



**Town of Framingham  
Board of Selectmen**

## **Policy on Street Opening Permits**

**Issue date: August 7, 2007**

**Type of policy: New ( x )    Amendment ( )**

**Effective date: August 8, 2007**

**Level: Department ( )    Division ( )    Town Wide ( x )**

### **Policy Statement**

This policy sets forth the procedures for excavating or obstructing the public right of way (street, sidewalk and tree lawn). This policy has been created to regulate the use of Town right of ways in the interest of public safety, convenience and the operation and protection of the public works infrastructure. It is intended to prevent recurring, dangerous and annoying interruptions to traffic and pedestrians, to avoid conflicts with other road construction projects and to provide a uniform standard of construction for work within public right of ways.

The Director of Public Works (Director) is the principle Town official to oversee and enforce this policy. As such, the Director will be responsible for issuing street opening permits and for the administration of the street opening permit program. The Director may delegate any and all duties hereunder.

### **References**

Town of Framingham Bylaws, Article VI, Section 7. Obstructions of Public Ways  
M.G.L. Chapter 82A. Excavation and Trench Safety

### **Special Terms**

- 1) Applicant - person assuming responsibility for the work. Only the name appearing on the Certificate of Insurance under "insured" will be considered to be the applicant.

- 2) Barricade - device or structure used to prevent access to a specific area.
- 3) CDF - Controlled Density Fill, controlled manufactured backfill material.
- 4) Curb line - the boundary line on either side of a roadway or paved portion of a street.
- 5) Dig Safe – “Underground Protection of Facilities Act” commonly known in the state of Massachusetts as the Dig Safe Law (1-888-344-7233). Any excavation undertaken or authorized by this policy shall comply with all requirements of the M.G.L. (Massachusetts General Laws) c 81 Section 21 and c 82, Section 40.
- 6) Director - Director of Public Works of the Town of Framingham, or his designee.
- 7) DPW – Department of Public Works.
- 8) Emergency – an event that may threaten public health or safety, including but not limited to, third party damaged or mechanical failure resulting in water or gas facility systems leaking, damaged/plugged or leaking sewer or storm drain facility systems, damage resulting in customer service outage to underground electrical and communication facility systems or downed overhead pole structures.
- 9) Encroach - to intrude upon, above or beneath any public ways.
- 10) Excavation - to dig into or in any way remove, physically disturb or penetrate any part of a Town right of way (paved, grassed or other).
- 11) New Applicant –an applicant who has never obtained a Street Opening Permit (SOP) in the Town of Framingham.
- 12) Obstruction - use of any portion of a Town right of way to place material, equipment, or other physical obstruction for any type of project or matter.
- 13) Permittee - an applicant who has been issued a valid Street Opening Permit in accordance with this Policy.
- 14) Person - any person, association, corporation, partnership, company, sole proprietorship, political subdivision, public or private agency, utility, or any other legal entity.
- 15) Public Utility – a public utility entity as defined in current or amended M.G.L. (c 160 RR, 164 E&G, 165 W, 166 T, and others) includes non-regulated activities of such a utility entity.
- 16) Public Way - a street accepted and maintained as such by the Town of Framingham.
- 17) Roadway - that portion of a street improved, designed, or ordinarily used for vehicular traffic.

- 18) Sidewalk - that paved portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.
- 19) Street - the entire width between the boundary lines of every public way.
- 20) Street Line - the boundary line on either side of a street.
- 21) Street Opening Permit (SOP) – a required document that must be obtained by a person before any excavation, occupancy or obstruction work in any Town right of way.
- 22) Substructure – any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, utility system appurtenance, or other similar structures located below the ground surface.
- 23) Tree Lawn - that unpaved portion (normally grassed) of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines.
- 24) Town – the Town of Framingham.
- 25) Town Construction Contract - a Town project being constructed under the direction of Public Works Department.
- 26) Town or public right of way (ROW) - any public street line (*full property limits including applicable shoulder area beyond paved road edge*), way, alley, sidewalk, square, plaza, or any other similar public right of way.

