticipated duration to complete repairs.
- 3.3.29 The name and contact information of the owner and any agent or contractor performing work on behalf of the owner;
- 3.3.30 General description of the type of construction activity and/or facilities repaired.

Whenever emergency repairs are needed, the facility owner shall apply for a standard Excavation, Right of Way construction permit within two (2) business days. If the repair involves simply excavating the damaged facility and making the repairs, plans stamped by an Engineer are not required. ***The following is the process that will be followed by City Right-of-Way Construction staff to investigate accidental utility hits:***

Step 1: Go to the scene of the utility hit ASAP. Locate and interview the actual operator and/or job foreman on site. Document the operator's name and what instructions were given to the operator. If not the same person, also make contact and interview the contact person identified on the "One Call" ticket(s). Document all names and titles of any individuals interviewed or anyone who was present at the time of the hit. Also, document the company name of the contractor and the owner of the facility for which the contractor is working.

Step 2: When at the scene of the hit, take photos of all pertinent locate marks and/or flags, as well as anything else at the scene that will help to tell the story behind the hit.

Step 3: Using the One Call Emergency Locate to <https://kansas811.com/find> the records information for the location where the City utility was hit.

Step 5: If it is a "City" utility that was hit, contact the appropriate staff person to find out any information related to the hit.

Water: BPU 913-573-9622

Wastewater: Water Pollution Control 913-573-1300

Step 6: From the "One Call" ticket(s), attempt to determine a contact for the contractor who hit the utility.

Step 7: When all information has been gathered, create a folder in Sys 3/Eng Services/ROW/Private/Utility Hit Investigations and download all photos, .pdf's of any current record information and .pdf's of the "One Call" tickets.

Step 8: Write a brief report memo of the findings. If it is a "City" utility, submit the memo to the appropriate City Utility staff person.

3.7 Erosion

Erosion prevention measures shall be incorporated into all work within the ROW. All gutters, ditches, and other drainage features shall be maintained free and unobstructed of sediment, dirt, and debris. The handling, grading, excavating, or moving of excess construction materials or the movement or cleaning of construction vehicles or equipment shall be conducted in such a manner that materials and washout will not be deposited into catch basins, gutters, ditches, or areas where runoff may carry materials into any public or private stormwater system.

3.8 Flood Plain Permit

The permittee may be required to obtain a floodplain permit as part of the planning process. In addition, any excavation taking place within the “Flood Plan” shall require review by the Flood Plain Manager, Urban Zoning and Planning.

3.9 Storm Water Pollution Prevention Plan

The permittee is required to implement erosion and sediment control measures for construction activities in accordance with the Unified Government Regulations for Construction Site Discharges as amended and other Unified Government Ordinances, state laws, and federal regulations).

The permittee shall submit an electronic set of the Stormwater Pollution Prevention Plan to the Department of Public Works, along with a Land Disturbance application to the Right of Way Division in cases where construction activities are one acre or more, or where stream/creek crossings are open cut. A four-foot vertical clearance below the bottom of the proposed stream bed or drainage facility is required. The permittee shall contact the Department of Public Works for future improvements to the stream/creek, which may impact the proposed alignment or capacity of the stream/creek.

The following pollution prevention measures shall be used where applicable:

- 3.12.1 Any work in the floodplain requires a separate floodplain permit through the office of the Floodplain Manager with Urban Planning and Zoning. In most cases, avoid placing pollution prevention structural controls in the floodway.
- 3.12.2 Trap/contain boring “mud” or waste material to prevent flow in the street and/or storm drain system through the use of a vacuum excavator, or equivalent method.
- 3.12.3 Remove construction debris and trash daily.
- 3.12.4 Stabilize disturbed areas as soon as practicable, but in no case more than 14 days after final grade has been attained. Temporary or permanent vegetation, erosion control matting, or a combination of measures should be employed as quickly as possible after land is disturbed, but no later than 14 days after site becomes inactive.
- 3.12.5 Inspections are required 14 days and after significant rainfall event of .50 or more. Electronic submittals of the inspections are preferred.

3.12.6 Follow all other regulations related to the Stormwater Pollution Prevention Plan.

3.10 Permit Conditions

As a condition of any Right-of-Way construction permit, all parties shall adhere to the following requirements:

3.12.7 All Unified Government, Public Works engineering requirements and construction standards imposed;

3.12.8 All current FOP or ROW construction permits shall be present on each work site.

3.12.9 All current FOP or ROW construction permits shall be presented upon request to any representative of the Director;

3.11 Renewal

In the event that a permitted project is not concluded prior to expiration of the FOP or ROW construction permit under which it is being performed, the contractor shall apply to the Director or representative, for an extension of the permit. In such case, the following information shall be submitted:

3.12.10 Statement from the Contractor indicating the reason for the delay in completion of the project;

3.12.11 Date that the Contractor anticipates the project to be completed; and

3.12.12 A new permit fee may be assessed for the renewal.

NOTE: If for any reason, the scope of work associated with an approved permit changes, the facility owner may be required to re-submit an application for a new permit.

CONSTRUCTION REQUIREMENTS

All construction must conform to the Unified Government's Technical Provisions and Standard Drawings:

Link: [Technical Provisions & Standard Drawings – Unified Government of Wyandotte County and Kansas City](#)

Following the issuance of a construction permit, the permittee shall give the Department of Public Works a minimum notice of 48 hours, prior to commencing work, so that a Unified Government Right-of-Way inspector may be assigned.

