

2019
CITY OF LEBANON
EXCAVATION PERMIT
REGULATIONS

PERMIT CONDITIONS AND
CONSTRUCTION REQUIREMENTS

CITY OF LEBANON
NEW HAMPSHIRE

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In accordance with City Code Chapter 152, Article II, Excavations, the City Engineer is the Designee of the Public Works Director charged with oversight and issuance of excavation permits.

PERMIT REQUIREMENTS

1. Per the Code of the City of Lebanon, no person shall disturb, excavate, or open the ground or pavement in any street, highway, sidewalk, or greenbelt within the city's public way, or on city property, without first obtaining a written permit of authorization from the Director of Public Works/Designee.
2. The applicant for a permit, the applicant's agent, or the contractor performing the work within the city's public way, or on city property, shall, before the issuance of a permit submit the following to the Department of Public works:
 - a. A completed and signed excavation permit application including all of the following information:
 - i. A description of the reason for disturbance.
 - ii. Street address/Tax Map and lot number of the location of the proposed work.
 - iii. A Dig-safe confirmation number.
 - iv. The area and dimensions to be disturbed.
 - v. The name and contact information of the contractor
 - vi. The dates the work is to begin and end.
 - b. A restoration bond or an irrevocable letter of credit issued by a New Hampshire bank or other acceptable financial guarantee or check deposit for a period of twenty-four (24) months after work has been completed and accepted by the Director of Public Works/Designee. The determination of the bond amount shall be at the discretion of the Director of Public Works/Designee. The financial guarantee shall be a minimum amount of Five Thousand Dollars (\$5,000) or the amount the Director of Public Works/Designee determines is sufficient to provide for the satisfactory restoration of the public way/city property disturbed. An exception may be made for a bond reduction (of not less than a minimum of \$1,000) for a residential driveway reconstruction at the discretion of the Director of Public Works/Designee. The financial guarantee must clearly identify the location of the excavation and the expiration date of guarantee.
 - c. A certificate of insurance, naming the City as additional insured, for general liability

insurance in the amount of \$1,000,000/\$2,000,000 aggregate.

d. Signed certification regarding the following:

- i. The excavator shall indemnify and hold the city harmless from any and all claims, demands, liabilities and damages which the city may sustain or which may be made upon the city by reason of the excavation.
- ii. The applicant agrees to indemnify and save harmless the city from all claims for damage or injury whatsoever, that may arise from the encumbrance, obstruction, occupation, or use of the street, highway, sidewalk, or greenbelt within the city's public way, as well as claims for loss or interruption of business where the encumbrance or construction impedes the flow of traffic to any person or property arising out of the activities of the permit. The city in no case assumes any responsibility or liability by reason of granting this permit.

e. Affirmation that the applicant is not delinquent in fees, fines, or payments due to the city on prior excavation work.

f. Evidence that the applicant is competent and equipped to do the proposed work.

g. A construction plan of the proposed work for the subject property and adjacent properties showing existing surface and subsurface conditions including existing utilities, structures, street layouts, trees, and other vital structures within the public way or on private properties that may be affected by the work or as designated by the Director of Public Works/Designee

h. An approved Traffic Control Plan.

i. A permit application fee of \$200

j. A degradation fee calculated by the engineering office as applicable

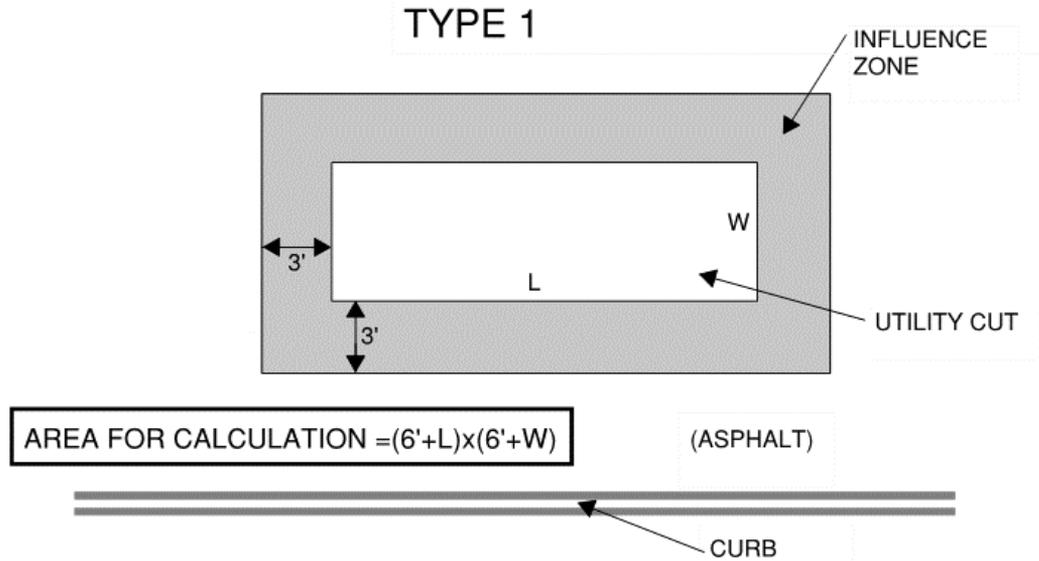
3. The ~~complete~~ permit application must be submitted a minimum of 72 hours prior to the proposed start of excavation; 10 days if excavation requires complete closure of a street. Once issued and approved, the permit term is for thirty (30) days, unless extended by the Director of Public Works/Designee for good cause shown. An additional administrative and inspection fee will be assessed for each permit extension. The thirty (30) day expiration period is not applicable for City or State contracted excavation projects.
 - a. Any person who receives a building permit from the building official to construct, install, and repair or remove any structure shall obtain a permit and make the required deposit as provided herein, if during the progress of work it is necessary to excavate within any public way.
 - b. Any public utility possessing a franchise to install, operate, maintain or use facilities in the streets, although deriving its rights to occupy such streets from the franchise, shall nevertheless procure a permit as provided in the City Code Chapter 152