## **Policy Description**

### **I. Application & Fees**

#### **A) Street Opening Permit Application Requirements**

**An approved street opening permit (SOP) must be obtained prior to any excavation, occupancy or obstruction within the Town right of way.**

Examples of work that would require a permit of this type include, but are not limited to, utility installation and repair, curbing and sidewalk repair, installation of a new or replacement of a driveway, bridge work, pole/boring/well or guard rail/fence installation, crosswalk/painting, signs, obstructions such as placement of dumpsters or job requirements calling for a work zone within Town right of way.

Permits must be kept at the project site during the progress of the excavation and must be shown upon request to any authorized Town personnel (Inspector, Supervisor, Manager or Director).

Requests for SOPs shall be made on application forms provided by the Town of Framingham, DPW Engineering Division office located at 100 Western Avenue or from the Town website

[www.FraminghamMA.gov](http://www.FraminghamMA.gov). SOP program administration information is available by contacting the DPW at: (508) 532-6022 or (508) 532-6010 voice and (508) 424-3428 Fax.

For the Town to process a SOP request, the Applicant will be required to submit a completed SOP Application, detail design drawing, and application fee payable in cash or check only. The SOP Application will be routed for review approval to ensure proper inter-agency coordination, safety, and design/restoration conditions for the proposed permit work. The approval routing path will include at a minimum DPW, Engineering, Fire and Police. Permits will be issued by the DPW Director or his/her designee.

**If the SOP form or required documents are incomplete, the Application will not be processed.**

Also, the Applicant agrees to upon acceptance of the granted SOP permit:

- Maintain a valid and current Dig Safe permit.
- Provide the Town with 48 hours written notice prior to the start of the project (only emergency work is exempt from this requirement).
- Maintain the required insurance coverage.
- Indemnify and hold harmless the Town of Framingham from any and all legal issues that may result from their negligence to honor their Insurance obligations or for any liabilities that may result from the work performed under this permit.
- Comply with all conditions and work instructions of the Permit and as directed by the Town of Framingham Inspector.
- Maintain orderly site conditions so the street(s) remain passable for emergency vehicles.
- Have the approved Permit on-site and available for viewing at all times.

The standard work period coverage of a SOP is for 30 days from the date of issue. For large projects (installations spanning hundreds of feet or requiring special schedule sequencing) provisions can be made to accommodate these cases based on work period coverage granted in increments of 60, 90, etc. days.

**B) Fee Schedule**

Fee payment shall be made at the time of the application submittal (payable in cash or check only). The fee is nonrefundable.

Surface cuts up to 100 SF	\$ 75.00
Surface cuts greater than 100 SF	\$ 150.00
Borings up to 3 locations	\$ 75.00
Borings greater than 3 locations	\$ 150.00
Street or sidewalk obstructions	\$ 50.00
Permit renewal (as required beyond elapsed 30 day period)	\$ 50.00

**C) Special or Related SOP Processing Requirements (Governed by type and/or size of work)**

- 1) **Public Way Access Permit (PWAP)** - A PWAP Permit is required for a new driveway or modifications to an existing driveway. If applicable, this approval must be secured prior to processing a SOP. Refer to Town of Framingham General Bylaw Section 8, Public Way Access Permit.
- 2) **Grant of Location** - A Grant of Location is required for any proposed utility to be located within the ROW that will be owned by an entity other than the Town of Framingham (electric, gas, telecom, cable, etc.). This approval must be secured prior to processing a SOP. Refer to MGL Chapter 166, Section 22.
- 3) **Water, Sewer and/or Drainage Projects** - For any project requiring the opening of a street or sidewalk for the purposes of performing modifications or new additions to water, sewer and/or drainage infrastructure, the Applicant **must** prior to requesting a SOP, submit an engineered plan to the DPW for review and approval.
- 4) **Drainlayers License** - All persons and/or companies that plan to install or modify water, sewer, and drain infrastructure (exterior to a structure) in the Town of Framingham must first obtain a Drainlayers License. All Drainlayer applicants shall be required to deliver to the Department of Public Works Administration Office (150 Concord St, 2<sup>nd</sup> floor Room 213) insurance certificate under which the Town shall be named as an insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts.
- 5) **Insurance and Bond Coverage** - The Applicant with the SOP application submittal and the acceptance of the SOP Permit assumes and accepts the full insurance terms and responsibilities specified under the Town of Framingham SOP Policy. To that end, the Applicant has agreed to indemnify and hold harmless the Town of Framingham and all its officers and employees from any and all liabilities arising for work performed or related to an obtained permit.