4.1 Notification to the Public

The following notification procedures apply if work is to be performed in the street or within a public right-of-way:

- 4.11. For all construction within the right of way in the front or rear of property, the Permittee shall conspicuously mark their vehicle with the company name and telephone number.
- 4.12. The closure of a traffic lane(s) on an arterial street may require the placement of a dynamic message sign a minimum of 48 hours in advance of the work. If required, the sign shall contain:
 - 4.1.2.1. The date and time of the closures;
 - 4.1.2.2. What closures will be in effect.
- 4.13. Any closure of a traffic lane on a public street or blocking of a public sidewalk or alley lasting longer than one day, must be identified by a 3 foot by 3-foot sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the worksite without obstructing safe sight distances and must contain:
 - 4.1.3.1. The name of the owner and permittee;
 - 4.1.3.2. The name of the person performing the construction on behalf of the public service provider, if any; and
 - 4.1.3.3. A local 24-hour contact number that can be used in case of an emergency.
- 4.14. The requirements above are in addition to any signs, barricades, or warning devices required by law or ordinance. The sign information listed above may not be included on barricades or warning devices.
- 4.15. The permittee will give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 48 hours before the commencement of construction. This can include door hangers, lawn darts, or other methods to notify property owners of the work being performed. This requirement will not apply if the Public Works Director or representative determines that an emergency exists.
- 4.16. The permittee shall also keep adjacent property owners updated when construction phases change that affect the areas of work associated with the permit and any changes in work zone traffic control or if the completion date of the permitted project has been extended.

4.2 Existing Facility Locates

Prior to construction, the contractor shall obtain utility locates by contacting Kansas 811 at 1-800-344-7233.

4.3 Traffic, Street Lighting and Utility Poles, Electrical and Communication Enclosures

- 431. No one may move, adjust and/or relocate any portion of a City traffic light or streetlight system without receiving approval from the Unified Government and the Board of Public Utilities.
- 432. Utility companies must obtain permission before installing any type of enclosures. All enclosures, poles, and guy wire installation and/or removal must have an approved drawing approved by the Unified Government, Right-of-Way Construction Section, before obtaining a permit.

4.4 Electrical and Communication Wires, Fiber Optics, and Conduits

- 441. Any installation of electrical or communication wires, fiber optic cables or conduits must be installed as per the Unified Government Standard Plans and Approved Special Provisions and to National Electrical Safety Code (NESC) specifications or the violator will be responsible for all corrective measures and fines.
- 442. All conduits placed within the City rights-of-way must be Schedule 40 or better. All electrical conduits must be installed at a depth of 30" below finish grade in the City right-of-way and all communications conduits shall be installed at a depth of 48" in the soil, below the projected slope from the flowline of a ditch, below the surface of a roadway or under the design flow line of a storm sewer or creek channel, unless approved in writing by the Unified Government Engineer.

5. PROCEDURES FOR STEEL PLATE INSTALLATION

Steel plate placement on transverse and longitudinal excavations shall be in accordance with the following:

- 5.1.1 For roadways with a posted speed limit of 35 mph or less, a 1-inch minimum steel plate, meeting ASTM A36 steel requirements (is a low carbon steel that exhibits good strength coupled with formability) and the ability to withstand H-20 Traffic Loading (AASHTO Bridge Design Criteria that consists of truck axle loading of 32,000 lbs. or wheel loading of 16,000 lbs.), must be used.
- 5.1.2 For roadways with a posted speed limit of greater than 35 mph, a 1 ¼ inch minimum steel plate, meeting ASTM A36 steel requirements and the ability to withstand H-20 Traffic Loading, must be used.
- 5.1.3 Steel plates must extend a minimum of 12 inches beyond the edges of the excavation.
- 5.1.4 It is **recommended** that temporary paving with a cold asphalt mix be used to feather the edges of the plate to form a wedged taper to cover the edges of the steel plate, on plates being installed on roadways with a posted speed limit of 35

mph or less.

- 5.1.5 It is **required** that temporary paving with a cold asphalt mix be used to feather the edges of the plate to form a wedged taper to cover the edges of the steel plate, on plates being installed on roadways with a posted speed limit of greater than 35 mph.
- 5.1.6 In all cases, the steel plate shall be anchored securely, to prevent movement.
- 5.1.7 In addition to the required work zone traffic control devices, an additional roadway construction sign (black on orange), meeting MUTCD requirements, shall be installed 100 feet in advance of the steel plate location. The sign shall state "STEEL PLATE AHEAD".
- 5.1.8 Steel plates used for covering potholes that have been drilled for the purpose of performing vacuum excavations to locate underground utilities shall be ½ inch in thickness for potholes 10 inches in diameter or less and ¾ inch for potholes between 10 and 24 inches in diameter and in welding identify owner on the top of the plate.

6. CONSTRUCTION RESTORATION

Street, Sidewalk, Gutters, Curb Ramps and Grass Areas

- 6.1.1. All street, sidewalk, and curb construction, reconstruction, repair, cutting, alteration or grading shall be done in accordance with [Unified Government Technical Provisions & Standard Drawings – Unified Government of Wyandotte County and Kansas City](#) and shall be subject to inspection.
- 6.1.2. No party shall construct, reconstruct, repair, cut, alter or grade any sidewalk curb or driveway in the public right-of-way without first obtaining all necessary permits from the Unified Government.
- 6.1.3. All roadways must be saw cut before removing pavement. The permittee is responsible for any other damages due to saw cutting. No removal or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored unless specific prior written permission is obtained from the Director or representative.
- 6.1.4. When any work in the public right-of-way involves the removal or disturbance of a sidewalk and/or curb ramp adjacent to an intersection, the new sidewalk and curb ramp shall be constructed to meet current standards and specifications.
- 6.1.5. The Director, or representative, is authorized to waive the requirements for a ramp where such installation would not be feasible due to location or physical construction limitations.

