

**SPECIFICATIONS  
FOR PERMITTED WORK  
WITHIN A PUBLIC RIGHT-OF-WAY  
(RIGHT OF WAY USE ORDINANCE)**

**I. General provisions**

**A. Activities requiring a right-of way use permit.** In general, any activity within a public right-of-way which physically alters the right-of-way or restricts the normal use of the right-of-way requires a permit to do so. Activities requiring a permit are, but not limited to the following:

1. The placement or repair of all above, at grade or below grade utility or Muncie Sanitary District facilities.
2. The placement or repair of all above, at grade or below grade private connections to utility or Muncie Sanitary District facilities.
3. Placement of mailboxes, mailbox approaches, sidewalks, and trees and shrubs when permitted.
4. Creation, construction or alteration of ingress or egress driveways from abutting private property.
5. Restriction of traffic flow for special parking, dumpsters, block parties, parades and demonstrations or other special uses.

**B. Definitions.** The following are definitions of terms as used in these specifications:

1. Applicant. A person applying for a right of way use permit.
2. Backfill. Material used in refilling an excavation up to the bottom of the restored base.
3. Department. The Delaware County Engineering Department.
4. Engineer. The County Engineer and/or any of his/her duly appointed representatives.

5. Flowable Fill. A special cement concrete mix designed for backfilling excavations.

6. Permittee. A person who has been issued a right-of-way use permit.

7. Person. The term person shall include and be applied to public utilities, associations, clubs, societies, firms, partnerships, bodies politic and corporate as well as individuals.

8. Right of Way. The boundaries established by a recorded plat, duly adopted thoroughfare plan or usage for the purpose of providing public transportation or utility services.

9. Utility. An entity owning and maintaining facilities in a public right of way.

### **C. Traffic control.**

1. Traffic control for construction and maintenance activities in, on, under and over the public right-of-way shall conform to and be in accordance with the Indiana Manual of Uniform Traffic Control Devices, latest additional, and all other applicable state and federal laws.

2. The permit applicant or permit holder may propose to the Engineer that traffic control less stringent than those described in the above paragraph be implemented as part of a specified permit. If in the opinion of the Engineer, conditions exist that would allow the use of less stringent traffic control, the Engineer may issue the specific permit subject to the less stringent control. However, at a minimum, the traffic control measures must include the following:

a. All traffic control devices shall:

(1) conform to the applicable specifications contained in the Indiana Manual on Uniform Traffic Control Devices in effect at the time.

(2) be installed prior to commencement of operations.

(3) be properly maintained and utilized during operations,

and

(4) be removed immediately upon completion of the work.

b. Barricades and sign supports shall be constructed and erected in a workmanlike manner and should be constructed to yield upon impact.

c. Where illumination is required, street or highway lighting is not regarded as meeting this requirement.

d. Initial and secondary warning signs need not be used if a vehicle having flashing light or arrowboard is placed near such work area in such a position that the flashing light or arrowboard is visible to approaching traffic in the lane in which such work is being performed for at least 500 feet.

3. The Engineer may suspend work or operations at any worksite which he determines endangers the traveling public or the workmen on the scene until the circumstance which endangers the traveling public or the workmen on the scene is corrected or eliminated.

#### **D. Work time periods limited**

1. Time periods when work in, under, on, or over public right-of-way shall, except in cases of emergencies, be prohibited or limited:

2. No commercial or residential property shall be denied access to the abutting street between the hours of 6:00 p.m. and 8:00 a.m. unless reasonable prior notice has been given to the property owner and occupant.

3. On thoroughfares blocking of traffic or altering of traffic patterns may be restricted on weekdays (excluding official holidays) between 6:00 a.m. and 9:00 a.m. and/or between 4:00 p.m. and 6:00 p.m.

#### **E. Enforcement procedures**

1. The following procedure will be employed by the Engineer for the enforcement of the provisions of this regulations.

a. The Engineer will be responsible for the inspection of all work done within the public right-of-way.

b. The permittee shall notify the engineer 24 hours prior to the time he intends to request a final inspection.

c. If the inspection discloses that the work was done in accordance with these specifications the engineer will determine that a maintenance bond, if appropriate, is in place and verify such to the permittee.

d. If inspection discloses that the right-of-way was not restored in accordance with this regulation or any violation is found, the Inspector will issue a Violation Notice to the permit holder if one exists and/or the individual or contractor performing the work if no permit exists, and/or to the owner of the adjacent land where appropriated.