The Permit holder assumes full responsibility and an obligation with the acceptance of the SOP permit **to be properly insured** by a major insurance carrier licensed to operate in the Commonwealth of Massachusetts have **active insurance coverage in place, at a minimum to include:**

- Workmen’s Compensation
- General/Public Liability
- Property Damage
- Automobile Liability
- Umbrella

Depending on the nature or frequency or size of the Street or Sidewalk work, the Applicant will be required to provide the Town with a Bond in the type of either an individual project Trench Bond or an Annual Blanket Bond. The type and amount of the Bond will be established by the Director of Public Works or his/her designee. The Bond coverage shall be enforced/held by the Town through the guarantee period. The release of

the Bond coverage will be subject to a site inspection to ensure the restoration work performed under the SOP permit is free of any defects or surface failures.

**II. Insurance and Bond Coverage**

A) Insurance Coverage

The applicant understands and agrees with the acceptance of an Approved Street Opening Permit (SOP) to indemnify and hold harmless the Town of Framingham and all its officers and employees from any and all liability arising for work performed or related to the obtained permit. The applicant further, understands that the SOP Policy shall not be construed as imposing on the Town of Framingham any legal responsibility for any person injured or property damaged that may result from any SOP permit work.

The Permit holder therefore understands with the acceptance of the SOP permit that they are **fully responsible to be properly insured** by a major insurance carrier licensed to operate in the Commonwealth of Massachusetts. The **Applicant has the responsibility and obligation to have active insurance coverage in place, at a minimum as identified below, and**

To have all policies provide under the Certificates wording to the effect that carriers will "endeavor to provide the Applicant 15 day’s notice, by registered mail, of cancellation, or renewal awareness, or material change”. Again, the Applicant with the SOP application submittal and the acceptance of the SOP Permit assumes and accepts the full insurance terms and responsibilities specified under the Town of Framingham SOP Policy. To that end the Applicant has agreed to indemnify and hold harmless the Town of Framingham from any and all legal issues that may result from their negligence to honor their Insurance obligations

<b>WORKERS’ COMPENSATION</b> (in accordance with provisions of M.G.L. Chapter 152)	
Statutory State – Massachusetts	\$100,000 each accident \$500,000 bodily injury by disease (policy limit) \$100,000 bodily injury by disease (each employee)
<b>GENERAL LIABILITY</b>	
Comprehensive Form Premises Operation Owners & Contractors Protective Explosion, Collapse, and Underground Broad Form Comprehensive Gen Liability Cross Liability and Personal Injury	\$1,000,000 each occurrence \$2,000,000 aggregated
<b>AUTOMOBILE LIABILITY</b>	
All Owned Vehicles All Employer Non-Owned Vehicles All Leased Vehicles	\$1,000,000 bodily injury & property damage combined
<b>UMBRELLA</b>	

Limit of Liability	\$2,000,000 (minimum) occurrence \$2,000,000 aggregate
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Exemptions to filing insurance endorsement are made only to other governmental agencies of State and Federal level, and public utility companies.

B) Bond Coverage

Exemptions to requiring a Bond may only be made to other governmental agencies of state and federal level or public utility companies.

At the discretion of the Director of Public Works or his/her designee, an individual project Trench Bond or an Annual Blanket Bond, hereafter referenced as “**Bond**”, will as established by the Town be required in one of the following types described below.

If requested, a Bond **must be received** by the Town before a Street Opening Permit can be issued.

As such, SOP applicants should be aware of these requirements and accordingly plan as part of their application submittal allotted time to produce and deliver such items.

The requirement to secure a Bond is part of the SOP Policy and is being made so that the Town of Framingham will be protected against loss in the event of failure of the permit holder to complete the work or make required repairs or restoration of damage involving the work or encroachment authorized by the permit.