Street Cuts and Excavation

The removal of portions of existing pavement, drives, slabs, and sidewalks shall be completed in accordance with the Unified Government Technical Provisions and Standard Drawings. Where concrete removal is approved by the Director or representative, locations of the removal shown on the plans are indicative only of the need for a saw cut; removal shall be to existing joints or as directed by the City's project inspector. Where a saw cut has to be made in a drive approach, the contractor shall replace, to the nearest joint, the area of concrete which has been cut. In the event that it is necessary to place a temporary surface on any cut opening, the temporary surface shall be composed of hot mix asphalt or approved materials. All potholes made in Unified Government streets or alley pavements for the purpose of performing vacuum excavations to locate underground utilities, shall be restored as per Section 7.4 of this manual. All potholes in sidewalk panels will require **Full Panel** replacement. If colored, textured or patterned concrete is existing, replacement panels will be replaced to match as practicable. The owner may be required to put money into Escrow to cover all repairs prior to starting work. ***(NOTE: all potholes shall be covered immediately, either by permanent restoration or by the use of plates. No open potholes are allowed to be left open overnight.)***

Gravel or flexbase surface material shall not be used as a temporary surface on any cut without prior approval of the Director or representative.

Temporary surfaces shall be adequately compacted to prevent deterioration of repair during the temporary period.

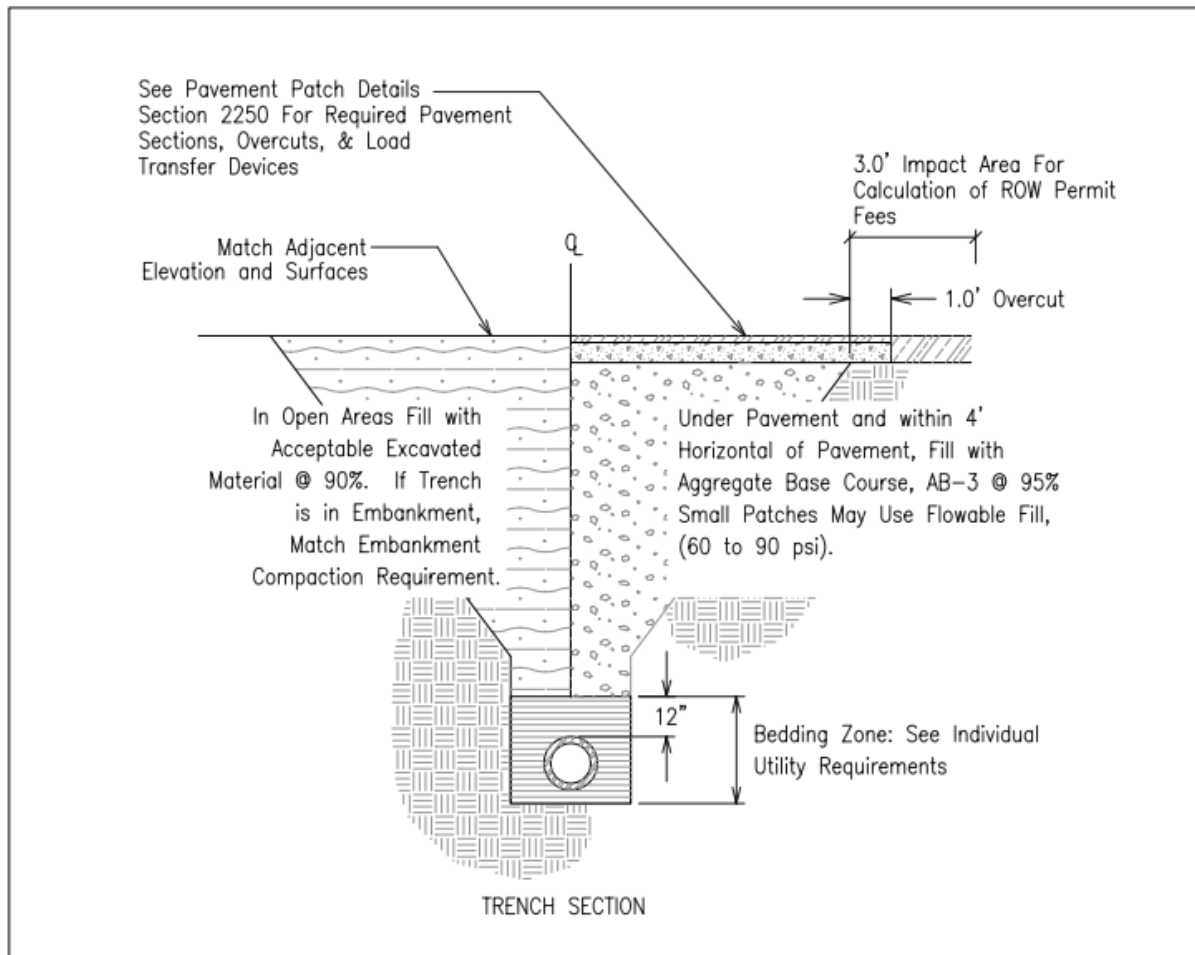
If a pavement cut is to be covered, the permittee shall use steel plates. Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to traffic. Asphalt transitions may be required to provide a smooth riding surface. Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an emergency, unless a sign identifying the contractor is posted at or in close proximity to the worksite. *(See Chapter 5 of this manual for procedures for installation of steel plates over transverse and longitudinal excavations).* ***NOTE: If steel plates are used between the dates of December 1st and May 1st of each year, the contractor will be responsible to monitor the weather for any predicted snow events. When a snow event is predicted, plates must be removed from all paved surfaces, prior to the snow event, and the holes are to be either temporarily or permanently filled as per the above requirements. Any plates that have not been removed, and that cause damage to snow removal equipment, may result in a claim being filed against the responsible contractor or facility owner.***

