



# Appendix D

## ROW Use General Conditions



## City of Bellevue Right of Way Use

### GENERAL CONDITIONS

1. The term "Applicant" means both the Applicant and Applicant's employees, agents, contractors and subcontractors.
2. The term "City Inspector" means the designated employee(s) of the department responsible for inspecting the installation of warning and safety devices in the public right-of-way (ROW) and restoration of public rights-of-way disturbed by work. (BCC 14.30.050)
3. Applicant shall abide by all terms and conditions of this permit including associated costs/fees.
4. Applicant, for and on behalf of Applicant and Applicant's heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants, and subtenants, does hereby covenant and agree to forever indemnify, defend, hold and save the city, its officers, officials, employees agents, and invitees, free and harmless from any and all claims, actions, or damages and costs, including attorneys' fees, of every kind and description, which may accrue to, or be suffered by, any person by reason of the use or occupation of the above-described right-of-way or public easement. To the extent permitted by RCW 4.24.115, Applicant's obligations under this indemnity shall not apply to the extent that any such claims, costs, liabilities and/or damages arise from the negligence of the city, or the city's employees, agents or contractors. For this purpose, Applicant waives with respect to the city any immunity that would otherwise be available under the industrial insurance provisions of Title 51 RCW against the claims to which this immunity extends.
5. It is Applicant's responsibility to ensure that any and all other permits required for the proposed construction are obtained prior to beginning construction. Right of Way permits are issued for public right-of-way use purposes only and do not constitute approval required for issuance of any other permits which may be required for construction.
6. A printed hard copy of the valid Right of Way Permit, the general conditions, the site-specific conditions shall be available on site and a minimum of 8.5-inch x 11-inch in size. Approved traffic control plans and all approved plans a minimum of 11-inch x 17-inch in size, shall be available on site at all times.
7. Permit conditions may need to be modified in order to mitigate/resolve unforeseen impacts to the public right-of-way due to activities authorized in the public right-of-way. Applicant shall comply with all modifications.
8. Applicant shall comply with all terms and conditions of any Stop Work Order posted by the City of Bellevue. A Stop Work Order may be issued whenever the City of Bellevue has reasonable cause to believe that violation of the Right of Way Permit's general and site-specific conditions has occurred, is about to occur, or that conditions exist that may constitute a hazard to persons or property. A Stop Work Order will necessitate an immediate shut down for a minimum of 24-hours and meeting with, and at the convenience of, appropriate city staff to review the corrective actions and resolve the issues leading to the issuance of the Stop Work Order. The City of Bellevue will allow work to continue only at successful resolution of the issues. A shut down of the project initiated by the Police Department will be treated as a Stop Work Order.

9. Applicant shall contact the One Call Locator Service at 1-800-424-5555 (or 811) a minimum of two (2) business days but not more than ten (10) days before beginning of any excavation/disturbance of surface authorized by City of Bellevue permit. RCW 19.122, BCC 14.30.070. All locates must be marked prior to scheduling the preconstruction meeting.
10. All work, processes, and materials must meet the current requirements under the Standard Specifications for Road, Bridge, and Municipal Construction issued by the Washington State Department of Transportation, and City of Bellevue Special Provisions in effect at the time of permit issuance unless otherwise directed in the Transportation Department's Design Manual or otherwise approved by the City Inspector assigned to the project.
11. Applicant must be familiar with the APWA's Uniform Color Code for utility marking prior to disturbing any surface in the public right-of-way. The color code handout is available on the city's website under the title Utilities Department ROW Permit Conditions.
12. The permittee for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the permittee will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance. That in the event of breach of any of the above Non-discrimination covenants, City of Bellevue will have the right to terminate the permit and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said permit had never been made or issued.

For purpose of this permit, Acts and Regulations refers to the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

### **INSPECTION REQUIREMENTS:**

13. Use of the public right-of-way authorized by a Right of Way Permit is subject to on-site inspection by a City Inspector. Right of Way permits require a minimum of three inspections: 1. Pre-construction, 2. Job Start, and 3. Final. Additional Job Start inspection requests are typically required for on-going work in the public right-of-way. Applicant is required to schedule all required inspections through [www.inspection.mybuildingpermit.com](http://www.inspection.mybuildingpermit.com). The required pre-construction inspection shall take place prior to beginning any activity in the public right-of-way. Pre-construction meetings shall be arranged to meet the schedule of the assigned City Inspector to this permit. At the discretion of the City Inspector, some preconstruction meetings may be accomplished over the phone. The frequency and reporting requirements for additional inspections shall be determined by the City Inspector.
14. City Inspectors have the authority to ask contractors to secure and leave the site.

