

BOROUGH OF WHITE OAK CODE

ARTICLE 909
Street Opening Permit

- 909.01 Definitions.
- 909.02 Street opening permit.
- 909.03 Issuance of permit; bond.
- 909.04 Insurance.
- 909.05 Fees.
- 909.06 Refilling excavations.
- 909.07 Test holes.
- 909.08 One call.
- 909.09 Gutters, lights and identification.
- 909.10 Additional work.
- 909.11 Guarantee of work.
- 909.12 Specifications and regulations.
- 909.13 Enforcement.
- 909.99 Penalty.

CROSS REFERENCES

Streets generally - see S.U. & P.S. Art. 905

909.01 DEFINITIONS.

The following words and phrases, when used in this article shall have the meanings ascribed to them in this section, except on those instances where the context clearly indicates otherwise:

- (a) "Applicant" means any person who makes application for a permit.
- (b) "Borough" means the Borough of White Oak, Pa.
- (c) "Permittee" means any person who has been issued a permit and has agreed to fulfill all of the provisions of this article.

(d) "Person" means any natural person, partnership, firm, association, utility or corporation.

(e) "Street" means the entire right of way of a public street, public highway, public alley, public avenue, public road or public easement within the Borough limits, including the designated curb and sidewalk area.

(f) "Emergency" means any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires, or other breaks or defects in the user's line.

(g) "Inspection fee" means a fee paid by the permittee to the Borough to defray street opening inspection costs.

(h) "Degradation fee" means a fee paid by the permittee to the Borough, in addition to the Permit fee, to defray a percentage of the costs for resurfacing and reconstructing Borough streets resulting from the depreciation of streets associated with street openings.

(i) "Permit fee" means a fee paid by the permittee to the Borough to cover the costs of issuing, processing and filing the street opening permit.

(j) "Concrete" means soil cement, plain cement concrete or reinforced cement concrete and material contained in the base course of some Borough streets.

(k) "Department" means the public works department of the Borough of White Oak.

(l) "Work day" means normal business hours for Borough Government including Monday through Friday, except designated holidays.

(m) "Public utility" means any utility company, excluding corporate authorities of the Borough.

(n) "Calendar year" means January 1 through December 31, inclusive.

(o) "Corporate authority" means any governmental corporation initiated by Borough Council under the Municipal Authorities Act of 1945.

(p) "Sidewalk area" means that portion of the street right of way reserved for sidewalks.

(q) "Cost" means actual expenditures incurred by the Borough for labor, equipment and materials, which include all fringe benefits and overhead.

(r) "User" means the public utility, municipal corporation, municipal authority, or any other person who, or which uses a line to provide service to one or more customers.

(s) "Resurface" means a process which provides a new wearing surface in a certain paved street area, with the same material that was existing prior to excavation.

(Ord. 3583. Passed 7-19-10.)

909.02 STREET OPENING PERMIT.

(a) The opening of the surface of any public highway, road, street, lane or alley in the Borough other than by the corporate authorities of the Borough is hereby prohibited, unless a Street Opening Permit is obtained for that purpose in the manner hereinafter described. Such permit shall be granted by the Borough Manager when the person applying for such permit files an application with the Borough Manager in compliance with the provisions of this article, and pays the fee hereinafter stated. Provided, however, that nothing herein contained shall be construed to permit the issuing of a permit for the making of a tunnel under any any public highway, road, street, lane or alley in the Borough.

(b) If street openings are necessitated by emergencies, street opening permits shall be obtained on the first regular business day on which the Borough Office is open for business and such permit shall be retroactive to the date when the work was begun.

(c) A person performing street openings for an emergency shall verify the emergency nature of the circumstance in writing to the Borough Manager on the street opening application.

(d) Traffic Control shall be in accordance with the Pennsylvania Department of Transportation Publication 408, Section 901 and Publication 213, (where applicable) and shall be maintained during the entire construction operation. Any periodic lane closures within the project area shall be coordinated with and approved by the Borough Manager.

(Ord. 3583. Passed 7-19-10.)

909.03 ISSUANCE OF PERMIT; BOND.

Permits for the opening of any public highway, road, street, lane or alley in the Borough shall only be granted upon compliance with the following express provisions.

