

# **RULES FOR EXCAVATION IN COLE COUNTY RIGHT-OF-WAY**

December 7, 1995

## **SECTION I**

### **PURPOSE**

These regulations are enacted for the purpose of regulating the work done in the County Right-of-Way in order to protect and promote safe travel on the roads throughout Cole County.

### **AUTHORITY**

These regulations are enacted under authority vested in the County Commission of Cole County, Missouri by Section 229.100, 229.150 & 229.310 through 229.370 (RsMO. 1994). They were enacted by Court Order September 13, 1995.

### **DEFINITIONS**

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them herein.

Arterial street. A roadway that is functionally classified as carrying traffic on cross county trips. Roadways shall be so designated by the Director of Public Works.

Business hours. The hours between 8:00 AM and 4:30 PM, Monday through Friday, except County Holidays.

Director. Director of Public Works or a designated representative.

Disturbance of right-of-way. Any movement of earth, including driveways, movement of existing facility, or placement of new facility on right-of-way.

Non-business hours. All periods of time other than business hours.

Public utility. Any utility engaged in the business of selling and supplying natural gas, electricity, water, sanitary sewer, telephone, or cable television service.

Right-of-way. All land within the County dedicated or conveyed to the County for public use, or used by the public, for streets, alleys, avenues, drives, boulevards or other public ways.

Roadway. Any street, alley, avenue, drive, boulevard, or other public way within the County.

Unimproved right-of-way. Any right-of-way within the County lying outside a roadway or upon which there is no roadway.

## **SECTION II**

### **PERMIT REQUIRED WHEN.**

Except as provided in subsections (2) and (3) of this section, a person shall not disturb, excavate, or cause a disturbance or excavation to be made in any roadway or right-of-way, without first obtaining a permit from the Director.

Upon failure in the facility of any public utility, requiring immediate repair to prevent injury to persons or property or to restore essential public utility service, a public utility, upon notification of the Director during business hours may make any excavation necessary to remedy the failure, without first obtaining a permit.

A permit will not be required for installation of service lines in an unimproved right-of-way to serve new home construction prior to paving streets in a new subdivision. In such cases, the surface of the unimproved right-of-way shall be restored when the lawn is being seeded.

Once a permit has been closed, any additional work will require a new permit, and the base fee will be charged again.

### **PERMIT APPLICATION**

During normal business hours, applications for permits shall be filed with the Director

When an excavation is required in any roadway or right-of-way during non-business hours to correct a failure in any private utility or sanitary sewer service, a permit shall be applied for from the Director before 12:00 noon of the next business day.

### **PERMIT FEES, DEPOSITS, AND ISSUANCES.**

Upon receipt of an application for a permit required by the Cole County Department of Public Works, the Director shall subscribe thereon the cost of the permit from the following schedule of fees:

On the unimproved portion of any right-of-way, a flat fee of twenty-five dollars (**\$25.00**) for any excavation.

On gravel roadways a flat fee of twenty-five dollars (**\$25.00**) for any excavation.

On all other roadways a flat fee of fifty dollars (**\$50.00**) for any excavation.

The flat fee for any roadway excavation permit or for any unimproved right-of-way permit shall be

double the rates stated in paragraphs (a), (b) & 8 of this subsection if the application for permit is not made in accordance with Section II (B).

For resetting street signs a charge of \$25.00 per sign.

For repair of street signs, and other County facilities, a charge based on actual cost for materials, equipment and labor.

For completion of work not done in a timely manner, or correction of deficient work, a charge based on actual costs of materials, equipment and labor.

Except as provided in subsection (3) of this section, the applicant shall deposit the amount computed for the permit, payable to the Cole County Department of Public Works. The Director shall then issue the applicant a permit authorizing the excavation described in the application.

