



Right of Way Permit General Conditions

Village of Whitefish Bay

5300 North Marlborough Drive • Whitefish Bay, Wisconsin 53217 • (414) 962-6690 • Fax (414) 962-5651

Scope:

The Public has entrusted the Village Engineer to be in responsible charge of the Right of Ways and other such lands. A permit issued by the Village Engineer is therefore typically required for all activities within, below and above Right of Ways, Village Streets, Alleys, Parkways, Easements and other such Public lands which impact the safety, public interest, normal condition and/or use of such lands. Such activities include, but are not limited to, repairing or constructing, or causing to be repaired or constructed by private contract any road, sidewalk, driveway approach, curb and gutter, or other pavement; all excavations; the storage of equipment, materials and debris; all work including any modifications, improvements, repairs, removals, abandonment, etc.; any occupation, encroachment, obstruction, special use or temporary closure of said lands; excepting those cases where immediate public safety is an issue, where by notification of the Village Engineer shall take place as soon as reasonably possible. A permit is not typically required for village personell acting in the discharge of thier official duties or to any work being performed by any person or persons, firm or corporation under contract with the Village. The Village Engineer may suspend or revoke any permit at any time.

Submittals:

Permit Application

The written approval and denial of a permit is based on the professional judgment of the Village Engineer. All submitted applications will be reviewed in a timely manner, however incomplete or vague applications may take longer to process or result in requests for more detailed information from the applicant. Once you receive an approved application you may proceed as outlined in the permit.

Bond/ Deposit:

A Surety bond, check or cash deposit providing an assurance to the Village of the completion of the project to required standards is typically required (excepting certain utilities exempt by law) in the amount set forth by the Village Engineer based on the scope of the project and the current pricing schedule as approved by the Village Board. The Village Engineer may cause to use such monies to meet the permit conditions, including but not limited to, restoration of disturbed or damaged areas or items, payment for expenses incurred by the Village associated with the permit, including the review and inspection of the permit as well as any other related village costs directly associated with the permit. Such Funds or remainder thereof, will typically be returned upon satisfactory completion of all work authorized in the permit, and fulfillment of all conditions of the permit, including the guaranty period

Certificate of Insurance

The Permit Holder shall provide the Village a certificate of insurance as written evidence that the applicant and parties performing work under the permit have in force and will maintain in force during the performance of the permit, liability insurance for a sum not less than one hundred thousand dollars (\$100,000) for any one (1) person and three hundred thousand dollars (\$300,000) for any one (1) incident, and property damage insurance for a sum not less than twenty-five thousand dollars (\$25,000) issued by an insurance company authorized to do business in the State of Wisconsin.

Plans

The Permit application shall be accompanied by plans, maps, plats, photos, sketches, diagrams or similar exhibits which show any and all information necessary to locate the proposed permit area and define the permit activities. Professional certification of submittals may be required as determined by the Village Engineer. The Permit application shall be accompanied by the written order or consent to any work thereunder which may be required by law or any other public agency or body.

Material Samples / Specifications

Material samples and/or specifications shall be provided if requested by the Village Engineer.

As-Built Information

The Permit holder is required to submit As-Built Information, to standards acceptable to the Village Engineer, of any improvements or changes associated with the permitted activities. The Village Engineer may wave such requirements or impose fines associated with the failure to provide such information. Utility Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Such Records shall be available to the Village Engineer.

Safety:

Access / Emergencies

The permit holder must conduct their activities allowing uninterrupted access for emergency vehicles such as police, fire and ambulances. Access accommodations for handicap individuals or other individuals such as those with special medical needs must also be maintained. Provisions shall be made for the safety and protection of pedestrian and bicycle traffic during the construction period. Every effort shall be made on the part of the permit holder to provide reasonable access to all properties



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adjacent to his project. When a snow or ice condition exists during the progress of this work, the Contractor shall keep the area affected by the work safe for travel.

Utilities

The Permit Holder is responsible for contacting Diggers Hotline prior to the start of construction. The Permit Holder shall be responsible for the protection of all public and private utilities including those buried and overhead. Timely notice and coordination with affected agencies are the Permit Holder's responsibilities. Timely notification of Utility Damage Disturbance or interruption caused by the Permit Holder to the subject utility owner and the Village Engineer is required.

Traffic Control

A formal traffic control plan may be required which includes the use of Lighted barricades, safety fencing, detour routes, signs flaggers and other methods. The Contractor shall be responsible to furnish and erect all required signs and traffic safety devices per the current MUTCD. Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. The Contractor shall be responsible to furnish and erect all required signs and traffic safety devices. When, in the opinion of the Village Engineer, the work constitutes a hazard to traffic in any area the Contractor may be required to suspend operations during certain hours and to remove any equipment from the roadway.

Site Conditions

The permit holder is solely responsible for ensuring the safety of their activities and shall comply with all applicable federal, state, and local laws and regulations and use safety equipment such as Steel plates Steel sheeting, shoring or bracing when appropriate. If inadequate provision is made for the safety, protection and convenience of the public by the permit holder, the City Engineer may take such action as deemed necessary for the protection of the public and shall charge the permit holder for the associated costs thereof. The highway surface shall be kept clean of debris at all times and shall be thoroughly cleaned at the completion of the work.