(a) A written application shall be filed for each and every opening and signed by the person desiring such permit. The application shall set forth the purpose of the opening, extent, size, location of same, date or dates and time such opening is to be permitted, and the date and time such opening shall be refilled and resurfaced in the manner hereinafter provided and shall provide that the applicant shall faithfully comply with every provision of this article. A "Street Opening" shall not remain open for a period in excess of fifteen days without a prior determination of just cause and written approval from the Borough Manager. Any applicant violating this fifteen day rule shall forfeit the bond hereinafter

described. All applications shall be accompanied by a plan or sketch showing the exact location, character and dimensions of the proposed opening for the installation of new work or the location of the alteration involving changes in the location of pipes, conduit, wires, or structures incidental thereto.

(b) Prior to the issuing of such permit, every applicant shall pay to the Borough the amount hereinafter required and for the purposes provided. No permit shall be granted to any applicant unless the applicant has paid all moneys then due the Borough for any prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from previous work done by the applicant at any other location within the Borough, under the provisions of this article.

(c) No permits shall be granted in any case until the applicant shall have executed and delivered to the Borough a bond in the amount hereinafter fixed, with good surety shall be either an approved surety or trust company or an individual who shall be the owner of real estate in Allegheny County, reasonably worth over and above all debts and encumbrances at least double the amount of such bond. The amount of the bond shall be : one thousand dollars (\$1000) for each opening equal to or less than twenty-five square yards; Additional Bond of forty dollars (\$40.00) shall be required for each square yard in excess of twenty-five; and bond shall be given up to the condition that the principal will indemnify and save harmless the Borough from any loss, damage or expense whatsoever, in any manner occasioned by or arising from the opening of any street, or work done in consequence thereof, or the manner of doing such work; and the bond shall remain in force for a period of twenty-four months after the permanent resurfacing of each opening.

(Ord. 3583. Passed 7-19-10.)

909.04 INSURANCE.

An applicant shall file a properly executed certificate of insurance with the Borough and verify that the applicant is insured against claims for personal injury as well as against claims for property damages which may arise from or out of the performance of the excavation work, whether such performance be by the applicant or by anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than one million dollars (\$1,000,000) for each person and one million dollars (\$1,000,000) for each accident and for property damages an amount not less than one million dollars (\$1,000,000). Failure of an applicant to file a certificate of insurance shall be sufficient reason for denying such permit. The applicant shall save harmless the Borough from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this article.

(Ord. 3583. Passed 7-19-10.)

909.05 FEES.

(a) A permit fee, inspection fee, and degradation fee for any public highway, road, street, lane or alley in the Borough shall be paid to the Borough prior to the issuance of the permit. The Borough shall have the right to waive fees for contractors performing work under contract with the Borough.

(b) The charges for a permit for a street opening three square yards or less shall be fifty dollars (\$200.00). The charge for a permit for a street opening of more than three square yards shall be the sum of the charge for a permit for three square yards or less and twenty dollars (\$20.00) for each additional square yard or portion thereof.

(c) The degradation fee will be paid in addition to the permit fee and will be as follows:

Rate of fee is in dollars per square yard for streets constructed, reconstructed or resurfaced within the following numbers of years prior to the issue date of the permit.

Less than 1 year =	\$40.00/sq. yd.
1 to two years =	\$30.00/sq. yd.
Three to five years =	\$20.00/sq. yd.
Over five years =	\$ 10.00/sq. yd.

The number of square yards used in the computation of fees will be based on the next highest whole square yard figure. Minimum fee will be equal to the rate for three square yards of surface disturbance or less.

(Example:) Degradation fee for street 3 years old; 10 square yards @ \$20.00 / square yard = \$200.00

(Ord. 3583. Passed 7-19-10.)

909.06 REFILLING EXCAVATIONS.

All openings shall be backfilled within the same working day the opening occurred. In special cases where the excavation must remain open for longer periods, the contractor

must secure the surface and establish traffic control in accordance with the Pennsylvania Department of Transportation Publication 408, Section 901 and Publication 213.

