

**Administrative Regulations  
City of Lawrence, Kansas**

<b>SUBJECT</b> Right of Way Management Program		<b>APPLIES TO</b> All Right of Way Users	
<b>EFFECTIVE DATE</b> January 1, 2020	<b>REVISED DATE</b> None	<b>NEXT REVIEW DATE</b> TBD	
<b>APPROVED BY</b>  date: 12/11/19		<b>TOTAL PAGES</b> 13	<b>POLICY NO.</b> 115

**1.0 Purpose**

The City of Lawrence, Kansas ("City"), owns and maintains substantial land interests within the corporate City limits that are designated as Public Rights of Way ("ROW"). The temporary use of the ROW is governed by Chapter 16, Article 8 of the City Code, as amended. That Chapter authorizes the City to issue administrative regulations. Establishing administrative regulations permits the City to effectively and properly maintain, enforce, and govern the ROW in a manner that provides for the safety of all users of the ROW and also convenience for the traveling public. Additionally, these administrative regulations offer protection of assets and facilities owned by the City, licensees, and franchisees located within the ROW.

**2.0 Scope**

This regulation applies to all temporary users of the ROW, including those who, pursuant to an existing agreement (including franchise agreements) with the City, use the ROW on a temporary basis to place barricades, construct, reconstruct, relocate, or maintain facilities permanently located within the ROW.

**3.0 ROW Permit Required; ROW Permit Types; Application**

**3.1** ROW Permit Required: All users of the ROW -- including City crews -- shall obtain and have in their possession, prior to any use of the ROW, unless otherwise expressly exempted, a valid ROW Permit. All users of the ROW -- including City crews -- shall also, if required by these regulations, obtain and have in their possession a valid Temporary Traffic Control Permit.

In the event of an emergency, in order to protect the health, safety and welfare of the community, a Person may perform temporary work in the Public Right of Way or may use the Public Right of Way on a temporary basis without first acquiring from the City a ROW Permit. In the event of an emergency, the City shall be notified of the emergency at the earliest practicable time and a permit shall be submitted within 2 business days. All applicable ROW Permit Fees will be charged.

For the purposes of this policy, "Day" shall mean one working business day, with hours from 8:00 a.m. to 4:00 p.m. See Section 9.0, *infra*.

**3.2** Temporary and Annual ROW Permit Types:

- a) Class 1 – shall permit the temporary use of metered, timed, or other City-owned parking spaces that are enforced by City Parking, when such use is not part of an existing ROW Permit. Any use that requires setup outside of parking spaces or excavation of the ROW shall require a Class 2 or Class 3 ROW Permit, as applicable.
- b) Class 2 – shall permit the temporary use of the ROW, if such use does not include excavation of the ROW, including but not limited to the placement of temporary traffic controls, placement of equipment, *etc.* Any use that requires excavation of the ROW shall require a Class 3 ROW Permit, as applicable
- c) Class 3 – shall permit the temporary use of the ROW, including but not limited to excavations, installation of facilities, utility service connections, driveway installations, sidewalk installations, *etc.*
- d) Class 4 – shall permit the temporary use of the ROW by franchisees, licensees, and other parties, who have an existing agreement with the City under Chapter 16, Article 9 of the City Code, to maintain permanent facilities in the ROW. The Class 4 ROW Permit shall be good for a period not to exceed one year, but will generally be limited in scope to above-ground uses in existing vaults or structures. Additional work that involves minor excavations may be allowed under the annual permit and will be reviewed and approved on a case-by-case basis at the time of application. Work that is not identified in the permit will require a separate, additional ROW Permit. Additionally, any temporary use that requires a Temporary Traffic Control Permit under Section 8.0, will require an application for a ROW Permit in accordance with Section 3.3, *infra.*

**Note:** For the purposes of clarity and construction of these administrative regulations going forward, regulations that are applicable to all Temporary ROW Permits shall refer to all such permits collectively as “ROW Permits”. Regulations that are applicable only to a specific class or to specific classes of ROW Permits shall refer specifically to the type or types of ROW Permit in question, *e.g.* Class 3 ROW Permit.