4. Work authorized by the excavation permit shall be performed as designated in the permit in all streets, highways, sidewalks, or greenbelts within the city's public way, or on city property, Monday through Friday, from April 15th through November 1st. All excavation permits shall expire on November 1st unless the applicant obtains written consent from the Director of Public Works/Designee, to do work during another time. Such permission shall be granted only in the case of an emergency.
5. Nothing in the article shall be construed to prevent excavations from occurring as may be necessary for the preservation of life or property in an emergency condition. Please see emergency conditions section.

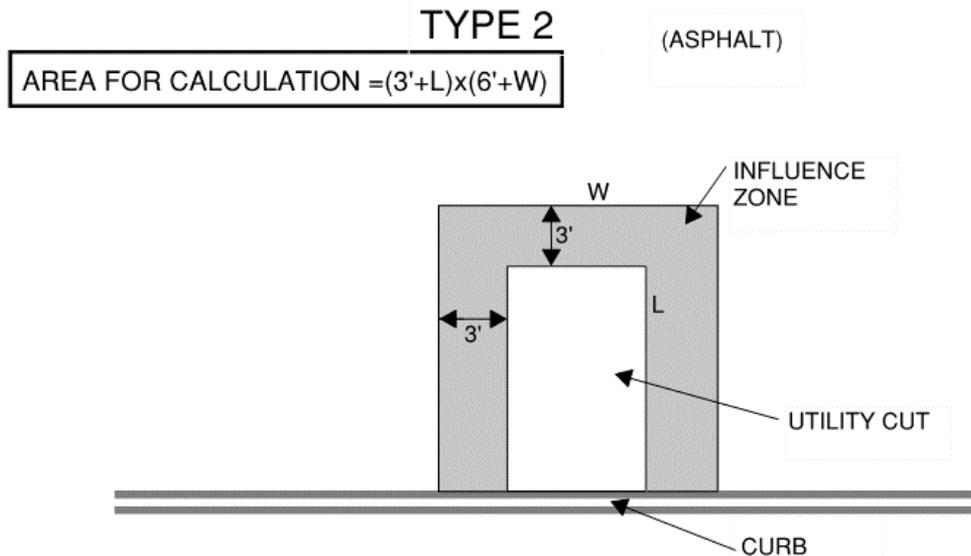
PERMIT FEES

1. All applications for a permit to excavate in or open a public way or public property shall include, for each permit applied for, the applicable fee listed in the City of Lebanon Code 152-8.
2. The fee for an excavation permit, payable in advance, is as follows:
 - a. A permit administration fee of \$200.00 per permit for all excavations within the public way or on City property.
 - b. A Roadway degradation fee of \$5.00 per square foot of excavation occurring within the paved portions and sidewalk of the public way or on City property.
 - c. A pavement life reduction factor as set forth below based on the age of the pavement to be disturbed
 - d. A 3' zone of influence surrounding the entire planned excavation area will be included in any calculation

DEGRADATION FEE CALCULATION



DEGRADATION FEE CALCULATION



- The fees for the Roadway Degradation may be increased if the actual work limits completed exceed the roadway degradation fee limits stated on the application, if the work is commenced prior to the issuance of a permit, if other permit violations as outlined in Chapter 152 occur, or if work is done on a protected street as outlined in Chapter 152-8 (B) (2) of the City Code. Additional charges will be billed and are due upon presentation.