2. The Violation Notice will include the following:

a. The exact nature of the violation, including the code of regulation section violated.

b. The specific corrective action needed in order to come into compliance.

c. The exact amount of time allowed for the violator to come into compliance not to exceed five (5) days, and

d. The amount of any costs incurred by the Engineer as a result of the violation and the reason said costs were incurred.

3. Each violation listed on the Violation Notice constitutes a separate offense.

4. If the violator fails to come into compliance as required by the Violation Notice, the Engineer will refer the matter to the County Attorney for further action. The permit holder, and when appropriate the land owner, for whom the work is being performed will not be issued any other permits until the violation is brought into compliance and the fees assessed are paid.

5. Any fee assessed by the Engineer are due immediately upon receipt of Violation Notice.

## **II. CONSTRUCTION STANDARDS FOR WORK DONE ON PUBLIC OWNED FACILITIES**

### **A. In general.**

1. All work within a public right-of-way for which a right-of-way excavation permit is required shall be performed in accordance with, and conform to, the standards of this section.

**B. Worksites.**

1. The permit holder and the contractor performing the work shall be responsible for the safe and expeditious movement of vehicular and pedestrian traffic through the worksite and for the safety of the work force performing the work in the public right-of-way. When working in an intersection or when controlling traffic in a two-way one lane traffic pattern, the permit holder and the contractor are responsible for having adequate flagpersons at the site at all times. The minimum number of flagpersons required will be determined by the Engineer.

**C. Removal of pavement.**

1. On **concrete streets and alleys** two methods of concrete pavement removal are acceptable:

a. All cuts shall be sawed to one-third (1/3) the depth of the pavement with a concrete saw. A minimum saw cut depth to two (2) inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut or,

b. All cuts shall be sawed full depth of the pavement with a concrete saw.

c. Where possible all cuts shall be made at pavement joints. When any portion of a panel is cut on Class I or Class II Streets, the entire panel shall be removed and replaced. The minimum panel length shall be ten (10) feet.

2. On **asphalt streets and alleys** two methods of asphalt surface removal are acceptable:

a. All cuts shall be sawed to a minimum of one-third (1/3) the depth of the pavement and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. A minimum saw cut depth of two (2) inches is required or,

b. All cut shall be made with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. Before final repairs are made, the cuts shall be "squared". The edges of all cuts are to be straight.

3. On **brick streets and alleys** all bricks from the excavation area shall be salvaged for use in permanent restoration.

4. **Asphalt over Concrete or Brick.**

a. Two methods of asphalt removal are acceptable:

(1) All cuts shall be saw cut to the full depth of the asphalt and then complete with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.

(2) All cuts shall be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cut shall be "squared". The edges of the asphalt are to be straight.

b. Brick Removal. All bricks removed may become the property of the City and shall be delivered to off site storage within the City, as directed by the Engineer.

5. **Chip Seal Streets and Alleys.** All cuts shall be made by a mechanical hammer equipped with a suitable chisel. The edges are to be straight and parallel.

6. **Stone and/or Gravel Streets and Alleys.** All cuts may be made by mechanical or manual means.

7. **Sidewalks and driveways.**

a. One method of concrete surface removal is acceptable:

(1) All concrete surface shall be sawed to one-third (1/3) the depth of the pavement with a concrete saw. A minimum saw cut of two (2) inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. All cuts shall be made at pavement or panel joints. All panels that are cut shall be removed and replaced.

b. Two methods of asphalt surface removal are acceptable:

(1) All asphalt surface cuts are to be sawed to a minimum depth of two (2) inches and then completed with a mechanical hammer equipped

with a suitable chisel, starting from the center of the cut. The edges of all cuts are to be straight.

(2) Cuts may be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cuts shall be "squared". The edges of all cuts shall be straight.

#### **D. Standard for restoration of public right-of-way**

##### **1. Specifications for restoration materials.**

a. All materials unless specifically stated otherwise, shall be in accordance with current Indiana Department of Transportation Standard Specifications.

b. Backfill.