Depending on the nature, volume, extent of work, or prior performance history the Director of Public Works or his/her designee, may elect to require certain Bond amounts **above the minimum standards** noted below. The Bond type requested for these cases will be as established by the Town in the form of either a Paper Certificate issued by a Surety company licensed to do business in Massachusetts or a Cash deposit (check payable to the Town of Framingham).

<b>Trench Bond <u>minimum standard</u></b>	<b>Amount</b>
Street/Sidewalk Opening	\$ 5,000
Sidewalk Only Opening	\$ 1,000
Sidewalk Associated with Driveway Construction	\$ 500
Poles, Borings, or Wells	\$ 500

<b>Annual Blanket Bond minimum standard</b>	<b>Amount</b>
Street/Sidewalk Opening	\$ 25,000
Sidewalk Opening or Sidewalk Work Associated with Driveway Installs	\$ 10,000
Poles, Borings, or Wells	\$ 5,000

The **applicant understands and agrees with the acceptance of an Approved Street Opening Permit (SOP)**, that the Town, has the right to use any portion or all of the Bond amount to remedy and resolve any Temporary or Permanent restoration work that the Permit holder either left unfinished or defective (settlement or cracks) or any damage caused resulting from their work, in which they fail to respond to a Town request to complete said repairs. Should the Permit holder **NOT ACT** to perform the Town directed repair request within normal 24 hour notification or for cases that may jeopardize public safety a quicker specified time, the Town will move to complete the work itself and as such will execute its right to draw on the Bond to pay for this work.

The Town reserves the right to seek immediate and direct compensation recovery from said party if the Town performs repairs they deem urgent regardless of whether a Bond has been deposited. The Town reserves the right to withhold future SOPs until compensation for repairs performed by Town has been received.

The Bond shall be released to the permit holder upon the expiration of the guarantee period. The Town shall enforce the guarantee period until the completion and acceptance of the **permanent** SOP restoration work. The temporary paving phase **must be completed and be free of any defects for a minimum of 120 days before** the Permittee can proceed with the **permanent** phase restoration work. The **permanent** restoration installation work will then be inspected 120 days following and if found to be defect free the Town will accept and close the guarantee period. However, in the event Defects are identified during the guarantee period then the restoration will be corrected and the guarantee period appropriately extended to ensure no repeat defects result. No permanent restoration installation work will be allowed between the window of November 16<sup>th</sup> thru March 31<sup>st</sup>. **During the guarantee period the permit holder shall be responsible for the restoration, repair, and maintenance of its work.** The Director of Public Works shall be authorized to draw upon the Bond account as may be necessary to cover the costs to the Town, including administrative costs, to perform work which **a Permittee has not satisfactorily performed or maintained.** The Director shall be authorized to draw upon the Bond account in accordance with the notice policy specified above.

The Permit holder should carefully review and clearly understand the above Town of Framingham Bond Restoration Policy. The Permit holder with the acceptance of a SOP should be unmistakably aware that they are the responsible party for the work and that any failure on their part to properly complete/perform the restoration work (**FTP - FAILURE TO PERFORM**) including any damage caused from their work or to resolve any restoration defects during the guarantee period, within the timeframe the Town requires, **may result in the Town taking action to draw on their Bond to remedy any FTP case.** The Town reserves the right to

withhold future SOPs until compensation for repairs performed by Town has been received. Any SOP Permit holder who fails to comply with the Bond Restoration Policy further understands that they waive all ability to challenge any recourse to **recover Bond money used by the Town for these cases** including any dollars for legal or other challenges, **NO EXCEPTIONS OR POSITION WILL BE MADE BY THE TOWN REGARDING THE BOND POLICY.**

### **III. General Conditions**

#### **A) Permit Required**

No person shall cut any street or sidewalk or perform excavation in any public way without first obtaining an SOP permit to do so from the Department of Public Works, except as otherwise provided in these regulations. Prior to any cut and/or excavation in the public way the Permittee MUST notify the Town in writing at least 48 hours prior to the start of work.

