

TOWN OF LEESBURG

DEPARTMENT OF PUBLIC WORKS AND CAPITAL PROJECTS

RIGHT-OF-WAY PERMIT MANUAL



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REGULATIONS GOVERNING THE ISSUANCE OF RIGHT-OF-WAY PERMITS

I. PURPOSE OF PERMITS

Town roadways have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights of way for purposes other than transportation. However, to prevent recurring, dangerous and annoying interruptions to traffic and pedestrians and to avoid interference with future road construction and to provide a uniform standard of construction and construction methods, it is necessary that strict control be maintained and standard procedures be followed for excavations, construction and maintenance of Town roadways.

II. DEFINITIONS

EXCAVATION

“Excavation” shall mean any opening in the surface of a public roadway or right-of-way made in any manner whatsoever, except an opening in a lawful structure below the surface of a public roadway, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public roadway.

PUBLIC STREET

“Public Street” shall mean any public street, way, place, alley, sidewalk, controlled by the Town and dedicated to public use.

TOWN

“Town” shall mean the Town of Leesburg and/or its Director of Public Works and Capital Projects.

SUBSTRUCTURE

“Substructure” shall mean any pipe, conduit, tunnel, duct, manhole, vault, buried cable, wire, or any other similar structures located below the surface of any public roadway.

FACILITY

“Facility” shall mean any pipe, fiber optics, pipeline, curbs and gutters, main, service, trap, vent, testhole, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, driveway apron or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public roadway.

PERSON

“Person” shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

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UTILITY

“Utility” shall mean a private company or corporation under the direction and control of the Virginia State Corporate Commissioner.

RECOVERABLE CHARGES

“Recoverable Charges” shall mean all cost directly or indirectly incurred by the Town.

NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED STREETS

“Newly constructed, reconstructed or repaved streets” shall mean any street, which has been constructed, reconstructed or repaved within the past two (2) years.

III. APPLICATION FOR ROW PERMIT

An application for ROW permit must be filed with the Town of Leesburg before preliminary investigation will be made for permit issuance. Standard application forms for this permit may be secured from the Town’s Department of Public Works and Capital Projects. Each application form shall be completely filled in, signed and mailed or delivered electronically to the Town’s Department of Public Works and Capital Projects. An explanation of the work for which the application is made shall include sketches to be made either in the space provided on the application form or on a separate sheet, in duplicate, which the applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures, water and sewer (if known) and utility poles, by number, and the character and extent of work.

The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects. In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must make application to the Town of Leesburg for a new permit or a modification to authorize the additional work in the same manner as the first permit including maintenance of traffic requirements.

IV. PLANS AND SPECIFICATIONS

When applications are made for permits involving work of major scope, complete plans and specifications must be submitted with one (1) paper or electronic copy with the application form. They should be so detailed so that the exact location of the various parts of the work, the risk or injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

V. REJECTION OF APPLICATION

When it appears that the work called for in an application would cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions to the Town, the request for the permit will be denied. The applicant will be informed within ten (10) days in writing of such rejection and the reason for the rejection. The Director of

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Public Works and Capital Projects, or the Director's designee, may refuse to issue a permit to any person, company or utility when, in the Director's opinion, work performed under a permit theretofore issued to the applicant has not been properly executed, or when said applicant has failed to complete the previous permit.

VI. BOND REQUIREMENTS

Prior to the issuance of a permit, the Applicant shall deposit, with the Town, a Surety Bond in an amount and form as shall be determined by the Director of Public Works and Capital Projects. The amount of Surety Bond shall be established separately for each permit so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit.

The amount of bond shall be computed on the basis of cost required to make proper restoration or repairs. Immediately upon approval of an application for permit, the Director of Public Works and Capital Projects shall advise the Applicant as to the amount of bond required. An annual blanket Surety Bond, acceptable to the Director of Public Works and Capital Projects, may be deposited to avoid the inconvenience and expenses of obtaining individual bonds for each permit requested.

The bond shall be released to the permit holder upon completion of the work. The Permittee shall be responsible for the restoration, repair and maintenance of his work.

VII. INSURANCE REQUIREMENTS

An applicant for a permit to work within Town highways or lands shall furnish to the Town, prior to the issuance of the permit, certificates of minimum insurance including automobile, property damage liability, bodily injury liability and workmen's compensation, insurance in the amounts of \$2,000,000. Said certificate of insurance shall name the Town of Leesburg as an additional insured for general liability showing coverage. Insurance coverage shall be reviewed and updated periodically. These certificates shall contain a provision that the insurance company will notify the certificate holder at least 30 days in advance of any cancellation or material change.

VIII. PERMIT FEES

There will be a \$100.00 permit fee for each accepted permit.