- 3.3** Application: Application for a ROW Permit shall be made *via* the method prescribed by the Department of Municipal Services and Operations (“MSO”) on a platform provided by the MSO for that purpose. The applicant shall complete the form in full and shall provide all information requested therein, including but not limited to: the name of the applicant, contact information, the date or dates for which the ROW Permit is sought, the location and nature of the proposed use of the ROW, any approved plans (if necessary), any traffic control plans (if necessary), insurance (if necessary), a performance and maintenance bond (if necessary), payment of the ROW Permit Fee and any and all other information that may be required by the MSO to review and to process the application.

Applications for a ROW Permit shall be filed with the MSO according to the following timelines:

- a) 3 business days prior to the commencement date of the proposed use of the ROW when no Temporary Traffic Control plan is required, as described in Section 8.0, *infra.*

- b) 5 business days prior to the commencement date of the proposed use of the ROW when the Temporary Traffic Control plan meets the requirements in Section 8.4 (a), *infra*.
- c) 10 business days prior to the commencement date of the proposed use of the ROW when the Temporary Traffic Control plan requires special approval as defined in Section 8.4(b), *infra*, or includes a pedestrian or bicycle facility closure that will be in place for more than 14 days.
- d) 20 business days prior to the commencement date of the proposed use of the ROW when the use calls for a full road closure of an arterial or collector street under Section 8.4(c), *infra*.

4.0 **ROW Permit Issuance, Denial, and Revocation; Appeals**

4.1 **ROW Permit Issuance:** The MSO shall review each application for a ROW Permit and may, in the exercise of its discretion, approve the application if:

- a) the application is complete,
- b) the requisite fees have been paid,
- c) the proposed use is temporary in nature, and
- d) if, in view of the proposed location, the proposed use will not constitute a traffic safety hazard, will not destroy, damage, or impair the ROW or use of the ROW, and will serve a legitimate purpose.

4.2 **Additional Conditions:** In the exercise of its discretion, the MSO may also impose additional conditions on the issuance of any ROW Permit, as may be necessary.

4.3 **ROW Permit Denial:** The MSO may, in the exercise of its discretion, deny any application for a Temporary Right of Way Permit:

- a) if the application is incomplete,
- b) if the requisite fees have not been paid,
- c) if the application does not otherwise meet all the requirements of Section 4.1,
- d) if the applicant has had a Right of Way Permit revoked within the past two years,
- e) if the applicant has failed to maintain a bond on file for the necessary length of time,
- f) if the City has filed a claim against the applicant's bond within the past two years,
- g) if the applicant has any past due charges or fees payable to the City under Chapter 16, Article 8, Article 9, or Article 9A of the City Code, as amended, or
- h) if, in view of the proposed location, the proposed use will constitute a traffic safety hazard, will destroy, damage, or impair the ROW or use of the ROW, or will not serve a legitimate purpose.

4.4 **ROW Permit Revocation:** The MSO may, in the exercise of its discretion, revoke any ROW Permit if:

- a) The ROW Permit Holder's use of the ROW creates a traffic or other safety hazard or will otherwise destroy, damage, or impair the ROW or use of the ROW, such that immediate action must be taken to protect the public safety or the ROW;
- b) The ROW Permit Holder violates any provision of the City Code or other law governing the use allowed by the ROW Permit;

- c) The ROW Permit Holder fails to meet any and all conditions imposed upon the issuance of the ROW Permit;
- d) The ROW Permit Holder fails to comply with any submitted plan, including any Temporary Traffic Control Plan; or
- e) The ROW Permit Holder procured the ROW Permit through fraud or misrepresentation.

Any revocation of a ROW Permit shall be in writing, shall specifically state the grounds for the revocation, and shall include an order to cease, forthwith, use of the ROW.

- 4.5 Appeal: Any Person aggrieved by a decision of the MSO in denying an application for a ROW Permit or revoking a ROW Permit may appeal such decision to the City Commission. Notice of such appeal must be made in writing to the MSO and shall be made within 14 days of the date of the denial or revocation. Said Notice of Appeal shall state clearly and concisely the reason for the appeal and how or why the MSO erred in denying the application or in revoking the ROW Permit.

The City Commission shall, as soon as may be practicable thereafter, schedule the appeal for public hearing. On appeal, the applicant bears the burden of proof. The City Commission shall review the decision *de novo*. The decision of the City Commission shall be the final decision of the City.

