



GENERAL TERMS AND CONDITIONS for
RIGHT OF WAY PERMIT
TYPE 2 – UTILITY INSTALLATION

- 1) This permit is issued by the City and is subject to Happy Valley Municipal Code Chapters 12.04, *Road Standards* and Chapter 12.05 *Utility Facilities in Public Rights-of-Way*, the City's *Engineering Design and Standard Details Manual*, the construction plans and the terms and conditions contained herein and/or attached hereto, as accepted and approved by Applicant.
- 2) This permit is intended to cover projects such as: franchise utility installation/replacement (power, water, gas, communications, sewer, etc.) substantial sidewalk replacement and small paving projects.
- 3) As used in this permit:
 - "Applicant" means person, agent, firm or corporation requesting temporary use/activity within the public right of way.
 - "Property Owner" is any person, agent, firm or corporation having a legal or equitable interest in the adjacent property for which the permitted activity is occurring.
 - "City" means the City of Happy Valley.
 - "Design Manual" means The City of Happy Valley Engineering Design and Standard Details Manual.
- 4) Availability of Permit - A copy of the permit including a Certificate of Insurance, approved construction plans, details and amendments shall be readily available and on site at all times. All work shall conform to special terms and conditions of this permit, the approved permit plans, approved plan amendment (if applicable), to the City's standards and specifications and to these General Conditions.
- 5) Bonding & Insurance - Unless waived, the applicant shall provide proof of insurance and bonds as required by HVMC 12.04.100, 12.05.150 and/or 16.50.080. The City of Happy Valley, its councilors, officers, agents, and employees shall be named additional insured using the appropriate endorsement. Owner/Applicant and Contractor's insurance shall be primary and noncontributory coverage.
 - a) Bonding & Insurance (Utility Operators) - Utility Operator shall maintain and provide proof of insurance or self-insurance confirming compliance with HVMC 12.04.100, 12.05.150 and/or 16.50.080. Such insurance or self-insurance shall include The City of Happy Valley, its officers, agents, and employees as additional insured. Applicant/utility operator's insurance shall be primary and noncontributory coverage.
- 6) Liability & Injury - Unless otherwise addressed in a franchise agreement, the Applicant shall be responsible and liable for all accidents, environmental clean-up, damages or injuries to any person or property resulting from the construction, maintenance, repair, operation or use of a facility for which the Applicant may be legally liable. The Applicant shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of the Applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said facility. If the Applicant has an established franchise agreement with the City of Happy Valley, that agreement shall control.
 - a) Liability & Injury - Utility Operator understands and accepts its obligation to comply with Happy Valley Municipal Code 12.05.150.C.
- 7) Permit Expiration - **This permit is valid for 120 days unless otherwise specified.**

NOTIFICATIONS & INSPECTIONS

- 8) Inspection Frequency & Fees - There are three required inspections:
 - Preconstruction for existing conditions review,
 - During construction for overall operation process and post construction for restoration determination.
 - Final construction – Verification the site has been properly constructed and restored.

NOTE: If the City deems additional inspections are necessary to ensure proper construction occurs per 12.04.120 an additional \$150/inspection reinspection fee may be imposed per Res. 16-42.
- 9) Inspection Requests/Notification shall be provided as follows:
 - PRIOR to start (48 Hours).
 - PRIOR to street cuts, concrete pours, trench backfills and proof rolls (48 hours).
 - **NOTE: All trench backfills, subbase proof rolls, paving and or paving restoration shall be observed by the City Inspector. All concrete forms and string lines must be inspected prior to pour. Items not inspected by the City PRIOR to placement are subject to removal and reinstallation at the Applicant's expense.**
 - FOLLOWING project completion for restoration inspection and closeout.
- 10) Notification to other agencies - If any of the following agencies will be affected by the permitted work provide advanced notification as indicated below:
 - North Clackamas School District Transportation 503.353.6150 (48 hours).
 - Non-Emergency Services 503.655.8211 (24-Hours).
 - City of Happy Valley Code Enforcement 503.783.3800 (48 hours).
 - Clackamas County Fire District 503.742.2606 (48 hours).
 - Tri-Met 503.353.6000 (24 hours).

WORKSITE

- 11) City Staff Access – The Applicant/Owner shall give City Staff, who comply with all applicable PPE requirements and safety practices, permission to enter the property described herein at any time to conduct inspections of any and all work being performed under this permit and understands that if inspectors are refused access for any reason other than non-compliance with applicable PPE or safety practices, the city may immediately revoke this permit without any further notice and without any hearing prior to revocation. The Applicant also understands that any refusal to allow entry or access under this permit for reasons other than non-compliance with applicable PPE or safety practices constitutes a violation of the City of Happy Valley Code.

- 12) Personal Protective Equipment (PPE) – Before allowing access to the work site, Applicant may require all who enter the site (including City Staff) to: a) wear appropriate PPE gear for the site conditions, and b) agree to comply with safety practices that have been implemented at the work site. Compliance with these safety requirements is a condition of remaining on the site.
- 13) Erosion and Site Condition – The spreading of debris or mud upon any street is strictly prohibited. The work area and approach roads shall be maintained in a clean condition, free from obstructions or other hazards. The street shall be cleaned of all dirt and debris at the end of each workday, or more frequently as determined by the city. Cleaning of streets shall be with broom or vacuum at Applicant's expense. **No washing of materials into the public storm system is allowed.** Failure to comply to this condition shall be cause for immediate cancellation of the permit or the issuance of a STOP WORK order.
- 14) Restoration - Upon completion of the work, disturbed areas (landscaping, concrete, asphalt, etc.) shall be restored or replaced to equal or better than pre-construction conditions. Existing signs, pavement markings, mailboxes, etc. shall be reinstalled or replaced, with like kind of material. Obtain City approval for all restoration work performed.