4. Generally, the excavation permit shall cover contiguous construction and work performed as one continuous operation, except as otherwise determined by the Director of Public Works/Designee. Where a continuous and single operation involves separate excavations by a single contractor, no more than two (2) such excavations shall be covered by one (1) single permit, provided such single permit shall be allowed only where the distance between the excavations is not greater than twenty (20) feet at their opposite extremities.
5. Where the City, as part of its annual Capital Improvement Program (CIP), has developed a work plan for the rehabilitation or reconstruction of public streets and properties, notification shall be provided to all private and public utilities at an annual Utility Coordination Meeting sponsored by the City. The purpose of this meeting is to encourage the annual coordination of excavation and major project planning between the City and excavation contractors in an effort to minimize damage to, and avoid undue disruption and interference within the public way. In that coordination, exceptions to the payment of the roadway degradation fee portion of the permit fees include:
 - a. Underground utility projects initiated by the City, utility relocations necessitated by CIP projects, or by street discontinuances.

In this case, the applicant will be responsible for payment of the application fee portion of the permit.

6. When street or sidewalk excavation results in the complete replacement of the pavement systems by the applicant over the limits of the work, and is undertaken so as to replace or improve existing street pavement or sidewalk systems, the roadway degradation fee portion of the degradation fee may be waived and the applicant shall pay only the administrative and inspection charges related to the permit.

All fees shall be based upon information provided by the applicant at the time of the application subject to verification of actual excavation impacts by the City's inspection representatives.

PROTECTION OF STREETS

1. In an effort to protect the City's investment in its infrastructure, excavations in newly constructed, reconstructed, rehabilitated, or overlaid pavements within a public way or on City property, are prohibited for Seven (7) years after the effective date of notice of completion or acceptance of the new, reconstructed, rehabilitated, or overlaid improvements except as follows:
 - a. Excavations to remedy a public emergency or a situation that creates an imminent threat to public safety, health, or welfare.
 - b. Repair or modification to prevent interruption of essential utility services where no reasonable alternatives are available to avoid excavation in new pavements.

- c. Relocation work that is mandated by State or Federal legislation.
 - d. Utility services for new buildings or parcels without existing utility services where no other reasonable means of providing service exists, as determined by the Director of Public Works/Designee.
 - e. Excavations within protected streets where the City has scheduled the reconstruction within one year due to the failure of the original pavement.
 - f. Other situations deemed by the City Manager to be in the best interest of the general public.
2. In all of the above, although a permit will not be denied, the applicant will be responsible for paying a pavement life reduction factor. The pavement life reduction factor will be assessed to the roadway degradation fee as follows:
- a. Street or sidewalk pavement less than 2 years old —3 times roadway degradation fee.
 - b. Street or sidewalk pavement from 2 years - 5 years old —2 times roadway degradation fee.
 - c. Street or sidewalk pavement from 5 years- 7 years old- 1 times roadway degradation fee
 - d. Street or sidewalk pavement over 7 years old- No roadway degradation fee

PENALTIES

1. Persons who operate without a permit or violate the provisions of any permit required by Article II of Chapter 152 shall be subject to the penalties outlined in Section 152-16, Penalties for offences, of the Code.
2. If the Director of Public Works/Designee determines that an excavation activity is not being carried out in accordance with the requirements of Chapter 152, a written notice will be issued to the persons in violation. The written notice will generally contain information pertinent to the applicant's name, excavation location, the nature of the violation, and summary of penalties or fines to be assessed. Contractors with non-compliant excavations shall have twenty-four (24) hours to remedy violations or a stop work order may be issued, the permit may be suspended, and administrative penalties may be assessed. Examples of violations subject to penalties and fines include but are not limited to:
 - a. Excavation without a valid excavation permit.
 - b. Excavation without proof of the permit being available for review at the work site.
 - c. Excavation without proper notice to DIGSAFE.
 - d. Excavation without proper notice to the City of Lebanon's Engineering Services

Division.

- e. Excavations that violate the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (MUTCD), latest edition.
- f. Excavations that do not meet requirements for restoration concerning backfill, replacement of pavement base, and finished pavement.
- g. Excavations that exceed the scope of the permit, including, but not limited to, obstructing the path of automobile, bicycle or pedestrian travel in excess of the permitted area.

3. Emergency excavations which are necessary for the preservation of life or property in an emergency situation shall be exempt from these conditions. An emergency is a situation where public health or safety is endangered, and immediate action must be taken. In the case of an emergency, however, the Department of Public Works and Lebanon Dispatch must be notified immediately by telephone, and a permit must be obtained no later than one business day after such emergency excavation.

4. Persons receiving a notice of violation may be issued a stop work order and required to cease all construction activities immediately. The excavator shall comply with any requirements in the stop work order for the purpose of protecting property, travelers or pedestrians. The stop work order will be in effect until the city's inspector confirms that construction activities are in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in additional penalties in accordance with the enforcement measures authorized by Chapter 152 and the permit may be revoked by the Director of Public Works/Designee.

5.

Any Permittee who violates the Ordinance shall be assessed penalties as outlined below:

- h. A fine not to exceed \$100.00 for the first violation.
- i. A fine not to exceed \$500.00 for a second violation within one (1) year from the date of the first violation, and will not be granted an excavation permit for 1 year.
- j. A fine not to exceed \$1,000.00 for a third and each additional violation within one (1) year from the date of the first violation, and will not be granted an excavation permit for 5 years.