All openings must be resurfaced within 15 days of the Permit Issue Date or on or before determination of just cause and written approval from the Borough Manager according to the following methods:

(a) The Contractor shall provide all materials, labor, and equipment necessary to perform all backfill, and grading required for the restoration of the trench in any public highway, road, street, lane or alley in the Borough

(b) Pipe zone bedding material shall be as required by each individual utility company for their type of pipe or at a minimum as follows:

(1) Cast iron or ductile iron pipe - Crushed stone or gravel meeting the requirements of PennDOT Publication 408, Section 703.3 for select granular material (2RC) or PennDOT No. 2A aggregate.

(2) PVC Pipe - Crushed stone or gravel meeting the approval requirements of PennDOT Publication 408 (Latest Edition) for AASHTO No. 10 coarse aggregate; AASHTO No. 57 modified aggregate; No. 2B modified; or No. 2A aggregate.

(3) Cement Concrete and Reinforced Cement Concrete Pipe - Crushed stone or gravel meeting the requirements of PennDOT Publication 408 (Latest Edition) Section 703.2 for No. 2A coarse aggregate. (No slag material)

(c) Compacted backfill shall be crushed stone or gravel meeting the requirements of PennDOT Publication 408 (Latest Edition) Section 703.2 for No. 2A coarse aggregate. (No slag material) used for filling pipe trenches and all excavated areas. Compacted backfill shall also be used for replacing caved-in material, and for replacing materials excavated beyond the established limits. Compacted backfill shall be placed to the original ground surface or to the lines and grades required to establish top of sub-base in those areas to be repaved or subgrade in those areas to receive topsoil, as specified herein, or as directed by the Engineer

(d) Sub-base shall consist of the preparation of the top surface of the roadbed or ground to accommodate the placement of pavements, slabs, structures, shoulders, curbs, gutters, topsoil, etc.

(e) No frozen or excessively wet material shall be used as backfill.

(f) No slag, fly ash, or bottom ash materials shall be used for bedding, backfill, or fill materials.

(g) The road replacement section shall match that which already exists on the surrounding street or match the following minimum section description, whichever is greater, as described from the top finished surface down:

(1) 1½" - 9.5 MM SUPERPAVE WEARING COURSE

(2) 4" - 25 MM SUPERPAVE BINDER BASE COURSE

(3) PENNDOT NO. 2A COARSE AGGREGATE. (NO SLAG MATERIAL)

(h) The Contractor shall backfill excavations as promptly as work permits, but not until the completion of the following:

(1) Acceptance by the Borough Manager or Engineer of construction below finish grade

(2) Inspection, testing, approval, and recording the locations of underground utilities.

(3) Removal of concrete formwork.

(4) Removal of shoring and bracing and backfilling of voids with satisfactory materials. The Contractor shall cut off temporary sheet piling driven below the bottom of structures or utilities, or leave it in place if required by the Engineer.

(5) Removal of trash and debris.

(i) Backfilling operations shall be conducted so that permanent structures will not be disturbed and so that the lines and grades of the pipes will be maintained. Backfill shall be placed in the dry and shall not be placed on wet or frozen ground.

(j) Backfill shall be placed neither against nor on top of new concrete surfaces until the earlier condition stated below has been attained, unless otherwise directed by the Engineer.

(1) The concrete has developed at least seventy percent (70%) of the specified 28-day strength.

(2) The time elapsed since the placement of concrete is at least:

A. Walls and vertical faces - 10 days.

B. Conduit (inside forms in place) - 7 days.

C. Footings, cradles or bedding - 2 days.

(k) Backfill around structures and pipe trench backfill shall be placed in four inch (4") layers and each layer shall be compacted with approved mechanical tampers. Where the material is granular in nature, vibratory-type power tampers shall be used. The Contractor may increase the backfill placement depth if hydraulic equipment is used; however, the equipment and the placement depths must receive prior approval from the Engineer.

(l) Compacted PennDOT No. 2A Coarse Aggregate Backfill should be compacted to at least 90 percent relative density as determined by ASTM test Designation: D4253- and D4254-00.