Any temporary surface that fails to provide a non-deteriorating riding surface or fails to meet the requirements of these specifications shall be removed and replaced at the Director's discretion and at the permittee's expense.

Plumbing tap rehab example

- Permit is acquired by contractor. Permit states where street cut is, price of permit, step by step instructions. Any questions or information needed is provided.
- A work order is made in workflow system
- Contractor calls for inspection of new tap fitting, inspector looks to workflow for site details.

- Inspector does an inspection in workflow software
- Once passed, contractor backfills with AB3 (compactor on site) or flow fill top to bottom of the existing street
- Once, backfilled, contractor does a 1foot over cut in all directions if applicable to bridge the patch
- Street depth is matched at minimum of 6", maximum of 12". Always leaving room for 2" of asphalt. Dow bars are installed if applicable in a concrete slab
- Contractor calls a second time for a inspection before street cut is poured
- Inspector is dispatched in workflow software and meets contractor for inspection
- Inspector does in inspection in workflow software
- When complete, a 2 year warranty is triggered in software and alerted 22 months down the road for a warranty inspection
- See below diagram out of [Technical Provisions & Standard Drawings – Unified Government of Wyandotte County and Kansas City](#) page 180



6.2 [Additional Traffic Control at Worksite](#)

- 6.2.1. All parties working within the public rights-of-way may be required to construct and maintain adequate and safe crossings over excavations and across streets under construction to accommodate vehicular and pedestrian traffic. If required,

vehicular crossings shall be constructed of adequate size to accommodate regular vehicular traffic in a satisfactory manner. Temporary fill and surfacing or the use of steel plates shall be properly maintained. All excavation in the public rights-of-way shall be permanently repaired as soon as weather permits. When an opening is not permanently repaired and an unsafe condition exists (e.g., steel plate has moved, temporary patch has settled), the responsible contractor(s) must repair the condition immediately. If the contractor(s) fail to do so, the Director, or representative, shall have the authority to cause such necessary labor and materials to be furnished by the City and all costs thereof shall be charged against the responsible entity.

- 6.2.2. All parties performing excavation in or adjacent to any sidewalk shall obtain necessary permits and notify adjacent property owners prior to starting work, and maintain pedestrian and ADA access throughout the period the construction or maintenance activity disrupts or causes the closure of existing sidewalks, curb ramps or crosswalks.
- 6.2.3. All parties working within the public rights-of-way shall erect fencing, railings or barriers around the site of the excavation work sufficient to minimize danger to persons using the street or sidewalks, and such protective barriers shall be maintained until the work is completed or the danger eliminated. Safety fence with top and bottom rails shall be used if excavations and devices are in the sidewalk area or within 2' of the sidewalk. If the excavations are to remain open overnight, the use of lighted drums or barricades, in addition to fencing, railings or other barriers, shall be required. The permittee shall inspect barriers and other protective devices every twenty-four (24) hours.

6.3 General Worksite Information

- 6.3.1. Concrete, asphalt pavement, and brick, stone, concrete masonry, and dried ready-mix washout may be buried on-site where indicated on the drawings. Material with thickness to length ratios of 2.5:1 or less may be dumped. Large flat pieces shall be laid level and fully supported. Material buried on site shall be intermixed with sufficient small pieces and fines to fill voids. Placement shall be inspected by Engineer before covering. Material shall be covered by a minimum of 18 inches of clean earth. Other material shall be disposed of off-site. The contractor shall make all arrangements necessary for disposal of materials.
- 6.3.2. All damage done to existing infrastructure during the progress of the excavation work shall be repaired by the permittee to the satisfaction of the Director or representative. If upon being ordered to do so the permittee fails to furnish the necessary labor and materials for such repairs, the Director or representative shall have the authority to cause such necessary labor and materials to be furnished by the City and all costs shall be charged to the permittee.
- 6.3.3. All backfill in any cuts, trenches, or excavations beneath any paved or

unpaved roadway shall be placed by the Department of Public Works and Utilities. In addition, the Department of Public Works and Utilities shall replace all roadway surfaces removed or damaged as a result of the work done under such permit. The costs and expenses incident thereto shall be collected from the permittee. All excavated material (spoils) removed from under a paved or unpaved street that are unsuitable for backfill shall be removed from the site on the same day that it was excavated. Any suitable backfill material that remains on-site, must be covered and protected. As noted in 6.2.1 above, the permittee may be required to place a temporary surface over openings made in paved traffic lanes.