6. Penalties and costs assessed under this regulation shall continue to accrue against a responsible party until the violation is corrected or otherwise remedied in the judgment of the Director of Public Works/Designee, or when the responsible party pays the assessed penalties and fines.

General Permit Conditions and Construction Requirements

GENERAL APPLICATION REQUIREMENTS

1. An excavation permit gives the applicant the right to excavate in the public way with proper traffic controls as specified in the Manual of Uniform Traffic Control Devices (MUTCD) as long as a minimum of one lane of traffic (12 feet wide) is provided in the street at all times.
2. Any street excavation permit restricting complete traffic movement, and closures of roadways, will only be issued with a traffic control plan approved by the Director of Public Works/Designee, Fire Department, and Police Department. If a complete street closure is necessary, a minimum of ten (10) days advance notice is required, with confirmation of the proposed closure three (3) working days in advance of the actual street closure. Advanced Transit (802-295-1824), the Lebanon School District Transportation Coordinator (603-678-8137) and any abutting property owner or business will need to be notified.
3. Construction on major arterial highways and collector streets shall commence at a time designated by the Director of Public Works/Designee. The local media (newspaper and the radio stations) shall be notified by the Applicant three (3) days prior to work to advise motorists of the construction. This notification shall be at the applicant's expense. The Director of Public Works/Designee will review and approve any detours required. If an emergency necessitates the complete closing of a street, see the "Emergency Provisions" section of these General Permit Conditions and Construction Requirements.

PRE-CONSTRUCTION REQUIREMENTS AND NOTIFICATIONS

1. The applicant shall notify the Engineering Services Division twenty-four (24) hours before the construction begins. A twenty-four (24) hour notice prior to backfill inspection is requested with a minimum period of four (4) hours being required. The Engineering Services Division shall be notified twenty-four (24) hours in advance of the placement of all permanent pavement patches and again at the completion of the work for sign off by the Director of Public Works/Designee. The location of all utility facilities shall be determined prior to excavation work to avoid damage to those facilities and permit their relocation if necessary. The applicant shall, as specified by New Hampshire RSA 374:51 and 374:55, call DIG SAFE (1-888-344-7233) at least 72 hours prior to any excavation. For water, sewer, and drainage, the applicable City department shall be called. The telephone numbers are as follows: Water & Sewer 603-298-5190, Highway 603-448-3112, the applicant shall also notify Lebanon dispatch at 603-448-1212.
2. The Permit shall be kept with the foreman at the place where the work is being performed and shall be produced for examination upon request of any member of the Public Works Department, Building Codes and the Police and Fire Departments of the City of Lebanon. All materials and construction shall conform to the latest edition of "NHDOT Standard Specifications for Road and Bridge Construction." All permit

holders are responsible for subcontractors to adhere to these regulations, no exceptions.

CONSTRUCTION REQUIREMENTS

1. All work shall be performed in a neat and workman-like manner and so programmed as to cause the minimum interference with traffic and inconvenience to the public. Access shall be provided to all boxes, fire hydrants, water gate valves, manholes and other public service structures and property as may be required for emergency use. Public service structures or property shall not be removed or relocated without proper coordination with the properly constituted authorities charged with their control and maintenance. The working area shall be confined so as not to obstruct roadways and walks unnecessarily. Temporary roadways, driveways and walks for vehicles and pedestrians shall be constructed where required.
 - a. Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point within the City shall not be removed or disturbed without first obtaining permission in writing from the Director of Public Works/Designee. Permission shall be granted upon the condition that the person applying therefore shall cause to be replaced at his expense the monument so removed or disturbed.
2. Cuts shall be parallel or perpendicular to the line of the trench. In the case of transverse or diagonal trenching, the pavement shall be saw cut with a two (2) foot minimum overlap on undisturbed material that will permit only one wheel of a vehicle at a time to strike the patch area. An acceptable alternative to saw cutting is cold planing.
3. No more than 200 feet measured longitudinally shall be open in any street at one time, except by special permission of the Director of Public Works/Designee. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street made passable to traffic.
4. Backfill shall be compacted in maximum one (1) foot lifts to obtain a minimum of 95% of the optimum density as measured by the modified proctor test. Backfill shall be of approved granular material free from large stones and organic material. Select materials immediately under pavement (gravels and processed gravels) shall be replaced in kind or to a minimum depth of twelve (12) inches of gravel and six (6) inches crushed gravel meeting NHDOT Standard Specifications for Road and Bridge Construction. Select material shall be compacted to a minimum of 95% of the optimum density as measured by the modified proctor test. The Director of Public Works/Designee may require compaction and material testing of excavation backfill. An independent company approved by the Director of Public Works/Designee, at the expense of the Applicant, shall perform all materials testing. Reclaimed bituminous pavement can substitute select gravel and crushed gravel materials provided that the reclaimed materials meet all specifications for

select reclaimed materials.