15. If the project impacts city trees, landscaping, or irrigation systems, the Applicant must contact the City of Bellevue Parks Department at 425-452-6855 to arrange an on-site meeting with Parks Department Staff and City Inspector prior to the beginning of work.

#### **VEHICULAR / PEDESTRIAN TRAFFIC CONTROL:**

16. Vehicular / Bicycle / Pedestrian traffic control for all phases of this project shall be administered in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Part VI.", the MUTCD- Washington State Modifications (M 24-01), and as adapted by the City of Bellevue Transportation and Police Departments. All warnings signs within the City of Bellevue controlled ROW shall be 36"x36" consistent with the "Conventional Road" sizing, specified in the MUTCD Table 6F-1.
17. Applicant shall provide appropriate flaggers, signing, coning, and barricades for any temporary lane closures, sidewalk closures, or construction activities. Access to businesses and residents (both local and through traffic) must remain available at all times unless a temporary traffic control plan allowing access to be closed is approved by City of Bellevue. All approved temporary traffic control must assure public safety and traffic flow as the first priority. Construction activity will be secondary. Undue traffic impacts will result in a shut-down of Applicant's use of the public right-of-way until plans to mitigate the situation are submitted and subsequently approved by the City of Bellevue.
18. Sidewalks, trails and pathways shall remain open at all times and shall meet current ADA and PROWAG requirements. Applicant shall request and obtain approval from the city for a temporary traffic control plan that includes temporary pedestrian facilities and/or pedestrian detours, if Applicant expects or anticipates short duration sidewalk closures. Pedestrian access on both sides of the street within the same block, will not be closed at the same time, unless other legal crossings are available. Construction activities shall not affect access to pedestrian traffic signal equipment (pedestrian push buttons) or crosswalks without prior authorization through an approved temporary traffic control plan.
19. All requests for street closures and corresponding detours shall be submitted to the city for review and approval 14 days prior to closure.
20. Two-way traffic must always be maintained unless specifically authorized through a city approved temporary traffic control plan.
21. The work zone is defined as the work area closed off to all public access through the use of cones, barricades, etc. Operators of unlicensed vehicles operating outside of the work zone will be subject to ticketing. Repeated offenses may cause the vehicle to be impounded and a Stop Work Order to be issued on the project. A legally licensed vehicle/equipment is defined by law in RCW 46.16A.030.
22. Applicant shall barricade off (and immediately notify the City Inspector) if any portion of the Applicant's work or excavation: (a) affects or undermines the public right-of-way; or (b) creates an unsafe condition or hazard to people, property or vehicles.

#### **CONSTRUCTION IMPACTS:**

23. Applicant is solely responsible for all construction and installation activity within the public right-of-way. Responsibility for this approved installation is not transferable.

24. As determined by the City Inspector, damage to any infrastructure in the public right-of-way resulting from any work performed or associated with this permit will be repaired to as good as or better condition in a manner and with materials as approved by the City of Bellevue. Such repair may require a revision to the existing permit or may require obtaining a new Right of Way Permit with appropriate cost.
25. The landscaped or shoulder area shall be replaced or repaired to its original or better condition to the satisfaction of the City Inspector. Where appropriate, native soil or compost-amended soils shall be placed and vegetation re-planted.
26. Any damage to the existing signal equipment, detector loops, interconnect system and street lighting equipment, etc. shall be replaced per City of Bellevue Standards and to the satisfaction of the Signal Shop within seven calendar days. Applicant shall notify the Signal Shop at 425-452-6950 immediately if any loop detectors are cut or damaged. Applicant is responsible for permanent loops and shall grind and overlay the damaged loop area and replace the loops and appurtenances per City of Bellevue Standards. This work shall be performed by an electrical company certified by the State of Washington in accordance with RCW 19.28. Proof of certification on the website aren't going to come anywhere close to meeting accessibility control plan, Applicant shall provide temporary no parking signs for the reservation of on-street parking stalls. Such signs must be mounted on Type II barricades and shall be placed immediately adjacent to the stalls to be reserved a minimum of 72 hours in advance of the authorized restriction period. The signs must display the dates and hours of the restriction and the permit number authorizing the restriction. The signs shall be completely removed from the public right-of-way when the restriction is no longer applicable. The signs shall include the Company's name, the company's employee contact, and a phone number for the company.
27. A minimum of 48 hours prior to the start of activity in the public right-of-way, Applicant shall inform all adjacent property/business owners of the scope and schedule of their project. The City Inspector or Engineer may prescribe additional or more restrictive advanced notification requirements as necessary due to the scope of the work. Applicant is required to provide evidence of advanced notification upon request. Applicant's work shall be performed in a manner which interferes or limits driveway access, pedestrian and vehicular ingress/egress, as little as is reasonably possible in consideration of the work being performed. Driveway access, pedestrian and vehicular ingress/egress shall be available and maintained at all driveway entrances except where prior arrangements (which are acceptable to the city) between Applicant and the property owner have been made. All driveways, pedestrian and vehicular ingress/egress points shall be open during non-construction hours unless agreements have been made with the property/business owner and accepted by the City Inspector.
28. Any removal or damage to existing pavement markings, traffic control signs, and/or parking signs shall be replaced with temporary marking or signs prior to site access being re-opened to the public. Temporary signs or pavement markings shall remain until the restoration is complete, at which point permanent signs, and/or markings shall be installed per City of Bellevue Standards.
29. On-street construction parking is not allowed at any time. Upon request, the contractor shall provide the Transportation Department written proof of the parking plan for construction employees for the duration of the project.
30. All walking surfaces must remain free of dirt and debris at all times. It is the responsibility of the contractor to maintain all sidewalks and pedestrian walking surfaces adjacent to the construction site. All pedestrian walking surfaces must be inspected by the contractor regularly and repaired immediately upon discovery of any defect