5.0 **ROW Permit Fees; Additional ROW Fees; Exceptions**

- 5.1 ROW Permit Fees: Together with the application for a ROW Permit, the applicant shall remit to the City a nonrefundable ROW Permit Fee. The ROW Permit Fee shall be reasonable and shall be calculated to recapture the City's costs of processing the application. The ROW Permit Fee shall be determined annually by the City Manager, or his or her designee, on or before February 1 of each year, and the ROW Permit Fee shall be included on the Schedule of ROW Fees. The Schedule of ROW Fees shall be made available to the public during regular business hours at the City Clerk's office and the office of the MSO, and shall be posted on the City website.

Exception: There shall be no additional ROW Permit Fees assessed to an applicant for an application for a Temporary Traffic Control Permit in accordance with Section 8.0, *infra*.

- 5.2 Additional ROW Fees: Before approval of the application for a ROW Permit and in addition to the ROW Permit Fee, the applicant shall remit to the City any Additional ROW Fee as required herein. Depending on the proposed use, a ROW User may be required to pay more than one Additional ROW Fee. Any Additional ROW Fee shall be reasonable and shall be calculated to recapture the City's costs related to the additional item(s). The Additional ROW Fees shall be determined annually by the City Manager, or his or her designee, on or before February 1 of each year, and the Additional ROW Fees shall be included on the Schedule of ROW Fees. The Schedule of ROW Fees shall be made available to the public during regular business hours at the City Clerk's office and the office of the MSO, and shall be posted on the City website. The following shall be considered Additional ROW Fees:

5.3

- a) Pavement Degradation Fee: If the proposed use requires the applicant to cut pavement located in a ROW, then the applicant shall also pay to the City a Pavement Degradation Fee. The Pavement Degradation Fee shall be based on the size of the cut. There shall be no Pavement Degradation Fee assessed for cuts or potholes that are less than 2 square feet, assuming said cuts or potholes are properly restored. The Pavement Degradation Fee shall be determined annually by the City Manager, or his or her designee, and shall be included in the Schedule of ROW Fees. Exception: No Pavement Degradation Fee will be assessed for any pavement cut on a ROW, if said cut occurs within one year prior to a scheduled City reconstruction project for that ROW and that project has been approved in the capital program of the City's Annual Budget. The minimum Pavement Degradation Fee shall be assessed by the square yard. If a pavement cut is so extensive or the cuts so numerous that the ROW Permit Holder prefers to perform a major rehabilitation of the ROW, pursuant to the City Engineer's standards, for the full width of any impacted lane and the full length of any cuts, plus fifty feet in both directions from the area of the cut on arterial streets and twenty-five feet in both directions from the area of the cut on collector streets, then the ROW Permit Holder may choose to do such renovation in lieu of paying a Pavement Degradation Fee and such reconstruction, upon inspection and approval, shall satisfy the Pavement Degradation Fee requirement.
- b) Inspection Fee: If the proposed use of the ROW includes a use that requires inspection by City staff for items such as utility work in the ROW, ADA ramp construction, driveway construction, pavement restoration, etc., then the applicant shall pay an Inspection Fee. The Inspection Fee shall be determined based on the size of the project. The Inspection Fee shall be determined annually by the City Manager, or his or her designee, and shall be included in the Schedule of ROW Fees.
- c) Lane Use Fee: If the proposed use of the ROW includes closure or obstruction of moving lanes, parking lanes, bike lanes, and/or sidewalks, then the applicant shall pay a Lane Use Fee. Lane Use Fees shall be assessed on those portions of the facility that are not fully usable by the public. All charges for Lane Use Fees shall be assessed by the day. The Lane Use Fee shall be determined annually by the City Manager, or his or her designee, and shall be included in the Schedule of ROW Fees. If the timeframe for work determined at the time of application differs from the actual length of time that the ROW is not fully usable, the difference in Lane Use Fees shall be refunded or charged to the applicant after closure of the permit, if applicable. Exception: There shall be no Lane Use Fee assessed for a Class 1 ROW Permit, a Class 4 ROW Permit, or a Class 2 ROW Permit for placement of a dumpster, storage container, or other large item in the ROW. Long-term projects that obstruct the ROW may be charged a base fee determined at time of application for pre-determined impacts that are outlined in the approved plans and ROW permit. Any obstruction outside of that agreement may constitute additional Lane Use Fees.
- d) Deposit: If it appears to the City that the costs of processing an application for a ROW Permit, or if the application will require additional services from the City, including but not limited to the provision of law