5. Within the sawed limits of the final patch, the existing pavement and any temporary material shall be removed and replaced to an equal depth with a minimum of four (4) inches of hot bituminous pavement (two and one-half (2 ½") inches of base and one and one-half (1 ½") inches of wearing course. The bituminous pavement mixture used shall comply with the NHDOT Standard Specifications for Road and Bridge Construction. Testing and certification of compliance with these standards may be required.
6. Bituminous pavement shall be laid and compacted in a maximum of two (2) inch thick layers. After compaction the new patch shall match exactly the line and grade of the adjacent roadway. The face of all joints and exposed pavement to be overlaid shall be coated with an approved asphalt emulsion (tack coat).

For backfilling and paving inspection call the department of Public Works at 448-3112.

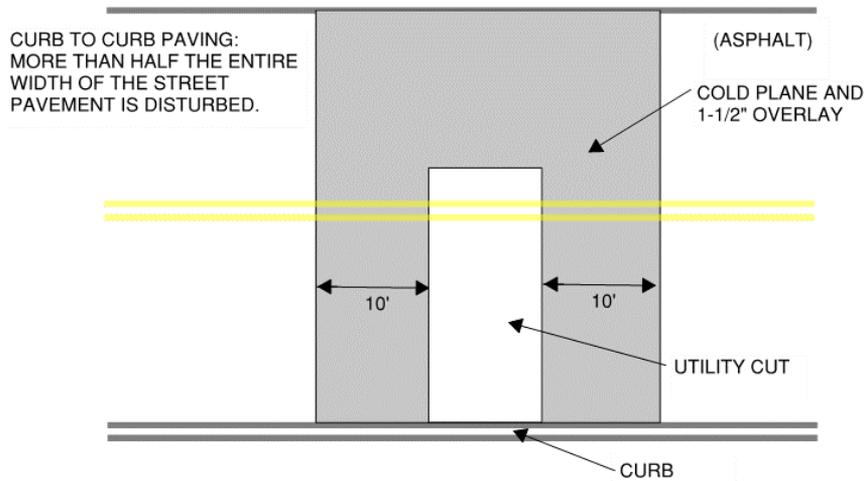
7. All disturbed traffic striping, traffic signage, and traffic signal equipment (detector loops, conduit, etc.) shall be replaced with like or better materials.

ADDITIONAL REQUIREMENTS FOR PROTECTED STREETS

All excavations performed in a City street that has been newly constructed, reconstructed, rehabilitated, or overlaid with pavement within the past Seven (7) years shall be reconstructed in accordance with these regulations and the following additional conditions:

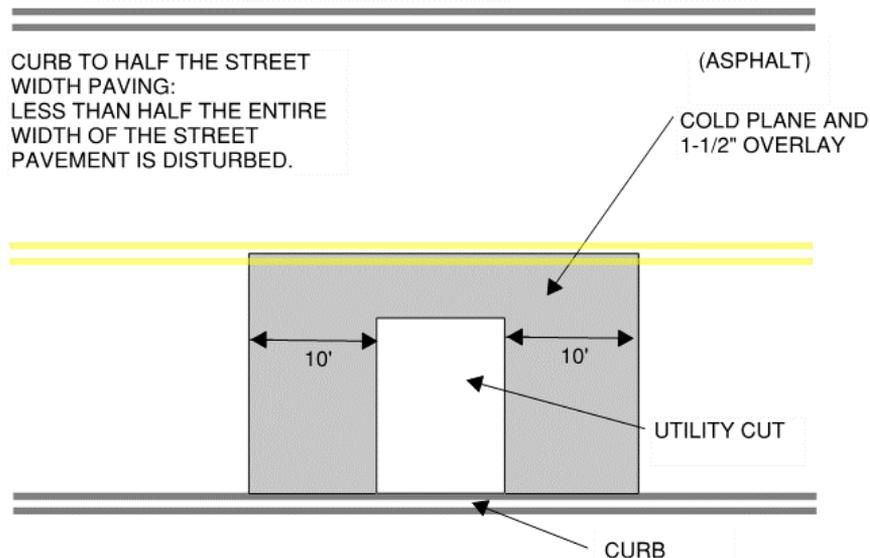
1. If the trench is excavated in such a manner so that more than half the entire width of the street's pavement is disturbed, the final pavement patch will be a one and one-half (1 ½") inch overlay from curb to curb the entire width and will extend ten (10) feet beyond the trench limits longitudinally in each direction. The existing pavement shall be cold planed on each side of the trench prior to the pavement overlay to provide clean pavement joints, and correct surface grade, profile, and cross-section.