Permits must be kept at the project site during the progress of the excavation and must be shown upon request to any authorized Town personnel. Failure to show the permit may result in the immediate cessation of work (a minimum of a day) and no new permits will be processed or issued until this Violation is resolved. Also, if this is not the first violation of this type issued to said Permittee or if they have been cited for poor work/restoration performance issues, then the Town may place impose tighter work restrictions.

No Street Occupancy Permit shall be issued between November 15<sup>th</sup> and April 1<sup>st</sup>, except in cases of emergencies or as deemed urgent and justified as determined by the Director of Public Works. The standard Permit work days/hours are Monday thru Friday 7:30 AM to 4:30 PM. The Town will upon request review exceptions to the above, to accommodate large projects or traffic sensitive cases with extended working window limits (Saturday/Sunday, and off hours 7PM to 5AM). However, an Applicant seeking such a request must provide sufficient justification, condition details and advance notification (minimum 15 calendar days prior to target start date) so the Town can adequately evaluate and issue a decision regarding special work window limits.

The Town may act to impose special work hours if in its judgment for, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed under tighter or more aggressive conditions. Further, the use of limited steel plates (minimum thickness 1” or greater) only for very special work cases (i.e. to allow flow fill to cure) must be justified by the Permittee and approved by the Town in advance. The Director of Public Works shall have full power to specify any of the above requirements and to include these conditions under the approved permit.

#### **B) Revocation of Permits and Violations**

The Town may at any time cancel or suspend Permits. Failure to provide the Town with advance 48 hour written notice prior to the start of work or comply with any provisions of the SOP Policy may result in the cancellation of the permit and the Town issuing a Violation notice to the Permittee.

In conjunction with the above any person or utility failing to comply with any provision of this Policy shall be served by the DPW with a violation notice (verbal or written) and provided reasonable time limit for the necessary corrective actions. Such persons or utility shall, within the period of time given in such notice, permanently **cease all work (Minimum 1 day) and correct all failures or violations.**

In order to ensure public safety, the DPW and/or Police and/or Fire shall have the right to verbally notify and require immediate corrective actions of any person or utility whose failure to comply with this Policy could cause safety hazards. Any person or utility who shall continue any failure or violation beyond the time limit required for compliance in any notice given will not be issued any further permits until all items are resolved.

Further, any person or utility violating any of the provisions of this Policy shall be liable to the Town for any expenses, loss, or damage occasioned by the Town by reason of such violation. The Town may seek injunctive relief for the purposes of enforcing this Policy or the rules. Any permittee or party who continues to violate any section of this Policy and fails to correct violations in a timely manner shall receive **NO FURTHER PERMITS** or impose tighter work restrictions, and will be **invoiced for permanent repairs** until such time as the Town is satisfied that the Permittee or party shall have corrected all violations in compliance with the terms of this Policy or conditions of the issued Permit.

#### C) Start of Work

Failure to start work by Permit expiration date shall cause the permit to become null and void. A renewal application request, renewal fee and 48 hour written notice must be made by the Permittee before any restart of work. All required work shall be completed in a manner satisfactory to the Town before the expiration date recorded under the Approved and issued Permit, except in cases for temporary follow-up restoration repairs, permanent or follow-up restoration, and any Town specified items such as loam and seeding to accommodate seasonal conditions.

#### D) Emergency Action

Nothing in these rules shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall:

1. Notify the Department of Public Works (DPW), the Police Department and the Fire Department at the start of the emergency work
2. Apply to the DPW for an SOP Permit **no later than 5 business day** after such work is commenced

#### E) Routing and Protection of Traffic

The Permittee shall take appropriate measures to assure that during the performance of the excavation, so far as is practicable, normal traffic conditions shall be maintained at all times. These measures should cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Chief of Police may permit the closing of streets and walks to all traffic for a period of time prescribed by him if in his opinion, it is necessary. If traffic conditions warrant, the Permittee shall arrange and pay for a police detail for adequate traffic control. When the Chief of Police deems it necessary, the Permittee shall engage a police officer(s) at the permittee's cost, to maintain traffic control and public safety of a project located within critical work areas. The use of a police officer(s) does not eliminate the need for warning signs and traffic control devices.

