



CITY OF DEARBORN

Home Town of Henry Ford

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

M. YUNUS PATEL, P.E.
CITY ENGINEER

ALAN P. LOEBACH, P.E.
ASST. CITY ENGINEER

JOHN B. "JACK" O'REILLY, JR.
MAYOR

April 24, 2013

NOTICE TO UTILITY COMPANIES:

This letter is a reminder to utility companies, other than telecommunications providers as defined by state law, that an Engineering permit must be obtained for utility work performed in the City of Dearborn, including maintenance, installation, erection, replacement, alteration or removal of equipment conduit, wire, coaxial cable, fiber optic lines, poles, tubing, gas main and gas services and related items for connections to other equipment, any building or facility. Please note that this requirement is in addition to any building permit that may be required by local ordinance.

Enclosed is an Information Sheet and a revised Permit Application Form that is required from applicable utility companies when requesting a utility permit. **Permits must be obtained prior to commencing work.**

Application forms are available at the Engineering Division or online at cityofdearborn.org. A penalty will be imposed if the applicant removes sidewalk, driveway apron, and pavement within the public right of way without obtaining proper authorization.

The following conditions are required for work by utility companies other than telecommunications providers:

(A) Annual Permit Fee:

Pursuant to city ordinance (Section 9-214), each utility company that currently has facilities in the right-of-way must obtain an annual maintenance permit. The cost of the annual maintenance permit is \$2,500.00 and shall be obtained and paid for by January 15, of each calendar year. The annual maintenance permit only covers the administrative cost associated with the work performed on existing facilities. Checks should be made payable to "City of Dearborn" and may be mailed to: City of Dearborn, Engineering Division, 4500 Maple, 3rd Floor, and Dearborn, MI 48126.

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Submission of attached individual permit is required for the right-of way entry and restoration and the utility companies are required to pay for the inspection cost.

(B) New Utility Installation:

Submission of attached right of way entry and restoration application shall be used for the new utility installation with the construction plan and specifications attached to the application. Amount of review fee and inspection fee by the Engineering Division staff will be determined within one work day (24 hours) of submitting the application.

(C) Inspection Fee Associated with Right of Way Removal and Restoration:

Although the utility companies are responsible for the quality and workmanship of their work within the public rights of way, along with any related liability, the City of Dearborn has certain responsibilities under state law to maintain public rights of way under its jurisdiction. In order to ensure that the public rights of way are maintained, Engineering Division staff will make reasonable efforts to inspect all sidewalk, driveway apron, and pavement removal and replacement, and trench backfill work done by the utility companies.

The inspection activities performed by the Engineering Division staff are as follows:

- Saw cutting of sidewalk, driveway apron and pavement prior to its removal,
- Removal of sidewalk, driveway apron and pavement,
- Backfilling of excavation. Backfilling within 3' of sidewalk, driveway apron, and pavement must be filled with MDOT Class II Granular Material compacted in place,
- Placement of temporary pavement with stone and cold patch,
- Placement of concrete for the sidewalk, driveway apron and pavement,

Additionally, the utility company must have and pay for the certified geotechnical and testing company on site to test Air content, slump tests and cylinder tests for the concrete if the concrete placement exceeds 10 CY. The Engineering Division requires reports from the testing company confirming that the concrete placed meets the requirements.

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Inspection time to be performed by the Engineering Division staff depends upon the construction schedule. The hourly inspection rate at this time is set at \$67 per staff member.

(D) Procedure for Submitting the Application

The Engineering Division will implement the following procedure with regards to inspection and inspection fees for Right of Way entry and restoration:

- The utility company shall submit the attached Right of Way Entry and Restoration Permit Application to the City and pay for the inspection charges at least 24 hours in advance of the construction,
- The Engineering Division staff will log in the application and review it with regards to the requirements. No review fees will be assessed for the maintenance projects. However, a separate review fees will be assessed for the new utility installation projects.
- The City Engineer will assign the City's Construction Engineering Technician (CET) for the inspection. The CET will place his initial with date of construction on the application when various stages of construction are completed. He may provide his comments in the comment section of the application and/or provide an attachment to the application.
- Depending on the length, width and depth of the excavation, the City Engineer may direct the utility company to retain a certified testing company to test compaction of trench backfilling, air content, slump test and concrete cylinder test for the concrete. You will be responsible for the cost of such services.

(E) Right of way entry and restoration that does not require removal of sidewalk, driveway apron, and pavement

Email correspondence to Mr. John Scheuher at jscheuhe@ci.dearborn.mi.us and Mr. M. Yunus Patel at mpatel@ci.dearborn.mi.us is required at least 24 hours in advance for right of way entry and restoration work that does not require the removal of sidewalk, driveway apron and pavement. This work will be covered under the annual permit. The applicant is required to restore grass areas with topsoil, seed and/or sod within four (4) months of its disruption except for the months of October and November. An additional two (2) months are allowed because of the seasonal constraint, if the excavation was performed in the month of October and November.

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(F) Emergency Repairs:

In case of emergency, the utility companies are allowed to enter public rights of way by notifying Engineering Division staff by emails to Mr. John Scheuher at jscheuhe@ci.dearborn.mi.us and Mr. M. Yunus Patel at mpatel@ci.dearborn.mi.us . A CET may be assigned to inspect removal of sidewalk, driveway and pavement as well as the backfilling of trench. The utility companies shall follow up with the submittal of a formal Right of Way Entry and Restoration Application within 48 hours of completed work and pay required inspection fees.