TRENCH EXCAVATION PAVING LIMITS



2. If the trench is excavated in such a manner so that less than half the entire width of the street's pavement is disturbed and within the travel way, the final pavement patch will be a one and one-half (1 ½") inch overlay of half of the entire width of the street and will extend ten (10) feet beyond the trench limits longitudinally in each direction. The existing pavement shall be cold planed on each side of the trench prior to the pavement overlay to provide clean pavement joints, and correct surface grade, profile, and cross-section.

TRENCH EXCAVATION PAVING LIMITS

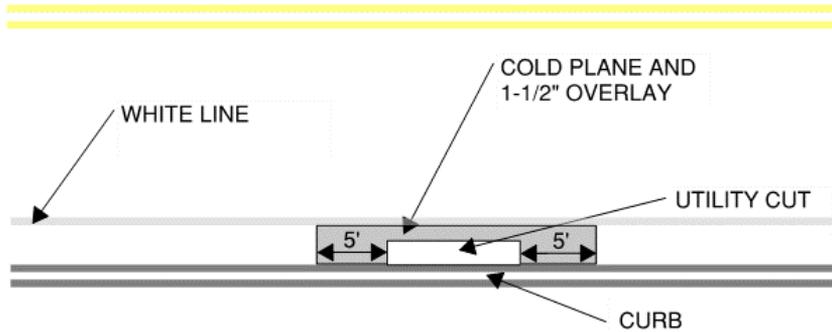


3. If the trench is excavated in such a manner so that only the paved shoulder or parking bay is disturbed and is not within the travel way, the final pavement patch will be a one and one-half (1 ½") inch overlay limited to the area disturbed so as to minimize the effects of the work on the new pavement. The existing pavement shall be cold planed 5' on each side of the trench prior to the pavement overlay to provide clean pavement joints, and correct surface grade, profile, and cross-section.

TRENCH EXCAVATION PAVING LIMITS

SHOULDER OR PARKING
REPAIR:
LESS THAN HALF THE ENTIRE
WIDTH OF THE STREET
PAVEMENT IS DISTURBED.

(ASPHALT)



A listing of protected streets affected by this provision is on file at the office of the Engineering Services Division. The listing is periodically updated to reflect ongoing projects and may not be all-inclusive.

8. In cases where multiple excavations are made in a street that would result in the edge of patches being closer than twenty (20) feet, the Engineering Services Division will require one continuous pavement patch. In the case of long longitudinal trenches in the roadway area, full width restoration may be required. Restoration will be in kind with a one and one-half (1 1/2) inch wearing course overlay.
9. On surface treated gravel highways, feathering the edges of patches shall be allowed. Within areas of concrete, reinforced concrete, or stone base overlaid with asphalt, the Director of Public Works/Designee will require the replacement of the concrete, reinforced concrete, or stone base with Class "A" Portland cement concrete, reinforced concrete, or stone base as specified in the NHDOT Standard Specifications for Highway and Bridge Construction, latest issue, to the depth equal to that removed, and then overlaid with hot bituminous pavement as specified above. Concrete sections disturbed or excavated shall be replaced in full, from expansion joint to expansion joint, and doweled together with steel reinforcement bars.
10. In general, where compliance to these regulations and their intent is in question, the applicant at his expense shall provide any and all proof of compliance to the Director of Public Works/Designee. Acceptable proof shall be by, but not limited to, approved independent laboratory tests, approved independent field tests, shop drawings, and certificates of compliance from manufacturers. Specific tests as required by regulations and specifications shall be performed.
11. After an excavation has commenced, the work shall proceed in a continuous

manner with diligence and expedition and shall be completed and the street restored, as nearly as possible to its original condition, so as not to obstruct the public access or travel thereon more than is reasonably necessary. The Applicant shall notify the Director of Public Works/Designee in writing should more time be needed than the completion date indicated on the permit. This notification shall include an explanation as to why the additional time is needed. In any event, the Applicant shall place temporary hot bituminous pavement immediately upon backfilling, which shall be maintained on a daily basis.

12. As a condition of this permit, the applicant agrees that following the excavation and proper backfill, all pavement areas will be permanently restored under the pavement scheduling and construction guidelines set forth within this regulation. No permanent street restoration will be allowed between November 1st and April 15th, unless specifically authorized by the Director of Public Works/Designee.
13. Work in public ways where pavement improvements are greater than 7 years, the excavation shall be restored to the condition that existed before the excavations or as directed by the Director of Public Works/Designee. Curbs, gutters, sidewalks, sewers, drains, structures, street signs and all other improvements damaged, disturbed or removed during the progress of the work shall be restored or replaced in as good or better condition as existed prior to commencement of work to the satisfaction of the Director of Public Works/Designee. Adequate and proper measures shall be taken to locate the existence of any public utility and to protect the City's public utilities against damage. The Excavator shall be held liable for any damages to utilities or works and shall reimburse the City for any loss of revenue and cost of repair or replacement. Any existing grassland shall be restored with four (4) inches of screened loam that shall be fine graded, fertilized, seeded, rolled, and mulched.
14. Salt tolerant seed mixtures shall be used immediately adjacent to the roadway; slope seed shall be used on all slopes; park seed mixtures shall be used in all other areas; or a specified seed mixture may be specified by the Director of Public Works/Designee.
15. If the subsurface materials or pavement over or within the trench influence area becomes depressed or broken at any time, the area shall be immediately repaired. Repairs to the installation or backfill shall be made and the pavement restored in the manner and within the time period specified by the Director of Public Works/Designee. The restoration or repair(s) of a street or public highway also pertains to any person working on a section of ground that requires vehicles to enter and leave a particular section of street or highway which causes a deterioration or damage(s) to the road surface. Such person will be responsible to restore the damaged or disturbed area(s) to the satisfaction of the Director of Public Works/Designee.
16. After the contractor has restored the excavation and placed a temporary hot

