



## 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. Applicant shall abide by all terms and conditions of this permit including associated costs/fees.
3. 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.
4. 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 right of way use purposes only and do not constitute approval required for issuance of any other permits which may be required for construction.
5. A copy of the valid Right of Way Use Permit, the general conditions, the site-specific conditions and all approved plans shall be available on site at all times.
6. Permit conditions may need to be modified in order to mitigate/resolve unforeseen impacts to the right of way due to activities authorized in the City Right of Way. Applicant shall comply with all modifications.
7. 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 posted on the project whenever the City of Bellevue has reasonable cause to believe that violation of the Right-of-Way Use Permit 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 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.
8. Applicant shall contact the One Call Locator Service at 1-800-424-5555 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.
9. 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 Provision in effect at the time of permit issuance unless otherwise directed in the Transportation Department's Design Manual or otherwise approved by the City's Transportation Inspector assigned to the project.

## **INSPECTION REQUIREMENTS:**

10. Use of the right of way authorized by a Right of Way permit is subject to on-site inspection by a Transportation Department Right of Way Use Inspector. Right of Way permits require a minimum of three inspections: 1. Pre-construction, 2. Job Start, and 3. Final. Additional inspections may be required for on-going work in the right of way. Applicant is required to schedule all required inspections through [www.mybuildingpermit.com](http://www.mybuildingpermit.com) or the IVR tracking system by calling 425-452-6875. The required pre-construction shall take place prior to beginning any activity in the right of way. To schedule a pre-construction meeting call the number listed above, reference the permit number and inspection code. Request a call back from the inspector assigned to this permit to schedule the meeting. Pre-construction meetings shall be arranged to meet the schedule of the assigned Inspector to this permit. At the discretion of the Inspector, some preconstruction meetings may be accomplished over the phone. The frequency and reporting requirements for additional inspections shall be determined by the Inspector.
11. Contractors shall check in on the "Right of Way Use Contractor Check-in" desktop or mobile app on the day of inspection and every day the contractor is working in the City of Bellevue's Right of Way. Instructions can be found on the "Right of Way Use Contractor Check-in" handout attached to the permit or available online on the City of Bellevue's website. Inspectors have the authority to ask contractors to secure and leave the site.
12. If the project impacts city 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 Right of Way Use Inspector prior to the beginning of work.

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

13. 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.
14. The 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 traffic management must, assure public safety and traffic flow and the construction activity will be secondary. Undue traffic impacts will result in a shut-down of the use of the right of way until plans to mitigate the situation can be made and subsequently approved by the City of Bellevue.
15. Sidewalks, trails and pathways shall remain open at all times must meet current ADA requirements. Applicant shall request and obtain approval from the City of a temporary traffic control plan that includes temporary pedestrian facilities and/or pedestrian detours, if Applicant expects or anticipates short duration sidewalk closures. At no time will the sidewalks on both sides of the street, within the same block, 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.
16. All requests for temporary lane closures or detours shall be submitted to the Traffic Engineer for review and approval prior to the lane closure or detour.
17. Two-way traffic must be open and maintained at all times unless specifically authorized through an approved temporary traffic control plan.
18. 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 RCW in RCW46.16A.030
19. Applicant shall barricade off (and immediately notify the City of Bellevue inspector) if any portion of the Applicant's work or excavation: (a) affects or undermines the right of way; or (b) creates an unsafe condition or hazard to people, property or vehicles.