TRAFFIC

- 15) Traffic Control Plan (TCP) - Applicant must submit a TCP with the application for a review, which may require revision per City comments. Applicant must comply with a job specific TCP and shall at all times ensure the presence of workers, tools, materials, flaggers, barricades and other safety devices are placed properly to protect bicyclists, pedestrians, construction personnel and vehicular traffic.
- The TCP will become part of the permit and shall be readily available at the work area. All traffic control devices, flag persons, etc., shall be in place prior to initiation of construction and shall be effectively maintained throughout the duration of the project. Traffic control shall be in accordance with the current editions of the "Manual on Uniform Traffic Control Devices [MUTCD] for Streets and Highways", U.S. Dept. of Transportation, FHWA, American Traffic Safety Services Association [ATSSA], and Oregon Temporary Traffic Control Handbook [OTTCH]. All traffic control personnel shall have proper state of Oregon certification and be able to provide it to inspection representative if/when requested.
- 16) Road Closure - The public roadway shall not be closed to traffic, at any time, without obtaining written approval from the City Engineer and a separate Road Closure Permit.
- 17) Property & Property Owner Access - Access to existing properties shall be maintained at all times, including delivery and mail service.
- 18) Construction Hours - Construction hours are from **7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday and Sunday.** *NOTE: In road work hours for locations near schools may be have additional restrictions.* The following activities are NOT allowed on Sundays and Holidays: site clearing, earth moving, installation or construction of underground utilities, paving of streets or sidewalks, foundation framing and pouring, and structural framing.

EXCAVATION AND CONSTRUCTION

- 19) Utility Notification - Oregon law requires the rules adopted by the Oregon Utility Notification Center to be followed if the work involves excavation. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0100. You may obtain copies of the rules by calling the Oregon Utility Notification Center at 1-800-332-2344 or visiting their website at <http://www.callbeforeyoudig.org/>. Other persons, companies, districts, and utilities occupy the public right-of-way. The Applicant shall immediately notify the specific facility(ies) and/or owner(s) if facilities are encountered. Relocation of existing facilities will be at Applicant's expense.
- 20) Trench Excavation & Backfill - Trench excavation and backfill within existing pavement is determined based on street classification and shall comply with the following Drawings found in the City's Design Manual: Drawing Nos. 160 "Pavement Sections", 200 "Pavement T Cut" and 205 "Trench Restoration with Granular Backfill" (Local/Neighborhood Streets) or 210 "Trench Restoration with CDF (Collectors and Arterials).
- 21) Control Density Fill - Control density fill (CDF) shall be used as backfill material on collector and arterial streets and in all trenches in paved areas not parallel to the roadway and all trenches parallel to the roadway that are less than 50' in length. Maximum compressive strength shall be between 50 and 150 PSI as shown in Drawing No. 210 of the Design Manual.
- 22) Asphalt Depth & Restoration Limits - Asphalt pavement replacement depth shall be a minimum of four (4) inches of hot Asphaltic Concrete (AC), or match existing AC depth (whichever is greater) and shall be compacted in lifts as shown on Drawing No. 160 of the Design Manual. NOTE: Asphalt pavement restoration limits shall be determined in the field by the City Inspector and sawcut lines shall not be in wheel paths.
- 23) Temporary Patching - A temporary hard-surface patch shall be placed on trenches within roadways at the completion of each workday. Approval of patching methods MUST be obtained in advance of placement. No trench shall be left at any time in an open or unsafe condition. Applicant is responsible for and is liable for hazards or damage resulting from the work performed.
- 24) Utility Locate Potholes within pavement areas must be core drilled with no larger than 6-inch diameter drill. Holes shall be backfilled with 3/4" - 0" aggregate to within 24" of surface and the remainder backfilled with non-shrink grout or other material as approved in advance by City Engineer..
- 25) Testing Requirements - Provide density testing results for the following trench repair components for any patch repair more than 20 SF or more than 10 SF that touches a wheel path.
- Asphalt pavement (both lifts)
 - Baserock (surface level)
 - Trench backfills (**Truck tickets for CDF backfill when CDF is required**)
- 26) Steel Plates - Steel plates will not be allowed to cover excavations in the traveled way during the months of **November to April** unless the plate is recessed, so the top is level with the existing asphalt surface per City of Happy Valley Design Manual Section 2.10.(l).
- 27) Survey Monumentation - Existing monuments, property corners, and survey markers shall be protected. Replacement shall be at the Applicant's expense.
- 28) Sidewalk/Curb Replacement Limits & Finishes - Sidewalk installation & replacements must be per standard drawing No. 250. Including finishes. No partial cutting or replacement of panels is allowed without prior City Engineer approval. Curb and/or curb and gutter replacement must be a minimum of 5 feet in length. There shall be no pieces remaining or replaced which are less than this 5-foot minimum (measured from joint to joint). Damaged or graffitied panels shall be replaced at the Applicant's expense.
- 29) Driveway Approach Specifications - Driveway approaches must comply with Drawings No 270 or 275 depending on the type of driveway. All existing edges and damaged pavement must be sawcut and repaired per the City Inspector. A 2-foot minimum wide patch is required adjacent to the curb or gutter to allow an area large enough for compaction equipment to access. **Approach must be poured within 48-hours of an approved inspection.**