(m) Should the engineer approve a backfill material other than the preapproved PennDOT No. 2A Coarse Aggregate, said material shall be compacted as follows:

(1) Pipe Trench - Unpaved Areas - Compaction shall be 85% of Standard Proctor.

(2) Pipe Trench - Paved Areas - Compaction shall be 95% of Standard Proctor.

(3) Pipe Trench - Road Shoulder Areas - Compaction shall be 95% of Standard Proctor.

(n) Specified compaction requirements shall not relieve the Contractor from making repairs to backfilled areas in the event of settlement.

(o) The Borough Manager or Engineer will have the right to conduct compaction tests at random throughout the work. If it is found that the compaction is unsatisfactory, the Contractor will be notified. If it is confirmed that the backfill compaction is not as specified, then the Contractor shall remove all unsatisfactory backfill and shall replace it properly at no additional cost to the Owner.

(p) Traffic control shall be in accordance with the Pennsylvania Department of Transportation Publication 408, Section 901 and Publication 213, (where applicable) and shall be maintained during the entire construction operation. Any periodic lane closures within the project area shall be coordinated with and approved by the Borough Manager. The cost of flagmen and inspectors and all traffic control required for all work on the project shall be paid by the Contractor.

(q) Pavement materials shall as follows:

(1) Superpave HMA 25.0mm Base Course - conforming to PennDOT Publication 408, Section 309.

(2) Superpave Standard and RPS HMA 9.5mm Fine Grade Wearing Course - conforming to PennDOT Publication 408, Section 409.

(3) Concrete Cement

A. Roadway Replacement - High early strength conforming to PennDOT Publication 408, Section 704.

(4) Bituminous Surface Treatment shall conform to PennDOT Publication 408, Section 480.

(5) Prime Coat - MC-30 or MC-70 conforming to PennDOT Publication 408, Section 461.

(6) Tack Coat - E-1 Emulsified Asphalt conforming to PennDOT Publication 408, Section 460.

(7) Joint Sealer - shall conform to PennDOT Publication 408, Section 401.3(j)(3).

(8) 2A aggregate shall be as specified in PennDOT Publication 408, Section 703.2.

(9) Geotextile, Class 4 - shall be in accordance with PennDOT Publication 408, Section 735.
(Ord. 3583. Passed 7-19-10.)

(r) Pavement restoration shall be to the lines and grades that existed prior to the work and made after proper backfill of the excavated area as follows:

(1) Superpave HMA 25.0mm Base Course shall be applied as per PennDOT Publication 408, Section 309. Depth shall match that which already exists surrounding the excavation or four-inch (4") thickness, whichever is greater.

(2) Cement Concrete Sidewalks and other concrete paved areas shall be a minimum four-inch (4") thickness with a four-inch (4") 2B aggregate base.

(3) The existing wearing surface shall be milled from five (5) feet behind and five (5) feet ahead of the area excavated and from the edge of the existing roadway to the centerline of the existing lane excavated. If the excavation extends across the centerline of the existing roadway, then restoration shall be from edge of pavement to edge of pavement of the existing roadway and shall be milled to a depth of one and one half-inches (1½") with a skewed paving notch. This area shall then be thoroughly cleaned and debris removed.

(4) Superpave Standard and RPS HMA 9.5mm Fine Grade Wearing Course (if required) shall be applied as per Penn DOT Publication 408, Section 409. Depth shall be at a minimum of one and one-half inch (1½") thickness, or greater to match the lines and grades that existed prior to the work.

(Ord. 3610. Passed 6-20-11.)

(s) Pavement restoration shall be to the lines and grades that existed prior to the work and as follows:

(1) Prior to restoration, the existing pavement edge shall be cut or sawed in a neat straight line to the bottom elevation of the existing sub-base. Drilling will not be permitted. All existing pavement damaged by the work shall be removed and replaced.

(2) Superpave Standard and RPS HMA 9.5mm Fine Grade Wearing Course (if required) shall be applied as per PennDOT Publication 408, Section 409.

(3) Superpave HMA 25.0mm Base Course shall be applied as per PennDOT Publication 408, Section 309.

(4) Cement Concrete Sidewalks and other concrete paved areas shall be a minimum four-inch (4") thickness with a four-inch (4") 2B aggregate base.