## CONSTRUCTION IMPACTS:

20. As determined by the inspector, damage to any infrastructure in the 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 an addendum to the existing permit or may require obtaining a new Right of Way Use permit with appropriate cost.
21. Any damage to the existing signal equipment, detector loops, interconnect system and street lighting equipment, etc. shall be replaced per City Standards and to the satisfaction of the Signal Shop (425-452-6950) within seven calendar days. Applicant shall notify the Signal Shop at 425-452-6990 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 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 shall be required upon request by the City. For information on loops, contact Doran Beauclair at 425-452-6950 or 425- 864-8080.
22. Trees and Landscaping. Applicant shall not damage, trim, remove, top, prune or killing any trees or landscaping with the express prior written approval of the City of Bellevue; and, any actions taken by Applicant without such express prior written approval may result in Applicant's liability for civil penalties/fines of up to 3 times the assessed value of the trees and, depending on the circumstances, may result in criminal charges against the Applicant. Any damaged trees, landscaping or irrigation shall be replaced by the Applicant per Parks Department Standards within 14 days. Contact the Parks Street Tree workgroup at 425-452-6855 prior to any activities that may impact Parks maintained trees, landscaping, or irrigation.
23. Applicant shall comply with the requirements from the City of Bellevue Utilities Department. In the event of any damage to an existing water structure, sewer structure or storm drainage structure. Applicant shall notify the Utilities Department at 425-452-7840 immediately in the event of any so that they can assess the damage and determine what repairs are needed. Applicant shall comply with all applicable codes and permits as required by other departments and/or agencies.
24. Vehicles are not allowed to park on the sidewalk, multi-purpose pathways, bike facilities or medians at any time except as allowed by a temporary traffic control plan. If vehicles are found parked on the sidewalk, the company and/or individual may be subject to ticketing, sidewalk reconstruction and/or repair.
25. If specified on the approved temporary traffic control plan, Applicant shall provide temporary no parking signs for the reservation of on-street parking stalls authorized by this permit. Type II barricade mounted signs shall be placed immediately adjacent to the stalls to be reserved a minimum of 72 hours in advance of the authorized restriction. 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.
26. At least 48 hours prior to the start of activity in the right of way, Applicant shall inform all adjacent property/business owners of the scope and schedule of their project. 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 the 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.
27. Any removal or damage to existing pavement markings, traffic control signs and / or parking signs shall be replaced with temporary markings, or signs prior to site access being re-opened to the public. Temporary signs or pavement markings shall remain until the restoration is complete and then install permanent signs, and/or markings per City Standards.
28. Any use of steel plates by Applicant shall be for overnight purposes only and shall be used over weekends with prior approval by City or its inspector. The steel plates may only be used for distances of less than 200 feet, they may not be used on steep grades, 8 percent or greater, they must have asphalt ramps/wedges around the plates and a non-skid surface at all times. 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 Right of Way Use Inspector must review and approve all steel plate placements prior to leaving the job site. Movement of or changes in site conditions for any plates that necessitates the call-out of City staff will cause a Stop Work Order to be issued to the project.

29. 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.

#### **OTHER DEPARTMENTS:**

30. Un-locatable Underground Facilities - if a water main has been field marked as unlocatable and cannot be located by hand-digging, the Right of Way 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.
31. A Hydrant Use Permit is required for use of any City of Bellevue hydrant. Hydrant Use Permits are issued at the Bellevue Service Center, 2901 - 115th Avenue NE, Bellevue, WA 98004 / (425) 452-7840. Current Hydrant Use Permits are not renewable. All equipment (i.e. wrenches, adapters, and meters) must be returned to the Bellevue Service Center.
32. 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/Project Manager or City Inspector. The Contractor shall install catch basin filters in all catch basins (existing and New) per Bellevue City Code 23.76.090..
33. 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>).
34. **FOR WIRELESS ONLY** Any communication, broadcast and/or relay facility must comply with City of Bellevue Ordinance 5460 that states, "The minimum size necessary to support facility operation; and placed in accessory structures where located on lots in residential land use districts, or when located in public rights of way in residential land use districts, either constructed no higher than 30 inches above finished grade, or located underground."

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

35. Any permitted work or activity by a utility company, its contractors or subcontractors in the right of way shall provide temporary construction notification signs. 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.
36. The applicant is solely responsible for all construction and installation activity associated within the public right of way. Responsibility for this approved installation is not transferable.
37. The 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.

#### **DEVELOPMENT CONDITIONS:**

38. 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.
39. 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