31. Any use of steel plates by Applicant shall be for overnight purposes only and shall not be used over weekends unless otherwise approved by the Engineer or City Inspector. The steel plates may only be used for distances of less than 200 feet and must have asphalt ramps/wedges around the plates and a non-skid surface at all times. They may not be used on steep grades of 8 percent or greater. All plates must be pinned down and the City of Bellevue may require combinations of plates to be welded together. Warning signs must be appropriately placed to caution motorists of upcoming steel plates. Steel plates are not allowed if snow is expected or if there is a potential for snow. The City Inspector must review and approve all steel plate placements prior to the contractor leaving the job site. Movement of plates or changes in site conditions for any plates that necessitates the call-out of city staff may cause a Stop Work Order to be issued to the project.
32. Utility pole installation requires use of a vacuum truck to excavate the hole. Augering may be done only when field locates of existing utilities show at least 5' of horizontal clearance, measured from the outside edge of the auger, to any existing utility.
33. Prior to commencing any construction or excavation within 100 feet of a right-of-way or utility easement containing a transmission pipeline, the Applicant must consult with the Olympic Pipe Line Company. The City Inspector or Engineer may request verification of the Applicant's coordination efforts with the pipeline company before or during the project.

#### **OTHER DEPARTMENTS:**

34. Un-locatable Underground Facilities - if a water main has been field marked as unlocatable and cannot be located by hand-digging, the City Inspector and the Utility Department Personnel must be contacted at (425) 452- 7840 to arrange for an onsite meeting prior to commencement or continuation of work.
35. A Hydrant Use Permit is required for use of any City of Bellevue hydrant. More information on Hydrant Use Permits can be found at <https://bellevuewa.gov/city-government/departments/utilities/utilities-projects-plans-standards/utilities-codes-and-standards/temporary-fire-hydrant-permits>.
36. The work area shall comply with all applicable provisions of the Bellevue City Code, Chapter 23.76 Clearing and Grading ordinances to prevent hazards to public safety, health, and welfare. Streets shall be kept free of dirt and debris on a continuous basis per Bellevue City Code 23.76.095. Vacuum sweepers with dust suppression shall be used as frequently as deemed necessary by the Engineer or City Inspector. The Contractor shall install catch basin filters in all catch basins (existing and new) per Bellevue City Code 23.76.090.
37. The Washington State Department of Ecology may identify sites within Bellevue as potentially being contaminated and/or hazardous. Applicant must verify the location of their underground work against the Department of Ecology Site List and take any necessary steps to protect the safety of their staff, the public, and the environment from disturbance of any contaminated materials. More about the sites can be found here (<https://fortress.wa.gov/ecy/publications/documents/1709042a.pdf>).

#### **WORK FOR / BY UTILITY COMPANIES:**

38. Permitted work or activity by a utility company, its contractors or subcontractors in the public right-of-way may require temporary construction notification signs at the direction of the City Inspector. The signs shall include the Company's name and logo, the company's employee contact, name of the project and a phone number for the company. Construction signing shall not obstruct travel lanes or the pedestrian system.
39. When directed to by the city, Applicant shall provide as-built drawings to the city showing the location and depth of the conduit, the size and location of all junction boxes and vaults.

**HOLIDAY RESTRICTIONS:**

40. Work in the public right-of-way will not be allowed from noon the day prior to a holiday or holiday weekend through 7:00am the day following a holiday or holiday weekend, except with prior exemption from the Right of Way Manager. Holidays that occur on Friday, Saturday, Sunday, or Monday are considered holiday weekends.
41. State identified holiday work restrictions: Holidays are defined in RCW 1.16.050 "Legal holidays and legislatively recognized days." The legal holidays are as follows: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving (and day after), and Christmas.