enforcement personnel, medical services, sanitation, inspections, etc., then the City will estimate those costs and may require the applicant to make, as an Additional ROW Fee, a Deposit in that amount to cover those extra costs. When the use of the ROW is completed, the City will send an accounting to the applicant setting forth the actual costs to the City. If the actual costs to the City are below the estimate, then the City will refund the balance of the Deposit to the applicant. If the costs to the City exceed the estimate, for whatever reason, then the City will send an invoice to the applicant, billing the applicant for those additional costs.

**Note:** Except as otherwise noted, all ROW Permit Fees and Additional ROW Fees are nonrefundable.

**5.4** Exceptions: The following shall be exceptions to the ROW Permit Fees and Additional ROW Fees listed above:

- a) The City, any contractor of the City, or any subcontractor of the City shall be required to obtain a ROW Permit, but shall not be required to pay a ROW Permit Fee or an Additional ROW Fee for use of the ROW.
- b) Utility companies that are installing or relocating or facilities in support of a City project shall be required to obtain a ROW Permit but shall not be required to pay a ROW Permit Fee or Additional ROW Fee for use of the ROW.
- c) Applications for ROW Permits for private service line repairs, driveway repairs, or sidewalk repairs at single-detached or duplex residential dwellings that extend into the ROW shall be charged the appropriate ROW Permit Fee under Section 5.1, *supra*, but shall not be assessed any Additional ROW Fee under Section 5.2, *supra*.

## **6.0** Bond

**6.1** Bond amount: All applicants for a Class 3 ROW Permit shall provide a performance and maintenance bond to ensure the appropriate and timely performance of all work in the ROW without the attachment of any liens or other encumbrances and to warranty all work done in the ROW. The bond shall be an annual bond, per contractor, and will be good for all issued permits. The bond shall be valid for the entire calendar year (January 1-December 31), plus an additional one year for the warranty period. The bond amount will be determined based on the type of work being performed. If a contractor does multiple categories of work, then the bond shall be for the category with the highest bond amount. The bond shall be maintained for 12 months from the last completed ROW Permit covered by said bond. The categories of work and associated bond amounts are:

- a) Utility work: \$75,000
- b) Driveways and sidewalks: \$10,000
- c) New or existing single-detached or duplex residential utility work: \$10,000

**6.2** Exceptions: City projects and any other projects that require separate bonds or escrow accounts are not required to obtain the bonds required above.

**6.3** Deviations: The City shall have the discretion to request from any applicant a bond in a different amount than set forth in Section 6.1, *supra*. However, the City may only ask for a larger bond for the following reasons:

- a) The applicant has previously failed to perform work in a timely manner;
- b) The applicant has previously failed to restore facilities appropriately and in a timely manner;
- c) The applicant has previously caused excessive damage to City infrastructure due to carelessness or negligence;
- d) The applicant has previously failed to address warranty concerns in a timely manner;
- e) The applicant has previously failed to meet any other requirements of these regulations or other conditions imposed by the City; or
- f) The project is of such scope or of such a nature that a larger bond is necessary for the protection of the City and the ROW.

**7.0 Insurance; Workers' Compensation; Exceptions**

- 7.1 General Liability Insurance: Together with the application for a ROW Permit, the applicant shall provide to the MSO a certificate of general liability insurance in an amount not less than \$1,000,000, unless a different amount is otherwise required by the City Code. The City shall be named as an additional insured on all such policies.
- 7.2 Workers' Compensation Insurance: Together with the application for a ROW Permit, the applicant shall provide to the MSO a certificate of insurance establishing that the applicant has workers' compensation insurance in the amounts required by state law; **OR**, if the applicant has no employees, a certified statement that the applicant does not have employees and is not subject to the Kansas Workers' Compensation laws.
- 7.3 Exceptions: Applicants for a Class 1 ROW Permit that is only for the use of reserved parking spaces in the ROW or Class 2 ROW Permit that is only for the placement of dumpsters or other large items shall be exempt from the requirements of Section 7.1 and 7.2. However, if the use requires the placement of traffic barricades, then the ROW Permit Holder shall be required to comply with Sections 7.1 and 7.2.