IX. ISSUANCE OF PERMIT

A permit shall be issued:

- a. After proper completion of all aspects of the application for permit.
- b. Upon receipt of a Surety Bond and insurance in the correct amounts.
- c. Payment of a nonrefundable \$100.00 application fee.

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d. Traffic control/maintenance of traffic plans.

A permit form must be signed by the Director of Public Works and Capital Projects, or the Director's designee, before it becomes valid. The Permittee shall conduct an on-site pre-construction meeting if requested by the Town. The Permittee is forbidden to commence work until the above-mentioned items have been complied with and the Permittee has notified the Department of Public Works and Capital Projects Inspections Office at least twenty-four (24) hours in advance of the exact date and the hour they propose to begin work.

X. EMERGENCY PERMITS

When permission has been granted orally by the Town to perform emergency work, such as repair of broken gas or water mains, the person or company concerned must file a written application for a permit on the first working day following oral approval in a manner prescribed for non-emergency work. Thereupon, a written permit will be sent in confirmation of the oral permission as a permanent record of the transaction. Persons performing emergency work must have a Certificate of Liability Insurance on file with the Town prior to performing any work within highway limits.

XI. PERMIT DISPLAY

A copy of the permit shall be available on the job site at all times for inspection by local police, public works personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Director of Public Works and Capital Projects or the Director's designee. This regulation will also apply to public utilities and their sub-contractors.

XII. REVOKING PERMITS

In the event a Permittees failure to strictly comply with these regulations and the Bylaws of the Town, any permit issued by the Town of Leesburg is revocable effective immediately upon making written notification of the violation to the Permittee by certified mail and email to the signator of the permit and sent to the address of the Permittee shown on the application for permit.

XIII. EXTENSION OF TIME

All required work shall be completed in a manner satisfactory to the Town on or before the assigned date shown on the permit except in cases where permanent repairs, such as seeding, must be made at a future date. Otherwise, the permit holder shall request the Town to allow him an extension of time. Extension of time may be granted upon written request by the Permittee stating the reason(s) for the request. If extension is not requested before the permit expires, a \$100.00 reinstatement fee shall be required.

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XIV. INDEMNIFICATION

The applicant must agree as a condition governing the issuance of a permit that he will hold harmless the Town of Leesburg, the Director of Public Works and Capital Projects and the Director's agents and employees from any and all claims and actions whatsoever arising from the exercises of said permit.

XV. RESPONSIBLE FOR BOUNDARY LINES

Permit applicants shall retain their own land surveyors to establish the line or otherwise inform themselves of the demarcation between public right-of-way and private holdings.

XVI. CLEARANCE FOR VITAL STRUCTURES

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fiber lines, underground vaults, traffic signal cables and loops and all other vital equipment as designated by the Town. (Town Design and Construction Standards Manual (DCSM), Article 2-122(5) and 2-269(5)).

XVII. PROTECTIVE MEASURES & TRAFFIC CONTROL

SAFETY TO TRAFFIC

The Permittee agrees to provide traffic control in accordance with current Virginia Department of Transportation Specifications, the Virginia Work Protection Manual Standards and Guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD) current edition.

It shall be the duty of the Permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the Director or designee, the traveled path shall not be obstructed. The portion of the Public right-of-way which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by warning devices approved by the Manual on Uniform Traffic Control Devices. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of uniformed police officers or flagmen shall be employed by the Permittee to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions. The Permittee shall not impede traffic between the hours of 7:30 a.m. to 9:00 a.m. and from 3:30 p.m. to 6:30 p.m., unless directed otherwise by the Transportation Engineer.

DETOURS

When, in the opinion of the Transportation Engineer or Director, a Town roadway may be obstructed by the permit applicant's proposed operations to such an extent as to unduly restrict vehicular traffic

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or make hazardous its use, a parallel Town road bypass may be designated by the Transportation Engineer or Director. All expenses incurred by the Permittee and by the Town as a result of this bypass establishment, use and restriction of said detour, shall be the entire responsibility of the Permittee. The Permittee shall notify the Police Department and Fire & Rescue of the layout and expected time of the use of the detour once approved by the Town. Permittee is required to provide a copy of the notice that was sent to the Police Department and Fire & Rescue. The Permittee shall supply and maintain such signs at his expense as may be reasonably necessary to clearly outline the detour.

Preliminary to detouring of traffic over a road bypass, an inspection shall be made by the Permittee and a representative of the Town to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the Permittee to restore the conditions equal to those existing prior to the establishment of the detour.

XVIII. ROAD CLOSURE

There may be, from time to time, cases of extreme hardship or other extenuating circumstances encountered involving variance with the requirements and provisions of this Standard Operations Procedures (SOP).

A public right-of-way (ROW) permit is required by Town of Leesburg Code Section 30-4 (Closing Streets) and Code Section 24-182(3) (Noise Ordinance) working between the hours of 10:00 p.m. to 6:30 a.m.).