Warning signs shall be placed a sufficient distance away from the construction operation to alert all traffic within the travel way. Cones or other approved devices shall be placed to channel traffic, all in accordance with the requirements of the Police Department or the Director of Public Works. Work shall not be allowed to commence until these warning signs are in place. Contractors may be required to participate in a pre-construction meeting with Public Works Traffic Division prior to construction to assure necessary equipment is available and the traffic plan can be properly implemented.

Warning signs, lights, and such other precautions as may be necessary for these purposes, unless specified by the Director, shall conform to the requirements and practices of the Massachusetts Highway Department for their use in the performance of work upon streets and highways, and as provided in the "Manual on Uniform Traffic Control Devices for Streets and Highways", latest edition.

The Permittee shall maintain safe crossings for two lanes of vehicle traffic at all road intersections where possible and safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across a public way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the way is not wide enough to hold the excavated material for part time storage, the material shall be immediately removed from the location. **If any excavation will require a detour of vehicle or pedestrian traffic, the applicant shall prepare a traffic management plan indicating the required signage, lights and safety devices as may be necessary to implement thereafter and shall submit this plan to the Chief of Police, the Fire Chief and the Department of Public Works for review and approval.** In cases of emergencies, compliance shall be as close to practicable as possible under the emergency conditions.

#### F) Access to Vital Structures

With the acceptance of a SOP the Permittee agrees to perform and conduct the excavation work, and storage of equipment and material in a manner so not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, gas valves, underground vaults, catch basins, sewer manholes and all other vital equipment. The Permittee shall comply with this access Policy and with any special direction provided by the Town Inspector responsible to monitor the opening and restoration work.

#### G) Relocation and Protection of Utilities

The Permittee shall not interfere with any existing utility without the written consent of the Director and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the Permittee. The Permittee shall verify the location of all underground utilities before excavation. The permittee shall adequately support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area. Where a utility is damaged or suspected to be damaged, the utility company must be notified. No trench containing a damaged utility shall be backfilled unless authorized by that utility's appropriate representative. In the event any of said pipes, conduits, poles, wires or apparatus be damaged, and for this purpose pipe coating and other encasement or devices are to be considered as part of a sub-structure, such damage shall be repaired by the utility or person owning them and the expense of such repairs borne by the permittee. The Permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility.

#### H) Notification to Public Utility Companies

The Permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making an excavation.

Under the General Laws of the Commonwealth of Massachusetts, Chapter 82, Section 40 as amended, no one may excavate in the Commonwealth of Massachusetts except in an emergency without giving 72 hours notice, exclusive of Saturdays, Sundays, and legal holidays, to natural gas pipeline companies, public utility companies, cable television companies and municipal utility departments that supply gas, electricity, telephone or cable television service in or to the city or town where the excavation is to be made.

The utility companies have established a public utility underground plant damage prevention system called "Dig Safe" to receive the above mentioned notices of excavation which are then transmitted to member utilities. There is no cost to the excavator. The calls are received over toll free lines. Telephone number 1-888-DIG-SAFE.

#### I) Protection of Adjoining Property

The Permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper support, and by taking such other precautions as may be necessary for the purpose. The Permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The Permittee shall not remove, even temporarily, any trees or shrubs, which exist in the public way without first consulting with the Director of Public Works.

#### J) Protective Measures

It shall be the duty of every person cutting or making an excavation in a street to place and maintain all required signs and traffic devices. All signs and devices shall be in accordance with the Massachusetts Manual on Uniform Traffic Control Devices. The number and location of all signs and devices shall be as deemed necessary by the Director for the safe and efficient performance of the work and the safety of the traveling public. The Department of Public Works may require additional signage, message boards, cones or other traffic control devices, as deemed necessary.

#### K) Excavation and Backfill Material

All work shall be in accordance with DPW Construction Standards and Massachusetts Highway Standards as applicable unless modified and/or specified by this SOP Policy.

All excavated material shall be removed from site except in such cases where advanced Director of Public Works permission/approval has been granted or as field agreed upon by the Town.