**8.0 Temporary Traffic Control**

Any placement of barricades, cones, or equipment in the ROW that affects pedestrian, bicycle, or vehicular traffic shall require the possession of a Temporary Traffic Control ("TTC") Permit. The TTC Permit will only be approved if there is a valid and active ROW Permit issued for the project. Mobile and Short Term Operations (as defined in Section 8.2) are not required to obtain a TTC Permit, but must comply with Sections 8.1 and 8.2 of these Regulations. Mobile and short duration operations that include any pavement cuts or excavations require a Class 3 ROW Permit. As noted in Section 5.1(a), there are no additional fees assessed for a TTC Permit.

- 8.1 Manual on Uniform Traffic Control Devices (MUTCD), Part 6, Temporary Traffic Control: All ROW Permit Holders shall comply with Part 6 of the most recent version of the MUTCD. Work zones that violate the MUTCD, Part 6, the City Code, these Administrative Regulations, any City policy, or any condition placed upon a ROW Permit may immediately be shut down by the City until such time as the work zone comes into compliance.

**8.2** Mobile and Short Duration Work Zone Traffic Control Requirements:

- a) Mobile operations are defined as work that moves along the roadway intermittently or continuously with short frequent stops of less than 15 minutes. Short-term operations are defined as work that occupies a location for 15 minutes to 60 minutes.
- b) Mobile and short duration operations requirements:
  - i. Vehicles shall have two (2) or more high-intensity rotating lights, flashing beacons or strobe lights that are visible to approaching traffic from a distance not less than the stopping distance for the roadway (MUTCD Table 6C-2). Turn signal strobe lights or other similar miniature strobe lights shall count as only one (1) of the two (2) required lights regardless of the number installed on the vehicle. Vehicle hazard lights shall not be considered as one of the required lights.
  - ii. On two-lane, two-way roadways, a flagger is required when traffic is forced across the centerline to get around the work zone. Flaggers are not required on local streets where the traffic volume is low enough to be self-regulating and the work zone is short enough for drivers to see the roadway beyond
  - iii. Short duration operations on multi-lane roadways shall include a merging taper with a minimum of 5 evenly spaced devices or an arrow board. If the merging taper is used, the devices shall be spaced at a distance no greater than one (1) multiplied by the posted speed limit. The overall minimum taper length shall be 150 feet.
  - iv. Short duration operations shall place a "ROAD WORK AHEAD" sign in advance of the work area.
  - v. Mobile and short duration operations that occur on the shoulder, a roadway, or in the beginning of a turn bay and do not obstruct traffic must have at least one (1) high intensity rotating light, flashing beacon, or strobe light visible to approaching traffic. The "ROAD WORK AHEAD" sign and merging taper are not required.
  - vi. All work should be scheduled so as not to impede traffic in any way from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Monday through Friday, except in emergency situations or if otherwise approved. Additional conditions may be placed on mobile and short-term operations on a case-by-case basis.

**8.3** Temporary Traffic Control Plan requirements: All submitted TTC Plans must meet the following minimum standards:

- a) All persons responsible for the preparation of Temporary Traffic Control Plans shall provide proof of training upon request. Acceptable training shall consist of a minimum of 8 hours of classroom instruction and successful completion of a written exam on the design and installation of temporary traffic control devices. Examples of this training are American Traffic Safety Services Association (ATSSA) Traffic Control Technician or International Municipal Signal Association (IMSA) Work Zone Temporary Traffic Control Technician. Other training courses may be accepted after review of the curriculum by MSO.

- b) TTC Plans must include, at a minimum, the following elements:
  - i. Description of the closure,
  - ii. Street names for all streets in the vicinity,
  - iii. Show all driveways, sidewalks, bicycle lanes, parking, *etc.*,
  - iv. Location of any signs, cones, or barricades,
  - v. Taper lengths, sign spacing, cone spacing, and
  - vi. Detour routes, including pedestrian detour routes, if appropriate.
- c) All lane closures that affect arterial streets for more than three (3) days or roadway closures of any collector street require that a variable message board sign be posted warning drivers of the impending restriction at least 48 hours before the work begins. Depending on the length and scope of the project, the variable message board may be required to remain on site throughout the duration of the project or for a portion thereof.
- d) Local access shall be maintained to all properties at all possible times. When local access cannot be maintained the contractor shall notify affected property owners, residents or tenants a minimum of 24 hours in advance and restore access as soon as possible.
- e) All work on State highways shall also meet the KDOT requirements for temporary traffic control.
- f) All taper lengths shall be calculated based on the speed limit of the road prior to any construction work zone speed reductions. Cone spacing shall be set based on the reduced construction work zone speed.