bituminous pavement patch, a minimum thirty (30) day settlement period will be directed by the Director of Public Works/Designee before permanently restoring the excavation work area.

17. No trenches or excavations will be permitted to be left open overnight unless specifically authorized by the Director of Public Works/Designee. Open excavations shall be protected by concrete jersey barriers, steel plates, or other methods approved by the Director of Public Works/Designee. Construction materials and equipment shall not be left in the public way overnight unless approved by the Director of Public Works/Designee. If approved, proper warning devices and protection shall be provided as required.
18. As the work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. Upon request, the street shall be immediately cleaned to the satisfaction of the Director of Public Works/Designee. Dust control shall be provided as necessary to prevent a nuisance to abutters and surrounding areas. Dust control shall be by wetting, use of calcium chloride, or other approved methods.

The following permanent patching schedule will be observed:

<u>Work done between:</u>	<u>To be permanently patched by:</u>
April 15 th – May 31 st	July 1 st
June 1 st – June 30 th	August 1 st
July 1 st – July 31 st	September 1 st
August 1 st – August 31 st	October 1 st
September 1 st – October 15 th	November 1 st
October 16 th - March 31 st	May 1 st

PROTECTIVE MEASURES AND TRAFFIC CONTROL

1. Prior to the commencement of any street improvement or alteration, including but not limited to the following: laying of water, sewer, drainage, electrical or any type of telecommunications equipment, cable TV, or any other type of underground utilities or the installation of aboveground utilities which would interfere with the normal and regular flow of traffic within the City of Lebanon, the primary contractor or company responsible for the work being performed shall be required to provide adequate traffic control.

In determining the level of traffic control needed, the following should be taken into consideration:

- (a) The safety of the public.
- (b) The safety of the workers.
- (c) The ease of traffic flow.

2. The primary contractor or company must develop a traffic control plan, using the recommendations outlined in the Manual of Uniform Traffic Control Devices, including the use of adequate warning and control signs. The contractor or company must take into consideration the location of the work site and the necessity of employing civilian traffic control personnel or uniformed police officers to promote the safe and orderly flow of traffic in and around the work site. In all areas where traffic volume is heavy, special consideration should be given to employing uniformed police officers to heighten the awareness of passing motorists to improve safety through the work zone.
3. The contractor shall not interfere with any existing utility without the written consent of the Public Works Director/ Designee and the owner of the utility. All costs relating to the relocation and protection of utilities shall be paid by the contractor.
4. In any case where the effectiveness of the traffic control is questioned, the Lebanon Police Department will be responsible for assessing the effectiveness of the traffic control being used. The Chief of Police or designee shall have the authority to require the contractor or company to take all reasonable steps necessary to improve its effectiveness, including the hiring of uniformed police officers. If a uniformed police officer is detailed, the contractor or company shall be responsible for payment of such services, at the contractual rate as billed by the City of Lebanon for coverage until the work is completed.
5. If the contractor or company does not comply with the traffic control plan and/or directions of the Chief of Police or designee, a notice of violation order may be issued by the Public Works Director/ Designee to prevent any further work as it relates to the interference of vehicular and/or pedestrian traffic.
6. Exception. This section does not apply to the Lebanon Public Works Department, the New Hampshire Department of Transportation, or their employees while so employed. This exception does not apply to subcontractors of either agency. If there is any question as to the application of this exception, the Chief of Police, in conjunction with the Public Works Director/ Designee, will make the final determination.
7. Progress or work schedules shall be so arranged as to provide an access to all lots either from the street or the alley. No street or intersection shall be closed in the performance of the work when a traffic restriction or street closure is already in effect on an adjacent parallel street, except in emergencies or by special authorization of the Director of Public Works/Designee. Special authorization under this section may be granted by the Director of Public Works/Designee

during construction through approval of a progress schedule submitted by the Excavator. If at any time during the performance of the work an emergency should arise, the City shall have the right to use all or any part of the area occupied by the Excavator under his permit.