- 6.3.4. From November 1 to April 30, a temporary restoration may be necessary due to weather conditions. Temporary restoration work may be completed with cold patch, hot asphalt, or concrete to grade. All temporary patches must be maintained by the contractor, at all times until permanent repairs are made.

6.4 Restoration

- 6.4.1 Acceptance or approval of any excavation/ restoration work by the City shall not prevent the City from asserting a claim against the permittee and/or the representative surety under the surety bond required hereunder for incomplete or defective work, if discovered within twenty-four (24) months from the completion of the excavation work or the length of any warranty, whichever is longer. Verbal/non-written discussion with City personnel shall not relieve the permittee of any responsibilities under City ordinance or this policy.
- 6.4.2 In any excavation work, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the sole expense of the permittee and shall be completed to the satisfaction of the Director or representative.
- 6.4.3 The permittee shall expeditiously and diligently complete all excavation work (in accordance with the excavation permit) and shall promptly restore the street to its original condition or better, as soon as practicable. In any event, said work shall be completed no later than the date specified in the construction permit.
- 6.4.4 The permittee shall not disturb any surface survey monuments or hubs found on the line of excavation work until authorized to do so by the Director or representative.

6.5 Construction Markings, Disturbed Areas, etc.

- 6.5.1 Construction markings shall be large enough and spaced enough so as to be seen by a contractor, but not so large as to become a blemish on the pavements. Curb and sidewalk markings of valve boxes and service locations shall be made neatly

and be less than 4" square.

- 6.5.2 The removal of existing traffic signs, pavement markings or any other traffic control device, shall be approved by the Unified Government, Right-of-Way Construction Inspector to ensure that the proper traffic control is in place during the construction activities. All signs, fastening hardware and posts, as well as other devices which may be reused, shall be returned to the Public Works, Traffic Operations Shop, immediately following removal. Any material damaged during removal, storage or transport, shall be repaired or replaced at the contractor's expense. Damage to existing pavement markings shall be assessed by the construction inspector and the cost for the replacement shall be the responsibility of the contractor. For damage to Thermoplastic, Polyurea, and paint, a price per lineal foot will be assessed. For damage to Raised Pavement Markers (RPM's), a cost per RPM will be assessed. In addition, if it is determined by the Public Works Traffic Operations Section, that "temporary" pavement markings are necessary, the cost to install and maintain the "temporary" pavement markings will be the responsibility of the contractor, until such time as the permanent markings can be installed. The installation of any permanent or temporary pavement markings, as well as any traffic signs or other traffic control devices, shall be done in accordance with the Manual On Uniform Traffic Control Devices ([MUTCD](#)). Restoration of all traffic control devices removed or damaged by parties accessing the public rights-of-way shall be replaced by such parties before restoration will be considered complete. The parties shall take direction from Unified Government construction inspectors as to approved products and applications.
- 6.5.3 Disturbed areas shall be limited to 100 linear feet of open trench before temporary repairs may be required.

7. INSTALLATION

Trenching. The permittee shall not proceed with additional trench work exceeding a maximum of one hundred (100) feet of open trench without the approval of the Director or representative. If trench is to remain open overnight or longer, all excavation spoils which are unsuitable for backfill and any other construction debris will be removed by the end of the same day that it has been excavated.

Crossings. All underground crossings of paved roadways and stormwater and creek channels shall be made by a bore method approved by the Director or representative. Any alternate method shall be reviewed and subject to approval by the Director or representative. Voids and all holes shall be properly grouted. Crossings shall be at approximately right angles to the roadway and in no case shall any facility be placed in any culvert or drainage pipe or within three

(3) feet of a culvert or storm sewer unless approved by the Director or representative.

7.1 Facility Spacing Requirements

All facilities installed under pavement shall be buried to a depth of 30 inches under top of

pavement for electrical conduits and 48 inches under top of pavement for communications conduit, unless approved in writing by the Unified Government, Right-of-Way Construction Section. This measurement shall be made from the existing or proposed top of the pavement, whichever is lower. For this section, proposed improvements are defined as any facility with a designated location and elevation as shown on available construction plans. In the parkway, the facilities shall be buried at a depth of 30 inches in the soil, if electrical and 48 inches in the soil, if communication. If below a ditch, storm sewer or creek channel, these depths will be from the projected slope of the flowline of the ditch or the design flow line of the storm sewer or creek channel, unless approved in writing by the Unified Government, Right-of-Way Construction Section. These stipulations are with the condition that additional depth may be necessary due to other constraints or utilities.

- 7.1.1. All facilities that cross existing drainage facilities, sanitary sewer, or water mains shall either be buried under the existing pipes with a two-foot minimum vertical clearance at the underside of the existing pipes; or be placed above the existing pipes with a two-foot vertical clearance at the top of the existing pipe. In either case, the proposed facility shall be 48 inches under top of pavement. The location and elevation of all crossed existing utilities must be potholed prior to installation of new facility.
- 7.1.2. All facilities that run parallel to an existing or proposed drainage facility, sanitary sewer, or water main shall have a three-foot minimum horizontal clearance from the exterior face of the pipes or manholes. Please note that the elevation of the individual lateral services of these pipes may vary. All conduits must be 24 inches below all lateral service pipes.

7.2 Pull Box Installation Requirements

All pull boxes being installed in conjunction with Fiber Optics installation that will be owned and operated by the Unified Government, Public Works Department, shall be T48 Pull Boxes, unless written approval is given to install an alternate size, according to the list of Approved Traffic Materials.