**8.4** Lane closure restrictions:

- a) Permissible impacts and time restrictions:
  - i. *Arterial Streets:* Lane closures that reduce traffic to a single lane in any direction may not occur from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Monday through Friday, except in emergency situations.
  - ii. *Collector Streets:* Lane closures that do not allow at least one travel lane in each direction may not occur from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Monday through Friday, except in emergency situations. Both directions shall remain open and traffic shall be directed by a flagger.
  - iii. *Local Streets:* There are no lane closure hour restrictions for local streets. Flaggers are not required for lane restrictions on streets where the traffic volume is low enough to be self-regulating and the work zone is short enough for drivers to see the roadway beyond. Flaggers are required for work zones on higher volume streets or those that are long enough such that drivers cannot see beyond the work zone.
  - iv. *Streets Adjacent to Schools:* Additional lane closure hour restrictions may be put in place if the work is adjacent to a school on days when school is in session. The restrictions will be determined by the schedule of the adjacent school and will require a lane in each direction to be open 30 minutes prior and 30 minutes after school start and release times.

- b) Lane closures that require special approval:
  - i. *Arterial Streets*: Lane closures outside of the approved hours and lane closures that do not allow at least one travel lane in each direction are highly discouraged and will be reviewed on a case-by-case basis. Additional traffic control measures may be required. Such requests must be submitted a minimum of 10 business days prior to the requested lane closure.
  - ii. *Collector Streets*: Lane closures outside of the approved hours are highly discouraged and will be reviewed on a case-by-case basis. Such requests must be submitted a minimum of 10 business days prior to the requested lane closure.
  - iii. *Local Streets*: Closure of local streets is highly discouraged and will be reviewed and approved on a case-by-case basis. Such requests must be submitted a minimum of 10 business days prior to the requested lane closure.
  - iv. *Streets Adjacent to Schools*: Lane closure restrictions adjacent to schools (when schools are in session) that do not allow one through lane in each direction 30 minutes prior to school start and release time and extend until 30 minutes after school start and release time are highly discouraged and will be reviewed on a case-by-case basis. Such requests must be submitted a minimum of 10 business days prior to the requested lane closure.
- c) Full Street Closures
  - i. Full street closures of arterial and collector streets will not be permitted unless there is no other reasonable means to perform the work safely. Such requests will be reviewed on a case-by-case basis and may require additional traffic control measures. The requests must be submitted a minimum of 20 business days prior to the requested closure. Full street closures of either an arterial or collector street shall be detoured to the nearest possible arterial or collector.

**8.5** Work Zone Requirements:

- a) At least one (1) person present for installation of traffic control devices shall have training in the installation of temporary traffic control devices and provide proof of training on request. Acceptable training shall consist of a minimum of 8 hours of classroom instruction and successful completion of a written exam. Examples of this training are American Traffic Safety Services Association (ATSSA) Traffic Control Technician or International Municipal Signal Association (IMSA) Work Zone Temporary Traffic Control Technician. Other training courses may be accepted after review of the curriculum by MSO.
- b) All flaggers shall possess a flagger certification card issued by American Traffic Safety Services Association (ATSSA), by Kansas Department of Transportation (KDOT), or other approved entity.
- c) All workers in construction zones shall wear shirts and an ANSI Class II safety vest, shirt, or jacket. For nighttime work, similar outside garments shall be retroreflective. The retroreflective material shall be orange, yellow, white, silver, strong yellow green, or a fluorescent version of one of those colors and shall be visible at a minimum distance of one thousand feet. Flaggers shall be equipped with sign paddles.

