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## TOWN OF MARBLEHEAD

### DEPARTMENT OF PUBLIC WORKS

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## **STREET, WAY OR SIDEWALK OPENING PERMIT PROCESS**

Rev. 10/20/2022

All Contractors shall adhere to the Marblehead Street Opening Permit procedures called out in this document. Failure to do so will be considered a breach of contract and the Town of Marblehead reserves the right to use all means at its disposal to expedite the proper remedy, including but not limited to: 1. Contracting with other persons to make proper repairs and billing all related costs to the Contractor and/or bonding company; and 2. restricting said party from performing work within a Town right-of-way for up to 1 year.

If there are any questions, please contact the Marblehead DPW by calling 781-631-1750.

### **Town of Marblehead Contacts**

**Marblehead Police** 781-631-1212

**Marblehead Fire** 781-631-0142

A permit is issued with the understanding that the following rules will be adhered to by the contractor. Failure to comply with any of these rules, except with the approval of the Department of Public Works, may result in:

1. A suspension of the issuance of any future permits until the work is completed and satisfaction on the excavation for which the permit was issued,
2. The Costs of any and all inspections are chargeable to the contractor and/or bonding company; or
3. One (1) year restriction from working within a public right-of-way.

Waivers may be granted at the sole discretion of the DPW Director if it is determined that it is in the best interest of the Town to do so and that doing so will not result in substantial deviation from the intent of these regulations.

## **ANNUAL PAVEMENT PLAN REVIEW REQUIREMENT**

All Public Utility organizations and any companies that average 5 or more street opening permits per year are required to check with the Marblehead DPW Director to review forecasted street work within the Town. This must occur no later than February 1<sup>st</sup> of each year and failure to do so may result in removal from the Authorized Excavator License list and, consequently, ineligibility for the issuance of Street Opening Permits until remedied. This is to avoid conflicts between the paving plan of the Town and the scheduled work of the Utility and/or Company.

# **Marblehead Street, Way or Sidewalk Opening Permit Information**

## **I. PERMITS**

**Permits Required** - All work to be done in any street, way, or sidewalk requires a street opening permit which must be obtained from the Department of Public Works and is only to be issued to licensed excavators only. No permit will be issued between November 30 and April 1 except by special permission of the Director of Public Works. **Note:** Projects related to work associated with water and sewer, electrical, etc., may require additional permitting and/or coordination.

**Permitting Fee** - A Street Opening/Sidewalk/Curb Cut Permit Fee of \$125/\$75/\$75 payable to the Town of Marblehead is required to obtain an associated permit. Each permit requires its own individual fee. Permits are valid for one (1) month from the date the permit is issued. Permits are void after that period. An additional permit must then be issued to continue work.

**The Excavator's License is an annual license.** All Excavators must be licensed to work on public areas. Contractors are responsible for renewing their license. All Excavators' licenses expire on December 31. *(Excavator Application Attached)*

The same procedure outlined above is also applicable to repairs of existing building sewer lines and underground utilities. In the event it becomes necessary to do repair work on the weekend or holiday, the contractor/utility company shall notify the Department of Public Works at the earliest opportunity, but with at least 24 hour advance notice, and shall obtain the required permit(s) as soon as possible.

## **II. WORK REGULATIONS**

- a.* All work shall be performed between the hours of 7:00am to 4:00pm Monday through Friday only, except in the case of an emergency.
- b.* An Emergency is defined as any unforeseen combination of circumstances or resulting state deemed hazardous to public health and safety and requires immediate action. (Example: Grade 1 gas leak).
- c.* Failure to obtain a permit prior to breaking ground shall result in double permit fee. Repeat violations (3 or more) may result in a prohibition from working within any Town right-of-way for up to one (1) year.
- d.* The amount of the cash bond required shall be increased by the Department of Public Works if the proposed excavation is in excess of one hundred fifty (150) feet.

## **III. SAFETY REGULATIONS**

- a.* Throughout the duration of work, the contractor must maintain adequate safeguards at the work site. This includes, when necessary, police protection. If it is necessary to close a street or to obstruct more than one lane of traffic, police and fire departments must also be notified. If the excavation is to be left overnight, the area involved must be properly covered, hosed, signed, and lit with flashing beacons.

- b. Uniformed police shall be present to maintain roadway traffic whenever deemed necessary by the Police Department. Police Department detail arrangements shall be placed directly by the entity granted the permit at no cost to the Town.
- c. Police detail scheduling shall require a **48 hour notice** and must be in place before start of work, except in case of emergencies. The Police Dept. will require that a copy of the completed Street Opening Permit application be submitted with any detail request.

#### IV. EXCAVATION SPECIFICATIONS

- a. A Trench and Excavator Specification detail sheet is provided as “**Attachment A**” to this Application Packet. *(see attached)*

#### V. OBTAINING A STREET OPENING PERMIT – REQUIREMENTS

- a. **Excavator’s License Required** - Contractors must be on the list of licensed excavators in Marblehead. To qualify for the Excavator’s License, an applicant must complete an Excavator’s Licensing Application (See Attached) and submit it to the Town of Marblehead Department of Public Works.
- b. **Certificate of Insurance** naming the Town of Marblehead as an additional party insured, with a combined single limit of \$1,000,000 commercial general liability insurance. Additionally, XCU coverage and worker’s compensation must be included and listed on the insurance certificate. The insurance presented to the Town must be current. Contractors are responsible for keeping the Town informed of policy changes or renewals. Certificates of insurance are to be presented to the Town upon license renewal. Failure to do so could result in denial of licensure.
- c. **Bonding** – All utility organizations and any companies that average 5 or more street opening permits per year, are required to post a standing bond and to renew it annually. Applicants must provide documentation showing proof of bond. There is a \$2,000 minimum bond required for any project.
- d. **Dig Safe**-The applicant must present a valid Dig Safe number at time of application.

#### VI. MISCELLANEOUS CONSIDERATIONS

- a. **Performance Deposit** - The applicant MUST SUBMIT A CHECK payable to the Town of Marblehead FOR \$1000.00 OR \$10.00 PER LINEAR FOOT OF TRENCH, whichever is greater for each opening. Upon completion of the work and proper patching, the full deposit will be released, subject to approval of the DPW. This requirement may be waived by DPW Director for companies or utilities that carry an annual bond which can be used in lieu of a performance deposit.
- b. **Trench Liability Contract** - A Trench Liability Contract must be executed and submitted by the applicant, assuming responsibility for the trench for 1 year after the finish date of the project. With the signing of this document, the applicant takes all financial responsibility for any and all repairs necessary to the trench or surrounding work areas for 1 year. *(see attached)*

**c. Variable Cost Related to Road Condition –**

- i. Marblehead Department of Public Works has a 5 year moratorium, defined as a legally authorized period of delay, on any new road. There is a 1 year moratorium on all trenches.
- ii. Excavation in a moratorium road, or excavation in a street with a RSR (Road Surface Rating) of 85 through 100, as designated by the Town of Marblehead Pavement Maintenance System, will be subject to a mandatory surcharge using the following fee schedule:

**Road Surface Age: RSR: Associated Fee**

0-12 Months Old	100-98	\$5000
13-24 Months Old	97-95	\$4000
25-36 Months Old	94-92	\$3000
37-48 Months Old	91-89	\$2000
49-60 Months Old	88-85	\$1000
60 Months or Older		Standard Permit Fee

The greater amount shall be applied in all cases. For example, a road that is 13-24 months old with a RSR of 97-95 shall be subject to a \$4000 surcharge.