7.3 Landscape Protection Requirements

The proposed facility route should be designed to minimize damage to trees and/or landscaping.

- 7.3.1 All lines that are bored under trees within street rights-of-way, must be bored a minimum of 48 inches under the surface, to avoid the root system of the trees.
- 7.3.2 Bore pits shall be located a minimum of 24 inches outside of the drip line of the tree. The drip line is an imaginary line that extends from the tree's outer branches and leaves, directly to the ground.
- 7.3.3 Manholes shall be placed outside the drip line of the tree unless approved by the City Parks & Recreation Department.

- 7.3.4 Should work need to be performed near a tree, a temporary construction fence shall be erected 12 inches outside the drip line of the tree.
- 7.3.5 The permittee shall be responsible for any damage to public or private landscaping and sprinkler systems.

7.4 Keyhole Pothole Excavation and Backfill

GENERAL

- 7.4.1 This specification covers the requirements for keyhole coring, vacuum excavation, backfilling, and reinstatement of the keyhole core in asphalt or concrete pavements to allow for underground utility repairs and underground potholing.
- 7.4.2 Quality control field inspection and testing requirements, including frequency, shall be in accordance with Contracting Agency requirements.

DEFINITIONS

- 7.4.3 **Keyhole coring:** The operation of coring a circular hole through the roadway pavement using diamond core drilling equipment.

MATERIALS

- 7.4.4 The material and placement requirements in the pipe zone and final backfill area shall be in accordance with the Unified Government's Technical Provisions and Standard Drawings. No keyhole cores shall be drilled within 2-feet of an existing contraction, construction, or control joint. Full-depth patches shall be used in these areas.
- 7.4.5 No keyhole cores shall be drilled within the approach pavement of a bridge or box culvert structures.
- 7.4.6 Unless otherwise approved by the City's Project Manager, keyhole cores shall not be greater than 24-inches in diameter. Adjacent cores shall not be closer than 3-feet from each other (edge to edge), shall not contain a joint or any pavement cracks greater than 1/8-inch wide, and shall not be performed in pavements where the section is less than 6-inches thick.
- 7.4.7 In the event of a misaligned keyhole with the underground facility, a second overlapping core may be drilled provided there is at least 1/3 overlap and BOTH cores are drilled consecutively. This method is not applicable to existing restored cores that may be present in the surface. If the second keyhole is also misaligned, then a conventional full-depth patch will be required for restoration.
- 7.4.8 Coring shall be performed with a keyhole coring saw.

7.4.9 Soils within potholes shall be removed by air/hydro-excavation methods to expose utilities. The zone of soil removal shall remain essentially within a vertical plane extending below the edges of the removed pavement.

7.4.10 The Contractor shall remove all unsuitable materials from the site.

POTHOLE BACKFILL AND COMPACTION

7.4.11 The backfilling of each zone shall be completed in accordance with the Unified Government's Technical Provisions and Standard Drawings unless otherwise approved by the City's Project Manager.

7.4.12 In lieu of compacted soil backfill the contractor may elect to use, with City's Project Manager's approval, Flowable Fill, Coarse Aggregate, Fine Aggregate, or approved equal meeting Unified Government Specifications.

7.4.13 Pneumatic compaction equipment (pneumatic rammers or equivalent) shall be used for compaction of the backfill material. The size of the compactor shall not exceed 2/3 of the diameter of the cored keyhole.

7.4.14 Jetting or hydro-flushing of the backfill shall not be permitted. Care shall be taken to ensure that the utility is properly bedded with material of an approved density or in accordance with the Unified Government's Technical Provisions and Standard Drawings. The initial 12 inches of backfill above the top of the pipe shall be carefully placed to protect the pipe bedding from further backfilling operations. Backfill shall be mechanically compacted to a minimum density of ninety-five percent (95%) of the maximum dry density of the material as determined by AASHTO Method T-99. The moisture content of the soils shall be between two percent (2%) below and four percent (4%) above the optimum moisture content as determined by the above test in accordance with the Unified Government's Technical Provisions and Standard Drawings.

8. TRENCHLESS TECHNOLOGY

a. Boring Requirements

In using trenchless technology or boring, the following applies:

8.1.1 When crossing over or under existing public facilities or where the proposed facility will be running in the same direction as the public facilities and is within five (5) feet of the existing facilities, it shall be the responsibility of the contractor to physically locate the existing facilities by either potholing or by hand digging.

8.1.2 The contractor is responsible for the protection of all existing public and private facilities.

8.1.3 Casing pipe or Conduit shall be placed as indicated on the drawings and shall be as specified in the section entitled "Approved Materials."