A public utility or any other person, at the discretion of the Director, may deposit with the Cole County Department of Public Works the sum of one thousand dollars (\$1000.00) in cash or certified check payable to the Cole County Department of Public Works and thereafter pay to him on the first day of each month the actual cost of all permits previously issued to the public utility or person for excavations which have been backfilled and completed since the first day of the preceding month. In lieu of such cash or check, a corporate surety bond may be filed with the County Clerk, to be approved by the Commission, conditioned on performance by the applicant of this subsection.

The Director shall not issue a permit to:

Any person indebted to the county for a previous permit under any provision of this article.

Any public utility failing to comply with the provisions of subsection (3) of this section.

Any person or public utility for a period of one (1) year, if the person or public utility has been guilty of two (2) or more separate violations of any of the provisions of this article within a period of twenty-four (24) consecutive months. Such period of one (1) year shall commence on the date of the second violation.

#### **DISPLAY OF PERMIT.**

Each excavation permit shall be in the possession of a person present at the excavation area during normal business hours.

#### **PERMIT RECORDS.**

The Director shall keep an accurate and complete record of all street excavation permits and index permits by road location.

## **SECTION III**

### **CONTINUITY OF WORK**

Every excavation shall be performed in a continuous operation, during normal working hours on consecutive working days on which suitable working conditions exist, from the time of initial excavation to the completion of backfilling, pavement repair, and/or seeding. The permit holder shall be responsible for the timeliness and quality of the completed work.

### **GENERAL PROCEDURES FOR PERFORMING.**

All excavations in any right-of-way in the county shall be made in the following manner:

Location of new facilities, including utility poles, to be constructed on right-of-way shall be approved by the Director prior to advertising for bids on work to be contracted. No new facilities shall be constructed under roadways, unless undue hardship is imposed by location outside the roadway. The edge of a trench for excavations paralleling curbs outside roadways shall be kept a minimum of three (3) feet outside the back of curb or backslope of ditch.

The permit holder shall notify the Director of the time the excavation is to be commenced at least two (2) hours before commencement of excavation.

For work involving closing a roadway to traffic, five (5) working days notice shall be required. The Director may require that road closings be advertised by the permit holder. If the work involved is due to a need for immediate repair or other good cause, the Director may reduce or waive the required notice. No roadway shall be closed to traffic without subsequent approval of the Director. When conditions warrant closing a street to traffic, the permit holder shall notify the Cole County Department of Public Works and Communications Division of the Jefferson City Police Department of the time the roadway will be closed and at the time the roadway is reopened to traffic. If necessary to close a road for emergency repair during non-office hours, the permit holder shall notify the Communications Division of the Jefferson City Police Department.

The permit holder shall provide, erect, and maintain such barricades, signs, flags, torches, lanterns, or lighting at the excavation area as may be required by the most recent edition of the Manual on Uniform Traffic Control Devices.

All excavations in any roadway shall conform with the following additional procedures:

The outer edges of all cuts through paved surfaces shall be sawed to a depth of not less than one-half of the pavement thickness by use of a power driven concrete saw to obtain a smooth and square cut. If an excavation is made in a roadway with a surface deficiency, the pavement removal shall be expanded to a point where a smooth straight edge can be maintained. If the contractor fails to saw the pavement, the county shall perform this operation or have this operation performed, and the cost thereof shall be charged to the contractor.

Where paved surface exists, the roadway pavement shall be removed to a minimum of six (6) inches

beyond each edge of the excavated trench except where a four (4) to six- (6) inch trenching machine is used. Where deemed necessary by the Director, a width of up to twelve (12) inches beyond either edge may be required.

In the event the entire width of a roadway is to be excavated, the excavation and backfill shall be completed within one-half of the width of the roadway prior to any excavation commencing in the remaining half of the roadway if practical as determined by the Director.

No open cuts will be permitted across paved arterial streets unless undue hardship is imposed. Previous approval from the Director must be obtained before an open cut being made across an arterial street.

In the event an excavation crosses a curb or curb and gutter, the curb or curb and gutter must be removed and replaced a minimum width of twelve (12) inches beyond the edge of the underlying excavation. If a bore under curb or curb and gutter is made and material sloughs off the embankment creating a void under the curb or curb and gutter, the entire width of curb or curb and gutter shall be removed and replaced in accordance with the above guidelines. All curb or curb and gutter to be removed and replaced shall be doweled to the existing curb or curb & gutter.