- d) When working on City streets, the ROW Permit Holder shall provide adequate and suitable barriers, signs, warning lights, flaggers, and all other equipment necessary to direct and reroute traffic and protect the public from moving or stationary vehicles, equipment, and materials, and other obstructions. In addition, adequate protective warning lights and signs shall be provided to warn of any obstruction or excavation in the street, sidewalk, or parkway. All barricades, signs, and lights shall conform to the latest edition of the MUTCD.
- e) The ROW Permit Holder is responsible for maintenance of traffic control devices at all times. Maintenance may be required after hours and on non-working days. Deficiencies shall be corrected in a timely manner.
- f) The ROW Permit Holders shall notify the Traffic Operations Center (785-832-3035) a minimum of 24 hours in advance about any conditions that will impact the operation of a traffic signal. That includes lane closures, turning restrictions, and any other potential impacts.
- g) When a difference in pavement elevation is created perpendicular to traffic flow, the ROW Permit Holder shall provide, at the end of the workday, a temporary wedge over an 18" length. The ROW Permit Holder is required to mill the wedge prior to final pavement placement.
- h) A traffic lane shall not be considered satisfactorily open to traffic unless it is paved to a condition that matches existing pavement material and markings are in place. Where all existing pavement has been removed, a traffic lane shall not be considered as satisfactorily open to traffic, unless graded reasonably smooth and maintained dust free as determined by the City. Hot or cold mix asphalt may be used on a conditional basis only in order to open traffic lanes on a temporary basis; a written letter must be submitted to the City at the time of ROW permit application stating when permanent repairs will be made.
- i) Small openings in the roadway surface may be bridged with steel plates. An asphalt wedge (or approved device) shall be installed around all edges of the steel plate and the plate shall be anchored so that it does not shift under traffic. Steel plates that are located in travel lanes of roadways with a posted speed of 35 mph or more for a duration of more than 3 days shall be level with the abutting pavement (pavement milled around edges of opening) unless another appropriate solution is approved by the Inspector. Roadway depressions should not exceed 1" in 10'. All visible pushing/shoving of pavement shall be corrected. All temporary pavement shall be inspected daily by the ROW Permit Holder and all maintenance issues corrected within 24 hours.
- j) The ROW Permit Holder shall be required to post a W8-1 "Bump" advance warning sign 250 feet ahead of a steel plate.
- k) Private vehicles shall not be parked in a roadway within the work zone.
- l) Vehicles shall not be parked or driven on sidewalks. If work necessitates that vehicles travel over sidewalks then the condition of the sidewalk should be documented by video or pictures prior to vehicles crossing it. The sidewalk condition shall be inspected after work is complete and any new or undocumented cracks or other damage shall be corrected by the Permit Holder.
- m) Vehicles shall not drive over non-mountable curb without first properly ramping the gutter to avoid damage to the curb.

- n) The ROW Permit Holder is responsible to remain at the work site until all barricading is removed from the roadway. All barricading must be removed from the roadway within two hours of work completion or prior to any work hour restrictions detailed on the Temporary Traffic Control Permit. If barricades remain longer than two hours after work completion, without prior approval, the City may remove the barricades and may charge the contractor for any time and equipment expended on their behalf.

8.6 Construction Signs: Any work zone that requires a TTC Permit shall have a sign posted at each end of the work zone that meets the following requirements:

- a) Be placed in a position that can be read by traffic from each direction;
- b) Be colored "construction orange" with block letters at least six inches in height; and
- c) Contain the name of the company using the ROW and a phone number for a representative of the company.

## 9.0 Inspection of Work

The ROW Permit Holder is responsible for notifying the ROW Inspector at least 24 hours in advance of the commencement of use of the ROW. Any use completed without proper notification may be required to be removed. Inspection hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding City holidays. Any after-hours' inspection requests will be considered on a case-by-case basis, but may require additional Inspection Fees.

## 10.0 Reservation of Metered, Time Limit, and other City Permitted Parking in Downtown

10.1 Use of Metered or Other Time Limit Parking: Parking in the downtown area adjacent to work locations or inside street event footprints may be requested as necessary. The appropriate signage or meter bags will be posted by City Parking. The fee for reservation of parking spaces shall be determined annually by the City Manager, or his or her designee, on or before February 1 of each year and shall be included in the Schedule of ROW Fees.