- 8.1.4 Casing pipe or Conduit shall be placed to the minimum depths indicated on the drawings.
- 8.1.5 Unless otherwise required by permit, all bores shall be guided and tracked by equipment that gives continuous, accurate monitoring of the drill bit position. All guidance equipment shall be subject to the acceptance of the engineer. Auger bores are acceptable when required by permit entities.
- 8.1.6 Bore methods and procedures shall follow industry-established best practices.
- 8.1.7 Non-guided boring (such as what has been referred to as “missile” or “thumper”) shall not be permitted at any location within the corporate limits of the Unified Government.
- 8.1.8 Drill fluid, and the use of drill fluid, shall meet the requirements identified in the Unified Government’s Technical Provisions and Standard Drawings. Used drilling fluid shall be properly, immediately and legally, disposed of.
 - 8.1.8.1 The contractor shall continuously monitor boring operations for the possible frac-out of drill fluid. Any frac-out or surface uplifting shall be immediately reported to the engineer, contained, repaired and cleaned up. Any drill fluid released into waterways shall be immediately reported to the Director, contractor and permit agency governing the water. In water, the frac-out shall be contained, in accordance with the permit. Clean up shall be in accordance with the permits. Drill fluid shall not be allowed to remain in the water.
 - 8.1.8.2 The contractor shall be responsible for dewatering, diverting water, and controlling water surface runoff that would affect downstream water turbidity as required for the site conditions.
- 8.1.9 At bore locations with lengths in excess of 600 feet as indicated on the drawings, the contractor may be allowed to establish intermediate bore pits. The Director or representative shall make the determination on the acceptability of intermediate bore pits.

8.2 Backfill

Backfill and compaction of all bore pits shall follow as closely after the installation of the new facility as possible and in accordance with the Unified Government’s Technical Provisions and Standard Drawings.

- 8.2.1 The permittee shall notify the City inspector prior to the start of backfill operations.
- 8.2.2 The City may request density tests on compaction.
- 8.2.3 If the tests on the backfill do not meet the Unified Government’s Technical Provisions and Standard Drawings, the backfill shall be considered unacceptable and shall be

removed and replaced. The permittee shall bear the cost of all corrections and subsequent testing if the backfill is deemed unacceptable.

8.3 Restoration of the public right-of-way

A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed in this manual or other applicable City design and construction standards. Restoration work must be performed to the satisfaction of the Director or representative.

Restoration work to the public right-of-way must include, but is not limited to, the following:

- 8.3.1 Any trees or shrubs damaged during construction shall be referred to the City Parks and Rec. Department for determination of mitigation requirements, which will be the responsibility of the permittee.
- 8.3.2 Turf replacement shall meet the requirements of the Unified Government's Technical Provisions and Standard Drawings.
- 8.3.3 Ruts shall be removed and the topsoil shall be prepared to provide a smooth surface free of rock and gravel. Irrigation systems shall be repaired to pre-construction condition and extent.
- 8.3.4 Installation or reinstallation of all manholes and hand holes, as required by the director or representative.
- 8.3.5 Backfilling and compaction of all completed bore pits, potholes, or other holes must be performed on a daily basis, or provide proper protection as per Section 6.2 above.
- 8.3.6 All sub-grade, streets, sidewalks and alleys shall be restored as provided in the Standard Specifications.
- 8.3.7 Leveling of all trenches and disturbed areas.
- 8.3.8 Restoration of any damaged traffic control devices, including but not limited to, embedded loop detectors, pavement markings, underground conduits, and signs.
- 8.3.9 All locate flags must be removed during the cleanup process at the completion of the work.
- 8.3.10 Restoration of special street, sidewalk, or drive approach surfaces must be done so that the restoration matches the color, texture, and pattern of the surrounding special surfaces.
- 8.3.11 Restoration must be made in a timely manner. If restoration is unsatisfactory or not performed in a timely manner, then all of the permittee's work on the project

in question will be halted, no projects which have previously issued permits will be allowed to begin or continue is started and no additional permits will be issued until the restoration is completed to the satisfaction of the Director or representative.

8.4 Exceptions

The Director or their representative must approve any exceptions to these provisions.

9. MORATORIUM

Excavation within newly constructed or renovated streets will not be allowed for five (5) years after completion of street construction or renovation. Upon written request, after being reviewed by Unified Government, permission to excavate in these moratorium streets may be granted by the Director or representative, when one of the following conditions is met:

- An emergency that endangers life or property
- Interruption of essential utility service
- Service for buildings where no other reasonable means of providing service exists
- Work that is mandated by City, State or Federal legislation

In circumstances where permission to excavate is granted, excavations made in moratorium streets shall be permanently patched according to the current City specifications and may include

curb-to-curb restoration. Requests for variances must be submitted in writing to the Unified Government for review.

10. INSPECTIONS

The Unified Government, through a uniform and responsive inspection process, can assure that work in the rights-of-way is completed in accordance with current City standards and national codes for reconstruction and site restoration. The objective of the Department's inspection effort is to ensure that the City infrastructure is preserved, public safety is maintained, and that restoration- related callbacks are minimized.

a. Quality Control Inspection

10.1.1 Unified Government inspectors may serve as liaison among entities who access the public rights-of-way to advise on construction standards, to coordinate activities between permit holders, and to advise on the procedure for restoration.

10.1.2 Inspection will be provided by Unified Government inspectors and assisted by other City officials as necessary and appropriate.

10.1.3 Unified Government inspectors will inspect to ensure that all restoration shall

result in a condition equal to or better than that which existed prior to construction.

- 10.1.4 Unified Government inspectors shall inspect the restoration of the right-of-way, and shall monitor backfilling, compaction, repaving, and hazard protection.