Permit Activities:

Notice To Engineer/ Inspector

The Permit Holder shall not commence with approved permit activities until first notifying the Engineer/ Inspector at least 24 hours in advance.

Normal Permit Periods:

Normal permit activity is permitted Monday through Friday between 7 a.m. to 7 p.m. Permission to work on holidays, Saturdays, Sundays or before 7 a.m. or after 7 p.m. is required in writing from the Village Engineer. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 15th except as determined to be necessary by the Village Engineer.

Notice to Right of Way Users:

The Permit Holder shall notify other users of the right of way, such as adjacent businesses, residents, bus companies, fire department, police department, schools, churches etc, when permitted activities will close or unduly interrupt such users from right of way use. The Permit Holder, sub-contractors, and their employees and suppliers will be expected to maintain amicable relations with the general public at all times. It shall be the duty of the Permit Holder to notify all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence.

Standards

All activities shall be completed to the specifications of the Village Engineer. In General Crushed gravel shall be placed the full depth of the existing stone base or six (6) inches, whichever is greater; Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater; Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater; Backfill Material shall be vibratory compacted in three-foot lifts under any paved surface or as directed.

Damages

The Contractor will be responsible for any damage caused by its operation. Such Damages shall be reported to the subject owners as well as the Village Engineer. Permitted activities shall not interfere or modify the established drainage other than as specified by the permit. No trees shall be cut or removed under this Permit. Hand digging shall be required around roots of trees.

Restoration

The permit holder shall replace, repair, or restore damaged and disturbed areas to the same condition existing prior there to the damage, unless otherwise provided in the permit. The permit holder shall remove all obstructions, impediments, material or rubbish caused to be or placed upon the permit area and shall do any other things necessary to restore the permit area to a safe and usable condition.

Inspections



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Inspections are required at various stages of permitted activities, however the Village Engineer or designated inspector may inspect such activities at any time. Upon completion of authorized permit activities, the permit holder shall notify the Village Engineer (typically in writing) within 5 days of such completion and request an inspection. Requests to schedule an inspection by the Permit Holder must be made at least three days prior to the desired inspection date

Inspection Fees

Costs for extra inspections, overtime inspection, etc., incurred by the Village, as a direct result of permitted activities, shall be reimbursed through use of monies deposited or through direct billing.

Guarantee:

The permittee shall repair any injury or damage in any portion of the permit area, resulting from the work done under the permit which is a result of their activities, including damage to the permit area which would not have occurred had such work not been done, within the period of time (typically 1Year) required by the Village Engineer. In the event that the permittee fails to act timely or should repair or replacement be required before the permittee can be notified or can respond to notification, the city may make or cause to be made the necessary repairs or replacements or perform the necessary work and the permittee shall be charged with all the expenses incurred in the performance of said work. Any public utility, public agency, or franchisee which is authorized by law or contract to establish or maintain any works or facilities in, under, or over any subject lands shall monitor, maintain, and/or repair the subject lands or any portion of it where the public utility, public agency, or franchisee has made any excavation for the life of any works or facilities contained in or under subject lands.

Violations:

Any person performing work under the terms of a permit, who violates the terms of said permit, shall be subject to damages incurred in restoring the site to a condition compatible with the original conditions. In addition, the Village Engineer or designee shall have the authority to terminate all work until such party is in full compliance with the term of the permit and all charges are paid in full. If you are discovered occupying the public right-of-way doing work or have completed work without a permit, you may be subject to daily fines.

Agreement:

The Permit shall not be valid unless the Permit Holder agrees to the terms and conditions herein and as set forth as part of the permit by the Village Engineer as evidenced by the signature of the Permit Holder on these permit documents. The permit shall be valid only for the period specified on the approved permit. The approved permit or copy thereof shall be at the permit site at all times permitted activities are taking place and shall be shown to any village representative including police, fire and street personnel upon request. No changes may be made in the location, dimension, character, or duration or use as granted by the permit except upon written authorization of the Village Engineer. The Permit Holder shall be responsible for and must notify the Village Engineer in writing of all other persons or entities, including sub-contractors working under their permit. The Right of way Permit Holder is not exempt from obtaining other required permits such as a building permit, electrical permit, plumbing permit, demolition permit, or any other permit which may be required by law at the same location or in connection with the same activity for which the right of way permit would be issued hereunder. At any future time the Village Engineer may order the permit holder owning, controlling, or maintaining installations or encroachments to relocate, remove, or abandon the same at their sole expense unless otherwise required by law. If said permit holder fails to comply with said instructions, the Village may cause the removal, relocation, or abandonment of the encroachment at the expense of the permit holder. Any permit issued hereunder may be revoked by the Village Engineer for violation of the provisions of the permit or if the permitted activity poses an imminent threat to the public health, safety, or welfare. Nothing herein shall be construed as imposing upon the Village or any official, employee, or agent thereof any liability or responsibility for damages to any person or entity injured by the performance of any activities for which a permit is issued hereunder; nor shall the village or any official, employee, or agent 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 activities. The Permit Holder will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the permit activities. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or their employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.