- a) Class 1, Class 2, and Class 3 ROW Permits: Parking associated with Class 1, Class 2, and Class 3 ROW Permits shall only be valid Monday through Friday (unless otherwise approved). Each unique location at which work is being performed shall be limited to no more than two parking spaces for vehicle parking, and up to an additional one space for a roll-off dumpster if necessary. The MSO may, in the exercise of its discretion, authorize fewer or more than that number of parking spaces, depending on work being performed and current parking conditions. Contractor or subcontractor vehicles parked in reserved spaces must clearly display the approved permit in the front windshield of the vehicle to avoid receiving an expired time violation.

## 11.0 Dumpsters, Shipping Containers and other Large Items in ROW

11.1 Large Items Prohibited in the ROW: Dumpsters, storage containers, and other large non-vehicular items are prohibited from being placed in the ROW without a valid Class 2 ROW Permit. An application for a Class 2 ROW Permit in those circumstances will only be approved if there are no other safe alternatives for placement of the item or materials, as determined by the MSO.

- 11.2 Time Limits on Placement of Dumpsters and Storage Containers: A Class 2 ROW Permit for dumpster and storage container placement shall be approved for no longer than 14 consecutive days. A maximum of three permits for placement of dumpsters and storage containers may be obtained per unique location each calendar year. Any requests for additional time will be considered on a case-by-case basis.
- 11.3 Associated Fees: Applicants shall be charged a ROW Permit as described in Section 5.1 *supra*.

## 12.0 Enforcement

- 12.1 Failure to Restore ROW: Restoration of the ROW shall be completed within 10 days of the completion of the use of the ROW. If weather does not allow full restoration within that time, then it shall be restored to the extent possible and a schedule for full restoration shall be set by the City, with consultation of the ROW Permit Holder. If restoration is not completed within that timeframe, then the City may complete restoration and charge the ROW Permit Holder the costs of restoration plus a 25% administrative overhead fee.
- 12.2 Defects Found During Warranty Period: Any defects identified during a 12-month warranty period of a project shall be rectified within 21 days of notice to the ROW Permit Holder. If defects are not rectified within that timeframe, then the City may complete restoration and charge the ROW Permit Holder the costs of restoration plus a 25% administrative overhead fee.
- 12.3 Found Working Without the Proper Permit: If any person or business entity, however constituted, is determined to be using the ROW without a valid ROW Permit, unless otherwise excepted by the City Code, such person or business entity shall be made to cease all activity forthwith until such time that a valid ROW Permit is obtained and such person or business entity shall be subject to pay an additional fee for failure to obtain a valid ROW Permit. This additional fee shall be \$250 or an amount equal to the total of the ROW Permit Fee and any Additional ROW Fee, whichever amount is lower. The persons or business entity shall also be subject to whatever penalty is available under the City Code, including but not limited to criminal prosecution.

## 13.0 Street Events

- 13.1 Permit Required: Any user of the Public ROW who wishes to hold a street event, block party, festival, sporting event, *etc.* in which any portion of the event occurs within the Public ROW must obtain a Street Event Permit from the Department of Parks and Recreation. Permit applications are due at least 90 days prior to the planned event. No separate Temporary ROW Permit or Traffic Control Permit shall be required for this use of the Public ROW. However, Temporary Traffic Control Plans shall be required and shall comply with Sections 8.1 and 8.3 *supra*. The review and approval of Traffic Control Plans shall be completed by MSO.
- 13.2 Permit Application Fee: Together with the application for a Street Event Permit, the applicant shall remit to the City a nonrefundable Street Event Permit Fee. The Street Event Permit Fee shall be reasonable and shall be calculated to recapture the City's costs of processing the application.

- 13.3** Alcoholic Beverage Fee: If the applicant seeks, as part of a Street Event Permit, to permit the consumption of alcohol in the ROW, then the applicant shall pay to the City an Alcoholic Beverage Fee as established in the Schedule of ROW Fees published and posted annually by the City Manager, or his or her designee. The purpose of the Alcoholic Beverage Fee is to recapture the City's costs of drafting and, if passed, publishing an ordinance allowing the temporary consumption of alcoholic beverages in the ROW.
- 13.4** Other Fees: All other fees required as a part of this permit will be determined by the City Manager, or his or her designee, and shall be made available to the public during regular business hours at the City Clerk's office and the office of the Department of Parks and Recreation, and shall be posted on the City website.