(t) Conditioning Existing Surfaces

(1) The Contractor shall apply the prime coat on absorbent, non-bituminous base or subbase.

(2) The Contractor shall apply the tack coat on the edges of the existing pavement for bonding with new Superpave.

(u) Sealing of Joints.

(1) After the Superpave Standard and RPS HMA 9.5mm Fine Grade Wearing Course has been placed and compacted flush with the existing adjacent pavement, the joint between the new and existing pavement shall be sealed with a joint sealer placed in a minimum

four-inch (4") strip (maximum six-inch (6") width) and sprinkled with sand to prevent pickup by traffic.

(2) The joint between new concrete paving and old concrete shall be sealed by constructing a sealant reservoir, one-half inch ($\frac{1}{2}$ ") wide and one-half inch ($\frac{1}{2}$ ") deep along the joint by sawing, forming, or tooling. The reservoir shall be sealed with joint sealing material meeting the requirements of PennDOT Publication 408, Section 705.4(b).

(Ord. 3583. Passed 7-19-10.)

909.07 TEST HOLES.

A street opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation may interfere with any water pipes, sewers, or drains of the Borough, or any other underground utility service. Test holes shall be promptly backfilled in accordance with provisions set in Section 909.06.

(Ord. 3583. Passed 7-19-10.)

909.08 ONE CALL.

It is the responsibility of each and every contractor to register the proposed excavation by registering with the "Pennsylvania One Call" System.

(Ord. 3583. Passed 7-19-10.)

909.09 GUTTERS, LIGHTS AND IDENTIFICATION.

(a) All gutters shall be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed on them sufficient lights and barricades to identify them from all directions during the day and after dark.

(b) If for safety purposes, the Borough deems it necessary to install additional warning devices such as lights, barricades or signs, the permittee shall be notified of the decision and shall receive instructions on the installation. In case of emergencies the Borough may install all additional warning devices deemed necessary. The Borough shall invoice the

permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices of their own.

(c) If the permittee fails to install such devices, the Borough shall invoice the permittee for rentals and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.

(Ord. 3583. Passed 7-19-10.)

909.10 ADDITIONAL WORK.

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original application. If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the Borough Manager for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next business day. Fee amounts as specified in this article shall be followed for any subsequent fees associated with the supplementary applications.

(Ord. 3583. Passed 7-19-10.)

909.11 GUARANTEE OF WORK.

The permittee shall guarantee and maintain his work for a period of twenty-four months from the completion of the restoration and replacement work, Upon notification from the Borough of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five working days of receipt of the notification. The Borough shall determine the extent of restoration required and method of correction. Any and all work not completed within this five day period may be completed by the Borough at the discretion of the Borough Manager. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work. Payment not made within thirty days of the invoice date will be chargeable against the posted bond including all fees involved in the collection of this payment.

(Ord. 3583. Passed 7-19-10.)

909.12 SPECIFICATIONS AND REGULATIONS.

The Borough Manager with the assistance of the Borough Engineer shall have the right from time to time to promulgate and issue specifications and regulations covering the work provided for in this article.

(Ord. 3583. Passed 7-19-10.)

909.13 ENFORCEMENT.

The Borough Manager or his representative shall have the right to inspect and supervise all work done under street opening permits and shall see that all terms and provisions of this article are enforced and shall have the power and is hereby directed to prosecute every person who violates any of the provisions herein.

(Ord. 3583. Passed 7-19-10.)

909.99 PENALTY.

(a) Any person violating any provision of this article shall be subject to a fine of one thousand five hundred dollars (\$1,500.00) for each and every offense together with costs and in default of the payment of the fine or penalty imposed and costs the defendant may be sentenced and imprisoned for a period not to exceed thirty (30) days. Each failure to obtain a permit to comply with any requirements of this article and each and every day during which such violation shall continue shall constitute a separate offense.

(b) The Borough reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this article. This provision in no way shall prohibit or limit the right of the Borough to bring legal action against the permittee.

(Ord. 3583. Passed 7-19-10; Ord. 3610. Passed 6-20-11.)