#### L) Construction Materials

Unless specifically pre-approved and identified under the Permit special conditions, construction materials on the site shall be limited in quantity and space occupying area so as to not unduly hinder and block the use of the way. All on-site construction materials must be stored in a safe manner with the proper level of flashing barricades to avoid vehicle or pedestrian harm.

Material staging areas and all work zones must be restored including any damage to private property caused by the Permittee at the full expense of the Permittee.

#### M) Dust and Clean-up

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All clean-up operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Director.

#### N) Protection of Gutters and Basins

The Permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

The Permittee shall make provisions to take care of all surplus water; muck, silt, slicking, or other run-off pumped or removed from excavations and shall be responsible for any damage resulting from his failure to properly address this requirement.

#### O) Noise

Each Permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours from 7:00 PM to 7:00 AM, the permittee shall not use, except with the express advanced written permission of the Director of Public Works or in case of emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. The permittee shall not work on Saturday, Sunday, and holidays except with the express written permission of the Director of Public Works, or in case of emergency.

#### P) Trenches

**Roads must remain open to travel at all times.** To support this, the Permittee must plan and arrange their work to ensure this requirement is met. Regarding trenching, as a guide to help facilitate the above requirement the maximum length of open trench recommended at any time should not exceed one half the roadway width.

The Permittee shall review their trench requirements with the Town Inspector prior to starting the work to ensure the street remains passable to travel. For any special trenching requirements the Permittee should identify these under their application submittal phase. The Director of Public Works or his designee will review such cases and as deemed acceptable include any special trenching conditions under the approved SOP.

#### Q) Prompt Completion of Work

After an excavation is commenced, the Permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition, so as not to obstruct the way or travel thereon more than is reasonably necessary.

#### R) Breaking Through Pavement and Edge Cuts

1. The use of air/hydraulic pavement breaker for initial cutting/breaking pavement is approved. However, the limit edges of the proposed cutting of pavement shall be made with a cutting saw. In the case of portland cement concrete pavement, the cutting saw shall be used. A cutting saw shall be used when excavation/trench length is 24 feet or greater. Diagonal cuts to pavement surfaces must be made using a cutting saw.
2. Approved cutting of portland cement concrete and bituminous pavement surface ahead of excavations is required to confine pavement damage to the limits of the trench.
3. Sections of sidewalks shall be removed to the nearest scoreline or approved saw cut edge.
4. *All sidewalk and/or curbing work must comply with all American Disability Act construction standards latest edition.*
5. Unstable pavement shall be removed over cave cuts and over breaks and the subgrade shall be treated as the main trench.
6. Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.

7. Cut-outs outside of the trench lines must be perpendicular or parallel to the trench line.
8. Excavations shall be made in open cut and no tunneling will be allowed except by special permission of the Director. Trenches and excavations shall be braced and sheathed when necessary.

#### S) Restoration of Permanent Paving

All work shall be in accordance with the DPW Construction Standards and Massachusetts Highway Standards applicable unless modified and/or specified by this SOP Policy.

All permanent paving shall be done by or under the direction of the Department of Public Works of the Town of Framingham at the expense of the Permittee in accordance with Town of Framingham Department of Public Works specifications. All seams (joints) between existing and new pavement shall be sealed with asphalt sealer and sand cover.

#### T) Restoration Guaranty

Permittee shall put all pavements and sidewalks in as good repair as they were in when opened or disturbed and shall do so the same day (unless a variation of this requirement is pre-approved by the Town Inspector and/or noted under the permit special conditions). Any Permittee making excavations in streets must comply with the guarantee policy identified under paragraph Z below. If the restored excavation fails, the Permittee may be required to completely re-excavate, refill, and repave any permanent restoration that falls under the guarantee period.

***If, at any time, during the guarantee period, it is discovered that the permanent restoration was not made in accordance with Town specifications, the permittee shall be responsible for making a proper restoration within the timeframe the Town requires. If the Permittee does not act to resolve this within the established timeframe or by the specified restoration method the Town requires, then the Town will perform the work as outlined under Section II, paragraph B and Section III, paragraph V).***

#### U) Inspection and/or Testing of Work

The Town will make site inspections to ensure the Permittee is complying with the SOP Policy including but not limited to safety, restoration, material storage, and proper traffic flow. The inspection of restoration to document work quality assurance and quality control will be recorded by the Town.