Please contact our office at (313) 943-2145 if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Yunus Patel', written in a cursive style.

M. Yunus Patel
City Engineer and Street Administrator

**CITY OF DEARBORN
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

**RIGHT OF WAY ENTRY AND RESTORATION APPLICATION
BY THE UTILITY COMPANIES (NOT TELECOMMUNICATION COMPANIES)**

FOR OFFICIAL USE	
Date Submitted	
Name of Utility Company	
Name of their contractor	
MISS DIG #	
Date of MISS DIG	
Initial and date of receipt by Engineering staff	
Permit No	

1	Locations of Right of way entrée			Date of work to be filled by the CET w/initial and date

2	check all that apply			
a	Sidewalk removal		Sq.ft	
b	Driveway apron removal		Sq.ft	
c	Pavement removal		Sq.ft	
d	Backfilling and compaction with MDOT Class 2 granular		CY	
e	Stone and cold patch			
f	Estimated hours to complete activities listed in section 2 (applicant to fill)		hours	
g	Inspection charges for section 2- 20% multiplied by hours indicated in para 2f multiplied by \$67 + \$67 for travel time		\$	

3	check all that apply			
a	Sidewalk placement		Sq.ft	
b	Driveway apron placement		Sq.ft	
c	Pavement placement		Sq.ft	
d	Estimated hours to complete activities listed in section 3 (applicant to fill)		hours	
e	Inspection charges for section 2- hours indicated in para 3d multiplied by \$67+ \$67 for travel time		\$	

Note- The applicant is required to pay at an hourly rate of \$100 if the applicant fails to complete his work within the time specified by him on para 2f and 3d.

1 Name and signature of person from the Utility Company or their contractor accepting that their company will abide by the Condition and Limitation of Right of Way Entry & Restoration Permit.

2 Name of Utility Company or their contractor

Date of Follow up visit by the CET and comments

Conditions & Limitations of Right of Way Entry & Restoration Permit

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with reviewed plans and specifications filed with the City and shall comply with City standards and ordinances.

Fees: The utility company or the permit holder shall be responsible for all fees and costs as stated in the notification and shall pay before the start of construction.

Insurance: The utility company shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the City of Dearborn with the City of Dearborn named as an insured party. The utility company shall maintain this insurance until the permit is released, revoked or cancelled by the City of Dearborn.

Indemnification: The utility company shall indemnify, hold harmless and defend the City of Dearborn, its officials and employees against any and all claims, suits and judgments to which the City, the Department of Public Works, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the City of Dearborn, whether due to negligence of the utility company or to the joint negligence of the utility company and the City of Dearborn, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit.

Permit on Site: The utility company shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the City of Dearborn. The utility company shall notify the City of Dearborn before starting construction and shall notify the City of Dearborn when work is completed. The utility company shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The utility company shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The utility company assumes all responsibility for damage to or interruption of underground utilities.

Safety: The utility company agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the City of Dearborn. The utility company shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). The utility company shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The utility company shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The utility company shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. The City of Dearborn makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the City of Dearborn is not responsible for the accuracy of this information. The utility company assumes all responsibility for the interruption and damage to underground utilities. The utility company is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the City of Dearborn.

Limitation of Permit: The utility company shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The utility company shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The utility company shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The utility company shall provide signing and other improvements necessary to ensure adequate access until the roadway, driveway or side street is restored. The utility company shall conduct all operations so as to minimize inconvenience to abutting property owners. The City of Dearborn reserves the right to reasonably restrict the progress of work by the utility company based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. The City of Dearborn may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage restored.

Restoration: The utility company agrees to restore the City of Dearborn road and road right-of-way. If the utility company fails to satisfactorily restore the permitted work area, the City of Dearborn may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abutting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the City of Dearborn. In the event that a suspension of work will be protracted or that the work will not be completed by the utility company, the City of Dearborn shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the City of Dearborn of work performed does not relieve the utility company of full responsibility for work performed. The utility company acknowledges that the City of Dearborn has no liability for the presence of the utility company's facility located within the City of Dearborn road right-of-way.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the City of Dearborn on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be in writing and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the utility company's expense.

Revocation: The permit may be suspended or revoked at the will of the City. Upon order of the City, the utility company shall surrender the permit, cease operations and remove, alter or relocate at their expense, the facilities for which the permit was granted. The utility company expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The City of Dearborn may declare the permit null and void if the utility company violates the terms of the permit. The City of Dearborn may require immediate removal of the utility company's facilities and restoration of the City of Dearborn property, or the City of Dearborn may remove the facilities and restore the City of Dearborn property at the utility company's expense. The utility company agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the City of Dearborn may use all or any portion of the performance bond to restore the City of Dearborn road right-of-way, as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the City of Dearborn facility.

Inspection and Testing of Materials: The City of Dearborn reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current City of Dearborn Specifications. The utility company shall reimburse the City of Dearborn for all required inspections and testing of materials.

Design: The utility company is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable City of Dearborn standards, specifications, guidelines, requirements and with good engineering practice. Any errors on the plans that later become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The City of Dearborn will not relieve the utility company of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as the failure of the utility company's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by the City of Dearborn.

Permit Holder Compliance: The utility company shall abide by the conditions and limitations contained on the permit and all other conditions listed.