(1) Flowable fill

Compressive strength 50 to 150 PSI  
Flow test spread diameter > 8 inches

Mix design shall be submitted and approved by the Department. A trial batch demonstration may be required. The mix design shall include a list of all ingredients, the source of all materials, the gradation of all aggregates, the names of all dosage rates, and the batch weights. Except for adjustments to compensate for routine moisture fluctuations minor mix design changes after the trial batch verification shall be documented and justified prior to implementation by the permit holder. A change in the source of materials, or addition or deletion of admixtures or cementitious materials will require the mix design to be resubmitted for approval. The permit holder may be required to provide test data from a laboratory inspected by the Cement and Concrete Reference Laboratory, and approved by the Department which shows that the proposed mix design is in accordance with the requirement listed below:

The test for flow shall consist of filling a three (3) inch diameter by six (6) inch high open ended cylinder placed on a smooth, level, nonporous surface to the top with the Flowable fill. The cylinder shall be pulled straight up within five (5) seconds. The spread of the fill shall be measured. The minimum diameter of the spread shall be eight (8) inches. This test may be performed by the City Inspector at the site prior to placement of fill.

(2) Granular backfill shall be sand or No. 53 stone

c. Concrete

(1) Cement content shall be min, six bags (See State Spec on High Early Cement) per cubic yard. Must achieve 550 p.s.i. within 48 hours.

(2) Compressive strength shall be minimum 4,000 psi.

(3) Slump shall be three (3) to five (5) inches.

(4) coarse aggregate shall be size #8.

(5) Fine aggregate shall be #23 Sand.

Other mix designs which are high early strength may be

considered

Pretempering concrete by adding water or by other means will not be permitted for continuous operation. When concrete is delivered in transit mixers or agitators, water may be added and additional sizing performed in particular cases to increase the slump. The addition of water and mixing may be under the direction of a Department Representative.

d. Asphalt materials

(1) Hot asphaltic concrete surface no. 11 or no. 12.

(2) Hot asphaltic concrete base no. 5 or 5d.

(3) Hot asphaltic concrete binder no. 8 or no.9.

(4) Tack coat shall be asphalt emulsion.

(5) Multigrade cold mix:

(a) A bituminous patching material of a composition suitable for premixing, stockpiling and storage prior to use.

(b) The aggregate shall be of a grading such that the specified composition will be obtained. A single aggregate or a blend of aggregates may be used. The aggregate used shall meet the requirements of AASHTO M43 for coarse aggregate Class A except the percent by weight of fractured pieces shall be minimum 85 % and the absorption shall be 3.0 % maximum.

(c) Bituminous material shall be CM-300 and CM-150 meeting special provisions. The CM-300 mix shall be used between October 1 and March 1, and CM-150 shall be used between March 1 and October 1. The dates are subject to change according to a project manager.

(d) The complete mixture shall have a composition as directed by the Engineer within the following limits:

<u>Sieve</u>		<u>Passing</u>
1 1/2"	100	
1"		70-98
3/4"		50-90
1/2"		30-70
3/8"		20-60
#4		15-35
#8		3-30
#30		2-20
#300		0-5

Bitumen	3.0--4.5 for CM--150 (Summer)
	4.5--6.0 for CM--300 (Winter)

(e) Plant Requirement. The material shall be produced using either a hot mix plant or a pugmill. The plant shall produce a uniform thoroughly coated mixture. If mixed in a hot mix plant, the aggregates shall be heated to produce the desired mixture temperature at the discharge of 130-160 F. If mixed in pugmill, the pugmill shall be calibrated to deliver the proper amount of aggregate and bituminous material to insure proper blending percentages. If more than one aggregate is combined, the plant shall be equipped with calibrated feeder to feed the aggregate separately in the proper proportions. The plant shall proportion the aggregate and bituminous material into the mix. The mixture shall be capable of being unloaded from trucks by hand tools. It shall be capable of being compacted by hand tamping or power rolling at temperatures as low as 20 degree immediately after preparation or over a period of at least 6 months in a stockpile. It shall be readily workable at all times in either a hot or cold condition. During cold weather, multigrade cold mix shall be delivered to the site in an asphalt hot box and warmed by torches to obtain desired workability.