The waiver of requirements of this SOP, when approved, does not constitute a change in policy. Such permits shall in no way be used or accepted as a precedent in future requests of a similar nature.

1. Permittee shall provide a written statement to the Town Transportation Engineer explaining why the roadway must be closed or work between the hours of 10:00 pm. to 6:30 a.m.
2. Town Manager will approve or disapprove the request with the Transportation Engineer endorsement (Town Manager may require Town Council notice).
3. The contractor must send a letter seven (7) days prior to the start of construction to all property owners abutting the right-of-way along the location(s) of the proposed work and the presidents of the neighborhood civic associations, condominium, homeowner and tenant associations, Fire Control, School Board, Town Police and VDOT. The letter must outline:
 - ✓ Scope of the project
 - ✓ Construction schedule
 - ✓ Name of the field superintendent
 - ✓ Phone numbers (office and cell) and email address of the applicant's personnel who would provide additional information as needed.

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4. Message boards will be installed by the permittee to notify the traveling public on all affected roadways along the detour route one (1) week before the work is to start.
5. If a road is to be closed for more than one (1) week, then weekly progress meetings shall be held onsite with the Transportation/Traffic Engineer in attendance to ensure that communication is open and that the construction schedule is maintained.
6. A detour plan (maintenance of traffic for signage and markings as per the Virginia Work Area Protection Manual) must be certified and provided by a professional engineer registered in Virginia and shall include construction schedule with the right-of-way permit application.
7. Permittee agrees to perform work in the Historical District from 7:00 p.m. to 7:00 a.m., if required by the Town Manager.

XIX. DRAINAGE SYSTEMS TO BE KEPT OPEN

The work performed under permit shall be planned and carried out so that drainage systems of the highway are effective at all times. Any property damage costs arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed, must be borne by Permittee and the bond shall be held by the Town until such damages are paid.

XX. RELOCATION AND PROTECTION OF UTILITIES

The Permittee shall not interfere with any existing facility without the written consent of the Town and/or the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the Permittee, unless the cost of such work be borne entirely by the Permittee. The cost of moving privately owned facilities shall be similarly borne by the Permittee unless it makes other arrangements with the person owning the facility. The Permittee shall support and protect, by the use of timbers, all conduits, poles, wires or other apparatus, which may in any way be necessary to support, sustain and protect them under, over, along or across said excavation work. The Permittee shall secure approval of the method of support and protection from the owner of the facility and the Town. In case any said pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose or other encasement or devices are to be considered as part of a structure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the Permittee. It is the intent of this section is that the Permittee shall assume all liability for damage to facilities and injury to persons.

XXI. PROTECTION OF ADJOINING PROPERTY

The Permittee shall at all times, and at their own expense, preserve and protect from injury and adjoining property by providing proper foundations and lateral support, and by taking such other

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precautions as may be necessary for the purpose. The Permittee shall, at their own expense, shore up and protect buildings, trees, walls, fences or other property likely to damage 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 planting strip areas, without first obtaining the consent of the Director of Public Works and Capital Projects or the Director's designee.

The following policy will be adhered to in the case a tree is destroyed by the Permittee or a tree is authorized for removal by the Director of Public Works and Capital Projects.

All tree stumps and debris resulting from the work shall be removed from the location.

A replacement shall be made by the permittee for each tree removed or destroyed with a minimum caliper of 1½ inches or greater, the species and place of relocation to be designated by the Town or Property Owner.

XXII. CARE OF EXCAVATION MATERIAL

All material excavated from trenches shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street and/or the adjoining properties. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the Permittee haul the excavated material to a storage site. All backfill in the roadway shall be VDOT 21-A aggregate, unless the Utility has specific requirements that are reviewed and approved by the Town.

It shall be the Permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites. Proof of granted permission for disposal and storage sites shall be provided to the Town.

XXIII. BREAKING THROUGH PAVEMENT

BREAKING THROUGH PAVEMENT ON PUBLIC WAY

- (a) All excavation on paved street surfaces shall be precut in a neat straight line with a pavement breaker or saw.
- (b) Cutouts of the trench lines must be normal or parallel to the trench line.
- (c) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.

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- (d) Unstable pavement shall be removed over cave-ins and over breaks, and the subgrade shall be treated as the main trench.
- (e) The Permittee shall not be required to pay for repair of pavement damage existing prior to the excavation unless his cut results in small floating sections that may be unstable, in which case, the Permittee shall remove the unstable portion and the area shall be treated as part of the excavation.
- (f) When three (3) or more openings are made in sequence, twenty-five (25) feet or less, center to center between each adjacent opening, the Permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch it all as one trench.

BREAKING THROUGH PAVEMENT ON SIDEWALKS

All provisions of the above section shall apply to sidewalk excavation.