## **BACKFILLING PROCEDURES**

All excavations within any right-of-way of the county shall be backfilled in the following manner:

The permit holder shall notify the Director of the time when backfilling is to be commenced at least two (2) hours before commencement of backfilling and of the completion of backfilling.

Backfilling shall be accomplished as quickly as good working practice permits, and an excavation shall not be left open and unfilled for a longer period of time than is deemed reasonable and necessary by the Director.

Backfill of excavations in or within three (3) feet of a roadway or proposed roadway shall meet the requirements for roadway excavations.

Backfilling of excavations under paved portions of the right-of-way shall be approved crushed stone aggregate and placed in lifts not exceeding six (6) inches. Each lift shall be compacted with a flat plate tamper appropriate for the material being used before any additional material is placed in the excavation. Crushed stone aggregate shall be placed within three (3) inches of the bottom of the old pavement to be placed.

Excavations outside driveways, sidewalks, or beyond three (3) feet of a roadway shall be backfilled in a manner that will minimize settlement of the backfill. The original backfill shall be left flush with the adjacent area. It shall be the permit holder's responsibility to repair any settlement that occurs within six (6) months after placement of the original backfill. In addition, in areas that are seeded, the permit holder shall be responsible for obtaining a stand of grass equal to or better than that of the surrounding yard area.

Backfill of roadway excavations shall have the following additional requirements:

All excess materials excavated shall be removed by the permit holder from the site of the excavation area. Shot rock in compacted six (6) inch lifts may be used to stabilize the bottom of excavations. The excavation shall be backfilled with an approved crushed stone aggregate material having a maximum diameter of one (1) inch road rock.

All backfill material shall be placed in the excavation in lifts not exceeding six (6) inches. Each lift shall be compacted with a flat plate tamper appropriate for the material being used before any additional material is placed in the excavation.

Except as provided in this subsection, backfill of excavations, including the area of where additional width of pavement was removed in paved roadways, shall be topped with a minimum of eight (8) inch thickness of concrete pavement. High early strength concrete, eight (8) bags of cement and four (4) percent calcium per yard of concrete, shall be used. All concrete shall be air entrained. In bituminous pavements, the top of the concrete pavement shall be held one and one-half (1-1/2) inches below the top of the existing pavement. In portland cement pavements, the concrete shall be made flush with the adjacent pavement. The concrete shall be protected from traffic until it develops adequate strength and the asphalt surface course, if needed, is placed. Plates to protect the excavation may be obtained at the Jefferson City Public Works Department.

In bituminous pavements that are not classified as arterial, backfill of excavations that have a minimum width of ten (10) feet and a minimum length of one hundred (100) feet may be topped with asphalt base course in lieu of concrete. The asphalt base course shall be seven (7) inches in thickness, and shall meet the standard specification for asphalt base. The asphalt shall be placed in two (2) lifts by a self-propelled mechanical laydown machine. Each lift shall be compacted by a steel-wheeled vibratory roller before any additional material is placed on top of it. The top of the asphalt base shall be held one and one-half (1-1/2) inches below the top of the existing pavement.

No concrete pavement will be required over excavations in crushed stone (gravel) roadways.

## **SECTION IV**

### **MAINTENANCE AND RESURFACING**

The permit holder shall maintain the excavation until the surface is restored and the permit is closed out by the Director. This responsibility includes keeping the cut flush with the street at all times, providing barricades as needed and keeping the cut square. In addition, the permit holder shall be responsible for repair of any damage due to vandalism, accident, act of God or other means, and perform all work necessary to prevent further damage. It shall be the permit holder's responsibility to repair any settlement that occurs within six (6) months after placement of the surface.

The permit holder shall restore unimproved portions of any right-of-way with material identical

to that of the surrounding right-of-way surface.