## 2. Backfill.

a. All excavations made under or within five (5) feet of the edge of any road surface or under any driveway shall be backfilled with flowable fill except that in trench cuts wider than four (4) feet granular material may be used when compacted in

eight (8) inch lifts. Excavations made outside the aforementioned area but under sidewalks may be backfilled with either flowable fill or granular fill compacted in eight (8) inch lifts. Excavations in all other areas of the right-of-way shall be topped with twelve (12) inches of topsoil for final restoration.

b. For storm and sanitary sewers, pipe bedding shall be in accordance with the construction specifications of the Muncie Sanitary District and/or the pipe manufacturer's recommendations.

d. The mixture shall be delivered and discharged using ready-mix trucks approved for use by the Indiana Department of Transportation. The concrete portion of the restoration pavement may be placed on fill as soon as bleeding water has subsided from the flowable fill. All flowable fill shall be placed according to flowable fill manufacturer's recommendations.

f. Flowable fill shall be protected from freezing until the material has stiffened and bleeding water subsided. As the temperature nears freezing, additional curing time may be needed.

g. Earth backfill may be used in locations not requiring granular backfill. The earth backfield shall be made compatible with the adjacent surface. In established lawn areas this includes compacting in no less than two (2) feet for each five (5) feet of depth of the cut topping off with topsoil, fertilizing, seeding, mulching and restoring all contours. If the slope is greater than 3:1, restoration of the grass shall be by sodding or with straw mats.

### **3. Temporary surface restoration.**

a. Between November 10 and April 1, cuts may be repaired in accordance with this section. Any cut temporarily repaired under this section shall be permanently repaired by removing the temporary patch in its entirety and permanently restoring the cut as required in Section II,D,4 of this regulation. The temporary patch shall be defined as the material filling the space that the permanent surface restoration will occupy. Final restoration on all cuts shall be made within thirty (30) days of completion of temporary repair. All cuts repaired under this section shall have final restoration completed by June 1. The permit holder shall notify the Permit Compliance Section within two (2) business days of completion of final restoration. It shall be the permit holder's responsibility to maintain the temporary patch until the final surface restoration may be made.

b. If a temporary surface repair is used, it shall be as follows:

(1) Backfill shall be brought to within twelve (12) inches of the

surface and multigrade cold mix placed to the top of the cut and compacted with a mechanical tamp. This shall be completed in the placement of material in three (3) four (4) inch lifts, or

(2) When backfill is by flowable fill in excess of 120 psi While work is continually in progress, the cut may be covered with steel plates having a minimum thickness of three-fourths (3/4) inch which shall be secured so as not to move and constitute a hazard when open to traffic.

#### **4. Permanent surface restoration.**

**a. General.** All cuts shall be repaired permanently in accordance with this section. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair, at time of completion and thereafter, will all contiguous surfaces and will create no dissymmetry with the topography of the roadway. Also, the final surface elevation shall be at the same elevation as the original surface. The surface restoration may be made by using milling, infrared or future technologies approved by the Department, unless a specific method is required by the permit or by the Inspector. As a part of the surface restoration the Department may share in the cost of the permit holder by adding roadway improvements which include but are not limited to resurfacing, adding curbs, curb cuts, sidewalk or items necessary to meet requirements of the American's with Disabilities Act or the Departments design standards.

**(1) Patch configuration requirements.** The following cases shall require resurfacing as indicated in Exhibit A which is attached hereto and incorporated herein:

(a) When a diagonal cut is made, the area shall be "squared" off. Any lane impacted within the squared off area shall be completely resurfaced.

(b) When an excavation is cut on any Class I or Class II streets, any lane impacted shall be completely restored for the entire length of the excavation.

(c) In addition to the above, if the cut on a Class I street overlaps the centerline of an existing road, the street shall be restored from curb line to curb line or from lane to lane so that the area affected has been properly restored.

**(2) Concrete Streets and Alleys.** Final repairs to concrete streets and alleys are to be made with concrete. All streets shall be repaired with concrete in accordance with section the current Indiana Department of Transportation Standard Specifications. The existing pavement thickness shall be matched, but a minimum thickness of six (6) inches is required. When repairing or replacing reinforced concrete either (a) the steel reinforcement shall be replaced in kind (temporarily bending the reinforcing steel out of the way and then bending it back into position when the concrete is replaced) and properly fastened to the adjacent reinforcement or (b) #5 bars, two (2) feet

long, shall be drilled and grouted into the existing pavement sides one(1) foot deep at two (2) foot center-to-center spacing with a minimum of two (2) bars per side. All new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound, white pigment or linseed oil. The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move or constitute a hazard when they are open to traffic..