XXIV. BACKFILLING OF EXCAVATIONS

VDOT 21-A aggregate shall be used as backfill material and shall be placed in lifts of six (6) inches and thoroughly compacted to a minimum of 95% standard proctor by approved mechanical compactors. Compaction test results will be required for all excavations. If a Utility standard requires a different backfill material, that standard shall be reviewed and approved by the Town prior to use.

XXV. REPAIR OF ROADWAY EXCAVATIONS

TEMPORARY REPAIRS

Pavement shall be placed in accordance with the Town's Design and Construction Specifications Manual (DCSM). Steel plates may be used upon inspector's approval and in accordance with the Virginia Work Area Protection Manual.

In the event of non-acceptable maintenance of temporary repairs, the Permittee will be notified of such situations. Upon notification, the Permittee will make required improvements within twenty-four (24) hours. Failure to do so will result in Town making such improvements and charging the cost to Permittee. In emergency situations, the Town will make immediate repairs and the Permittee will be billed directly.

All temporary paving material shall conform closely to the level of the adjoining paved surface and shall be completed so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed.

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PERMANENT REPAIRS

Upon completion of the backfilling and temporary resurfacing of an excavation, the Permittee will be required to permanently resurface that portion of the street damaged by his excavation. The permanent resurfacing shall be done in a manner and specification prescribed by the Town, and subject to inspection by the Town and shall be completed within a period of seven (7) days from the date of the temporary patch or as allowed by the Engineer.

All backfilling of trenches shall be in layers of not greater thickness than six (6) inches and shall be made to minimum of 95% maximum density, at optimum moisture content, in accordance with AASHSTO Test Method T-99 (Standard Proctor). On pavement cuts, the pavement shall be replaced per the DCSM; the material used must conform to VDOT and DCSM specifications. Compaction shall be by either pneumatic tampers or other approved method(s). The permittee will be held responsible for any deterioration of backfill or pavement for a period of two (2) years after repair completion.

XXVI. TRENCH REPAIR

The maximum length of open trench permissible, at any time, shall be two hundred (200) feet and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

XXVII. PROMPT COMPLETION OF WORK

After an excavation has commenced, the Permittee shall prosecute with diligence and expedition all excavation work covered by the permit and shall promptly complete such work and restore the street as specified in the DCSM. The Permittee shall perform such restoration so as not to obstruct, impede or create a safety hazard to either pedestrian or vehicular traffic.

XXVIII. PRESERVATION OF MONUMENTS

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey benchmark within the Town, shall not be removed or disturbed without first obtaining permission, in writing, from the Town. If the Town permits the removal or disturbance as part of the permitted work the monument shall be replaced at the Permittees cost within 30 days of the completion of work.

XXIX. RESTORATION OF PAVEMENT MARKINGS

All permanent pavement markings (crosswalks, traffic centerlines, etc.), that are obliterated or damaged during construction, shall be reinstalled (Type "B" only) under the direction of the Department of Public Works and Capital Projects, at the expense of the Permittee.

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XXX. EXCAVATION DURING WINTER

No person or utility shall be granted a permit to excavate or open any street or sidewalk from January 1st to February 28th of each year unless an emergency or special condition exists and permission is obtained in writing, from the Town. Any person or utility wishing to obtain an excavation permit between the aforementioned dates, shall first explain fully, in writing, the nature of the emergency situation to the Town before permission is granted. If a hazardous condition, which would endanger life and/or property, exists, excavation work shall not be delayed by this section of the manual. However, a written explanation shall be delivered to the Town as soon as possible and an excavation permit obtained for the opening made.

XXXI. INSPECTIONS

The Town shall make such inspections as are reasonably necessary in the enforcement of these regulations. The Town shall have the authority to promulgate and cause to be enforced such rules and regulation as may be reasonably necessary. Permittee is required to notify the Town's inspection division within 24 hours of work.

XXXII. EXCAVATION ON A RESURFACED STREET

Whenever the Town has developed plans to resurface a street, no permit shall be granted to open such street for a period of two (2) years, unless in the judgment of the Director of Public Works and Capital Projects an emergency condition exists or the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. If a permit is granted, the Town may impose resurfacing conditions (25' feet on either side of the roadway cut) on the Permittee to preserve the structural condition of the pavement and to blend the permanent patch with the existing pavement.

XXXIII. EXCAVATION IN GRASS AREAS

Excavations in grass areas shall be backfilled and compacted in accordance with the Town's DCSM Specifications (Article 8, Section 8-850).

XXXIV. LOCATION OF POLES AND GUYS

Whenever existing poles, lines, guys, braces or anchors are to be relocated or new poles, guys, braces or anchors set, the proposed location shall be designated by stakes placed at the site. The location of all poles, guys, braces or anchors shall be approved the Town.