10.2 Method of Inspection

Every ROW or FOP Permit, carries with it, the requirement that the Public Works, Right-of-Way Construction Inspector, will conduct a **minimum** of three (3) inspections. These inspections are defined as follows:

Initial Inspection – This inspection is intended to serve as a “pre-construction conference” where the inspector meets on the job site with the “Facility Owner’s” field representative and the contractor and shall be scheduled with the Right-of-Way Construction Inspector a minimum of 48 hours prior to the anticipated start of construction. Each “Initial Inspection” will review the following:

1. Discuss schedule of work.
2. Verification that all adjacent property owners have been notified.
3. Verification that all Facility Owner & contractor vehicles have proper identification information and if required, verification that signs displaying the contact information will also be placed near the job site.
4. Verification that all existing utilities have been or will be located.
5. Verification that work will be completed as per plans.
6. Verification of bore pit locations & conduit depth.
7. Review Work Zone Traffic Control – Streets.
8. Review Work Zone Traffic Control – Sidewalks/Trails (this includes review of excavation protection requirements).
9. Review requirements for the temporary and permanent restoration of “potholes” in turf areas, sidewalks, and in the street.
10. Review Street Tree protection requirements.
11. Review requirements if any permanent traffic control device is going to be temporarily removed or if any traffic control device is damaged.
12. Remind Facility Owner’s field representative and contractor that no open trench greater than 100’ will be allowed unless approved by the City Right-of-Way Construction Inspector.

Construction Inspection – Dependent upon the complexity and scale of the project, the number of “Construction Inspections” may range from a single inspection to several. These inspections may be pre-scheduled by the Facility Owner’s field representative, contractor and Right-of-Way Construction Inspector to coincide with certain phases of the project (i.e. – backfill inspection may be scheduled at the time the contractor is ready to begin backfilling a bore pit) or the Right-of-Way Construction Inspector may choose to conduct spot inspections during certain phases of the project. Items included on the “Construction Inspection” checklist will include:

1. Location of work according to plan.
2. Review of “As-built” drawings.
3. Work Zone Traffic Control (both street & sidewalk) set according to plan.
4. Review existing conditions with contractor & Facility Owner’s Representative.
5. Review and if necessary, identify equipment and material staging areas.
6. Verification of proper backfill and proper backfill techniques being used.
7. Verification that pull boxes, conduits, etc. are being installed as per City specifications.
8. Review and documentation that new facilities being installed are being installed at the proper depth.
9. Review any necessary site grading.
10. Observe and document any damage to existing pavement, other existing City or private facilities, caused by the contractor. (This includes but not limited to signs, trees, landscape materials, pavement markings, landscape furnishings)
11. Verification that any pavement that has been removed, either sidewalk or street, is being replaced as per City Standard Specifications.
12. Verification that utility pull boxes and/or manholes are being installed as per the Unified Government’s Technical Provisions and Standard Drawings.
13. Documentation of any turf damage and verification of proper turf restoration.

Final Inspection – This inspection will serve as the mechanism to begin the process to “close out” the permit and shall be scheduled with the Right-of-Way Construction Inspector by the Facility Owner’s field representative. Once the “Final Inspection” has been approved by the inspector, the Facility Owner will have thirty (30) days to submit construction “as-built” drawings to the City, utilizing the process outlined in Section 3.5 above. Each “Final Inspection” will review the following:

1. If “As-built” drawings have been completed
2. All Work Zone Traffic Control has been properly removed from the site.

3. Verification that all paved and unpaved surfaces have been restored to a condition that is equal to or better than the condition prior to construction.
4. Verification that all removed or damaged traffic control devices have been reinstalled or replaced.
5. Verification that all construction material and equipment have been removed.
6. Verification that all pull boxes and/or manholes have been installed as per the Unified Government's Technical Provisions and Standard Drawings.
7. Verification that all excavations have been properly backfilled and compacted. Inspector may require materials testing should conditions warrant.

11. FAILURE TO COMPLY

In the event any Permittee fails to comply with requirements of this section, they may be precluded from obtaining any Right-of-Way construction permit or performing any further construction within the City's Right of Way for up to twelve (12) months from the date of notification.

11.1 Work without a Permit

11.11 Non-emergency situations: Except in the case of an emergency, any person who fails to obtain all permits required under this Article before commencing any opening or excavation of a street or sidewalk is subject to immediate termination of work, and is responsible for the costs of all mitigating and restorative work required by the City.

11.12 Emergency situations: Shall be in compliance with Section 3.9 above.

11.2 Revocation of Permits

11.21 The City reserves its right, as provided herein, to revoke any permit, without refunding any fees already tendered, in the event a Permittee fails to comply with the terms and conditions of any City Code, ordinance, rule or regulation, or any condition of the permit.

11.22 If the City determines that the Permittee has failed to comply with a term or condition of any statute, ordinance, article, rule, regulation, or any condition of the permit, the City shall make a written demand upon the Permittee to remedy such failure. The demand shall state that continued failure to comply may be cause for revocation of the permit.

11.23 Within twenty-four (24) hours of receiving notification of failure to comply, the Permittee shall provide the City with an accepted plan for correction of such failure. Permittee's failure to so contact the City, or the Permittee's failure to submit or implement an acceptable plan, shall be cause for immediate revocation

of the permit.

- 11.24 If a permit is revoked, the Permittee shall reimburse the City for the City's reasonable costs, including mitigating and restorative measures and reasonable attorneys' fees incurred in connection with such revocation.

11.3 Probationary Status

- 11.3.1 Any Permittee who fails to comply with the permit conditions and who has had a permit revoked for cause shall be deemed to be on probation. The probationary period shall be in effect for one (1) year from the date that a person has been notified in writing that they are on probation.
- 11.3.2 If, while on probation, a Permittee fails to comply with any requirement of a permit, the permit automatically will be revoked, and the person will not be issued further permits for one (1) calendar year, except for emergency repairs.

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