**(3) Asphalt Streets and Alleys.** The existing pavement thickness shall be matched, but a minimum thickness of twelve (12) inches for Class I streets and Class II streets and eight (8) inches for Class III streets is required. The pavement section used in connection with all final repairs to asphalt streets and alleys shall be hot asphalt concrete base #5 as required and 165 pounds per square yard of hot asphaltic concrete surface # 11 or #12. Both placed in accordance with the current Indiana Department of Transportation Standard Specifications. When repairs are made to any street scheduled for resurface or reconstruction within a year the hot asphalt surface may be deleted and the base material brought up to the existing pavement. All edges or joint of existing pavement shall be thoroughly cleaned and tack coated prior to the placement of the hot asphalt surface. All faces of exposed curbing shall be tacked below the finished pavement elevation. All joints shall be sealed with hot iron, infrared technology or other method as specified by the permit or directed by the City Inspector.

**(4) Infrared Repair.** Area of repair shall be cleaned of all loose material. Repair area shall be uniformly heated to a depth of one and one-half (1 ½) inches to two (2) inches. Heating shall be done with a manufactured power operated machine of the heat-patcher type using only 100% infrared heat guaranteed not to damage asphalt. Machine shall be capable of uniformly heating the existing surface to depth of one and one-half (1 ½) to two (2) inches. Heated asphalt shall be added to the repair area to bring it flush with the existing grade and raked together with the surrounding heated asphalt to a workable condition. The material shall be compacted to a minimum of ninety-five (95) percent of controlled destiny as per modified marshal test. All seams shall be sealed prior to final rolling. A light coating of pavement rejuvenation penetrate will be sprayed over the scarified material at a rate of 0.02 gallon per square foot. The finished patch shall be level with the existing surrounding pavement.

**(5) Brick streets and Alleys.** Brick streets shall be restored to their original surface condition and pattern. At the discretion of the Department, brick alleys shall be restored to their original surface condition and pattern. Special attention needs to be given to the Historical Areas. All streets within the Historical Areas must be restored to their original condition.

**(6) Asphalt over Concrete or Brick streets.** As a general rule, whatever type of material that was excavated shall be replaced. The top one (1) inch shall be hot asphalt surface.

**(7) Sidewalks.** Brick sidewalks shall be restored to their surface condition and pattern. All other areas will be at the discretion of the Department. Concrete sidewalks are to be repaired with concrete, a minimum of four (4) inches in thickness. All new concrete must be protected against excessive dehydration by the application of a membrane type curing compound (White pigment of linseed oil). The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move or constitute a hazard when they are open to traffic.

Asphalt sidewalks shall be repaired with a minimum of four (4) inches of compacted asphalt. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. All joints shall be sealed with a hot iron, infrared technology or other method as directed by the City Inspector. Gravel or stone sidewalks shall be restored to within six (6) inches of the surface in accordance with Section II,D,2,a and then topped off with material similar to the original surface.

**(8) Driveways:**

(a) Brick driveways shall be restored to their original surface and pattern.

(b) Concrete driveways shall be repaired with concrete to original specifications. The existing driveway thickness shall be matched, but the minimum thickness shall be six (6) inches for residential drives. The new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound (white pigment or linseed oil). The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and constitute a hazard when they are open to traffic.

(c) Asphalt driveways shall be repaired with asphalt. The existing driveway thickness shall be matched, but the minimum driveway thickness for residential drives shall be three (3) inches of bituminous on four (4) inches of compacted aggregate or five (5) inches of bituminous on compacted subgrade. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three (3) inch lifts and is to be compacted by mechanical tamp or vibrator. The top one (1) inch minimum shall be hot mix asphalt surface. All joints shall be sealed with a hot iron, infrared technology or other method as directed by the County Inspector.

(d) Gravel or stone driveways shall be restored to within six (6) inches of the surface in accordance with Section II,D,2,a and topped off with material similar to the original surface.

**(9) Gravel or Stone Berm.** All repairs to gravel or stone berms shall be restored to within six (6) inches of the surface in accordance with Section II,D,2,a and topped off with material similar to the original surface.