The Town may test any street restoration during and following the completion of the work in order to determine if the work has been completed in accordance with Town specifications and the permit conditions. If the inspection or test shows the restoration to be unacceptable, the Permittee must pay the cost of the testing and correct restoration work to the satisfaction of the Town.

#### V) Restoration by Town - Costs

In the event that the Permittee is unable to successfully complete within 24 hours of notice or is non responsive to a Town requested to resolve a temporary or permanent restoration defect (repair to a street cut or other type excavation, or work damage), upon the approval of the Director of Public Works, the Town will take immediate action to perform the restoration work itself.

In these cases the Permittee shall pay to the Town the total cost of the work based upon the actual cost of the restoration as performed by the Town.

If any charge so made by the Town remains unpaid, **no new permits for any excavation** shall be issued to said Permittee until the payment is made. If payment is not made, the Director of Public Works shall be authorized to draw upon the Bond as may be necessary to pay for the costs incurred by the Town, including administrative costs, to perform work. Following a case of this type, the Town may elect to **not grant any new Permits to that person** or **place said person on probation** with tighter work restrictions (narrower days/hours and restoration requirements) and require the Permittee to **provide a Cash Bond for any future project.**

#### W) Public Way Access Permit (PWAP)

Also refer to Town of Framingham General Bylaw Section 8, Public Way Access Permit (standards/details).

In conjunction with SOP application a PWAP permit is **required and must be secured prior to processing a SOP** for a new driveway or modifications to an existing driveway.

No person shall drive any vehicle over a curb, tree lawn or sidewalk for the purpose of providing access across such curb, tree lawn, or sidewalk or resurface a driveway without first obtaining a permit from the Director of Public Works.

No person shall lower any curb or change the grade of any grass plot or sidewalk for the purpose of providing access; and no person shall construct, reconstruct, or enlarge a driveway apron without first obtaining a permit from the Director of Public Works.

Each request for a PWAP or Occupancy Permit to construct, reconstruct or enlarge a driveway apron shall be accompanied by a detail plan showing the width and location of the driveway apron and curb cut in accordance with Town of Framingham Policy.

Any questions regarding PWAP should be directed to DPW Engineering at (508) 532-6010 telephone or by visiting the DPW Office facility located at 100 Western Ave.

#### X) Grant of Location

Also refer to MGL Chapter 166, Section 22.

In conjunction with SOP application a Grant of Location Approval for any new proposed utility facility (electric, gas, telecom, cable, etc.) is **required** and must be **secured** prior to processing a SOP.

#### Y) Guarantee Period

The guarantee period starts at the point the permit work is initiated and terminates upon **acceptance of the site/work by the Town.**

In the case of an Obstruction or Work Zone permit, upon Permittee notifying they have completed their work the Town will schedule and conduct a final work site inspection to determine no damage has been made to the existing public way. Should the final inspection identify any damages, the Permittee will be notified and be required to resolve these. A bond will not be released until the Town deems the work Accepted.

For a Street Opening permit involving road or sidewalk excavation the guarantee period shall be enforced by the Town until the completion and acceptance of the **permanent** SOP restoration work. To accomplish this the temporary paving phase **must be completed and be free of any defects for a minimum of 120 days before** the Permittee can proceed with the **permanent** phase restoration work. The **permanent** restoration installation work will then be inspected 120 days following and if found to be defect free the Town will accept and close the guarantee period. However, in the event Defects are identified during the guarantee period then the restoration will be corrected and the guarantee period appropriately extended to ensure no repeat defects result. No **permanent** restoration installation work will be allowed between the window of November 16<sup>th</sup> thru March 31<sup>st</sup>. **During the guarantee period the permit holder shall be responsible for the restoration, repair, and maintenance of its work.** A permittee will not be released from their guarantee obligation until the work is deemed accepted by the Town