8. The applicant is required to take all appropriate measures to assure that during performance of the excavation work, so far as practicable, normal traffic conditions including vehicular, bicycle and pedestrian traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public.
9. The Director of Public Works/Designee and/or the Lebanon Police Chief may require, while street excavation opening work is in progress, that the applicant engage a police detail to maintain traffic control and public safety at a project site, if in their opinion the work within the street or highway constitutes a compromise to public safety, or a potential for significant traffic delays or congestion on certain streets.
10. Minimally, the applicant will be required, while street excavation opening work is in progress, to utilize a certified flagger detail to maintain traffic control and public safety at the project site.
11. Every applicant will be required to place around openings, excavations, encumbrances, or obstructions such barriers, fences, barricades, lights, warning flags, danger signs, and traffic control personnel as may be required by the Engineering Services Division to protect the safety of the general public. Adequate artificial lighting devices are required to call attention to and indicate the actual location of obstructions and hazards. Adherence to Part VI of the MUTCD for traffic control and work area safety will be required. Sufficient safety equipment shall be located on the job before any work is commenced.

WINTER CONSTRUCTION PROCEDURES FOR PAVEMENT RESTORATION

These procedures are effective from November 1st through April 15th (Weather pending) and are intended to supplement the permitting conditions and construction requirements specified herein. The procedures outlined in the Excavation Permit requirements shall be followed except for the placement of hot bituminous pavement.

1. If hot bituminous pavement is available, three (3) inches of temporary hot bituminous pavement (1/2" aggregate) shall be used.
2. When hot bituminous pavement is not available, cold patch may be allowed with the approval of the Director of Public Works/Designee.

3. The Applicant may be required to use a temporary concrete patch. If a concrete patch is used, the following procedures will be followed:
 - a. Three (3) inch pavement of Class “AA” (4000 p.s.i.) concrete with three-quarter (3/4”) inch stone shall be placed. Use of “high early” strength or 6000 p.s.i. Portland concrete mix is also acceptable.
 - b. The concrete shall be placed over a prepared crushed gravel base.
 - c. The concrete shall be placed flush to the existing line and grade of the adjacent asphalt pavement.
 - d. The surface of the pavement will have a rough broom type finish placed perpendicular to the flow of traffic.
 - e. The concrete pavement shall be protected from freezing for a minimum of two (2) days by covering it with polyethylene insulated blanket or hay and polyethylene plastic. The length of protection and curing may be increased or decreased by the Director of Public Works/Designee depending on the daily temperature.
4. The following spring, when hot bituminous pavement becomes available, the temporary “cold patch,” temporary bituminous pavement, or temporary concrete pavement shall be removed and replaced with a permanent pavement patch as required by the Director of Public Works/Designee.

The applicant is responsible for maintaining all temporary patches until permanent restorations are accepted.

EMERGENCY PROVISIONS

1. Per City Code Chapter 152-7, in the event of an emergency the Department of Public Works (603-448-3112) and/or Dispatch (603-448-1212) should be notified immediately of pending excavation. An emergency is classified as a situation where the public health or safety is endangered, and immediate action must be taken. A Permit shall be obtained no later than one business day after such emergency excavation. The provisions of this section shall not relieve the Excavator of the obligations imposed by other pertinent Lebanon City Code or supplemental Ordinances.

POST CONSTRUCTION

1. After installation is complete, the pipe, conduits, vaults, ducts, tunnels or other underground installations shall be the responsibility of the property owner for all

maintenance, repairs, damages, replacement or removal in said public street, sidewalk or alley.

2. The Excavator shall be responsible for all claims and liabilities arising out of work performed or arising out of failure to perform the obligations with respect to work in and restoration of the street, highway, sidewalk, or greenbelt or city property. The Excavator shall agree to defend, indemnify, save and hold harmless the City, its officers and employees from and against any bodily injuries, disease or illness or damage to persons, including death and/or property damage, sustained or arising in the construction of the work performed or in consequence of failure to perform the obligations with respect to such excavation and/or restoration.
3. The Director of Public Works/Designee, as a condition of the permit, reserves the right to order the applicant to repair the street or highway or order the same to be repaired by others if in the opinion of the Director of Public Works/Designee the applicant is non-responsive or in default of performance of the permit.
4. It shall be a condition of all permits that the excavator shall restore all excavated areas to substantially the same condition, or better, than it was prior to such excavation or disturbance. It shall further be a condition of all permits that if during the three years following the completion of the restoration any depressions occur or the are shall be unreasonably washed as a result of the excavation and/or disturbance covered by the permit, then the excavator shall compensate the city for refilling or grading such area.
5. The applicant shall reimburse the City for any and all liability and expense plus twenty percent (20%) suffered by reasons of such work especially in the case where an independent contractor, after notice, has been ordered to make final restorations. This shall be paid by the excavator or withheld from the security.

Signatures

These regulations shall take effect upon their approval.