**(10) Grass areas.** In established lawn areas all repairs shall be restored to within twelve (12) inches of the surface in accordance with Section II,D,2,g then topped off with a minimum of twelve (12) inches of topsoil restoring all contours. The area shall then be fertilized, seeded and mulched. If the slope is greater than 3.1 or if the area has previously been sodded, restoration of the grass shall be made by sodding or with straw mats. At thirty (30) after completion and restoration of a cut in a portion of an established lawn within the public right-of-way, the permit holder shall inspect the cut and if it has settled below the adjacent surface, the permit holder will fill and compact the settled area and reseed or resod. The permit holder shall inspect the cut again within thirty (30) days following the second restoration and if the cut has again settled below the adjacent surface, shall fill and compact the settled area and reseed. Such inspections and filling shall continue every thirty (30) days until an inspection discloses that the cut has not settled more than two (2) inches below the adjacent surface in any thirty (30) day period. The permit holders bond will not be released until the seeded area shows seventy-five percent (75%) regrowth and meets settling requirement above.

**(11) Responsibility for Cut.** The permit holder shall be responsible for all cuts until such time as the surface area in which the cut was made is resurfaced or reconstructed.

**b. Inspection and testing.** A County Inspector may require a flow test to be performed prior to flowable fill being placed. If granular backfill is used, a County Inspector may be present during backfill operation. The permit holder may be required to provide to the Department test results as requested. The County Inspector additionally may perform random testing. Activation of permits serves as notification for inspections. The County Inspector may require documentation (delivery tickets and required test certifications) verifying proper materials and installation procedures.

**III. Installation and maintenance of mailboxes and mailbox approaches.** Mailboxes shall be installed in accordance with the standards prescribed by the United States Postal Service with regard to the placement location relative to the edge of the driving surface serving them. On class III roads the driving surface shall be the edge of the roadway. On class I and II roads the driving surface shall be the edge of the mailbox approach surface as prescribed in the **Mailbox Approach Standards** sheet of these specifications. Mailboxes in place prior to the passage of these specifications shall not require a permit to be in the public right of way. However, in this situation the mailbox is considered in place at the owners risk and no compensation will be made by the County Highway Department for damage to the mailbox as a result of any of its maintenance operations. The owner of a mailbox placed prior to the passage of these specifications may at any time request a mailbox permit whereby, if the mailbox is in conformity with these specifications, it will be

protected against loss from damage by county equipment.

**IV. Variance procedure.** Substantial deviations from these regulations shall not be made without written approval from the Board of County Commissioners. The Board of County Commissioners may grant variances and/or waivers of any portion of these regulations.

**V. Appeal.** Any person affected by these regulations and who objects to a decision made or action taken, may appeal in writing within ten (10) working days the decision or action to the Board of County Commissioners for administrative review.

**VI. Application for right-of-way use permit**

**A. Contents of permit application.** The application for a right-of-way use permit shall be submitted to the County Engineer and shall at a minimum, include the following information;

1. A properly executed permit application, in the form designated by the department, including but not limited to the following information.
  - a. The name and address of the contractor responsible for work.
  - b. The nature of and the reason for the work to be performed.
  - c. The location of the worksite and the dimensions of the excavation.
  - d. The anticipated beginning and ending dates of the project.
  - e. The method of traffic control to be used by the applicant at the worksite.
  - f. An indemnification agreement; and
  - g. Any other pertinent information requested by the Department.
2. Proof of general liability insurance policy unless the applicant is a public utility, railroad company or the Muncie Sanitary District.
3. A performance and maintenance bond unless the applicant is a public utility, railroad company or the Muncie Sanitary District.
4. Written approval from the appropriate Department if the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way.

**B. Sewer/Drainage approval.** When the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way, the applicant shall submit with the application, plans indicating how drainage will be accommodated during and after the work authorized by the right-of-way use permit.

**C. Emergency work.** When emergency repairs to facilities within the right-of-way are necessary in order to protect the safety and welfare of the public the owner of such facilities may make such repairs without making a prior application. The owner shall do the repair work in accordance with these standards and make application on the next working day.

**VII. Indemnification agreement.** The applicant for a permit shall sign an indemnification agreement to indemnify and hold harmless the Department and the County from and against all claims, damages and expenses, including reasonable attorney's fees, based on any alleged injury (including death) to any person or damage to any property arising, or alleged to have arisen out of any act of commission or omission with respect to the activity or work of the applicant (or persons, corporations or firms authorized by applicant) in a public right-of-way pursuant to the permit. The form of the indemnification agreement shall be acceptable to the Department.