

# Town of Cornelius Utility Encroachment Right-of-Way Application



## Step 1

File for a Utility Right-of-Way Master Permit with the Town in duplicate. Town will return original.



## Step 2

File Contact Form for:

- Local Representative
- How to contact Utility in case of emergency
- All Contractors



## Step 3

Purchase and Maintain insurance.

Provide insurance information to the Town.



## Step 4

Provide maps of utility facilities located within the town limits.



## Step 5

Provide new maps upon any changes made.

All information filed with the town must be kept current. Any changes made must be filed within fifteen (15) business days following the date on which Utility has knowledge of any changes or additions.

## UTILITY RIGHT-OF-WAY MASTER PERMIT

THIS PERMIT is issued this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Town of Cornelius, North Carolina, (hereinafter "Town"), to \_\_\_\_\_, (hereinafter "Utility").

Pursuant to Chapter 94 of the Cornelius Code of Ordinances, and subject to the terms and conditions set forth herein, this Utility Right-of-Way Master Permit gives the Utility the general right to own Utility Facilities within Rights-of-Way. This Permit does not, however, constitute a permit for any particular installation, maintenance, repair, or removal of a Utility Facility. Specific installations, maintenance, repair and removal of a Utility Facility shall be subject to the regulatory standards and permit requirements set forth in, and established pursuant to Chapter 94 of the Cornelius Code of Ordinances.

1. **Definitions.** "Utility Facility" means a pole, tower, water main or line, sanitary sewer pipe or line, stormwater pipe or structure, gas pipe or gas line, telecommunications line or equipment, power line, conduit, or any like structure.

"Rights-of-Way" means the area on, below, and above an existing or proposed public roadway, highway, street, bicycle lane or sidewalk, and associated adjacent land, in which the Town has a property interest, whether by easement or fee and regardless of how acquired or established, for public travel and utility purposes. For purposes of this Permit, "Right-of-Way" shall not include property held or acquired primarily for the purpose of the movement of public transit vehicles, including railroad rights-of-way.

2. **Term.** This Permit shall expire on \_\_\_\_\_, 20\_\_\_\_\_.
3. **Filing of Information.** Utility shall file with the Town, and keep current, the following information:
  - a) The name, address, telephone number, fax number and e-mail address of a local representative(s). A local representative shall be available during normal business hours.
  - b) Information regarding how to contact the Utility in an emergency.
  - c) Certificates of authority to provide utility services from the North Carolina Utilities Commission or other applicable state or federal agency.
  - d) Name, address, telephone number, fax number, and e-mail address of all contractors authorized to work on Utility's behalf in the Rights-of-Way.
  - e) Utility shall file changes or additions to the above required information within fifteen (15) business days following the date on which Utility has knowledge of any changes or additions. Notwithstanding the foregoing, emergency contact information and information regarding authorized contractors shall be kept current at all times.
  - f) Utility shall prepare and maintain maps of Utility Facilities located within the Town limits. Utility shall provide the Town such maps and update maps upon changes to the Facilities

4. **Removal and Relocation.** If at any time the Town shall require the removal of or changes in the location of any of Utility's Utility Facilities located in the Rights-of-Way, Utility shall promptly remove or alter such facilities, in order to conform to the Town requirement, without any cost to the Town.

Notwithstanding the provisions of this section, in the event that Utility and the Town have entered into a valid and unexpired agreement governing the removal and/or relocation of Utility Facilities, such agreement shall control.

5. **Abandoned Facilities.** A facility that is not used and maintained by Utility shall be deemed to be abandoned. Upon abandoning a facility, Utility shall either remove the Utility Facility or ask the Town for permission to leave the abandoned Utility Facility in place. If the Town refuses to allow an abandoned Utility Facility to be left in place, Utility shall remove the Utility Facility within a reasonable period of time as prescribed by the Town. The Town, its officers, employees, agents, servants, and contractors shall not be liable to Utility for damage to or removal or destruction of an abandoned Utility Facility.
6. **Notification of Sale or Transfer.** Utility shall notify the Town of the sale or transfer of title to any Utility Facilities located in the Rights-of-Way within fifteen days of such sale or transfer.
7. **Indemnification.** Utility shall indemnify, defend and hold the Town, its officers, and employees harmless from all claims by third parties arising out of the installation, construction, reconstruction, maintenance, repair, ownership, or operation of Utility Facilities by Utility, its officers, employees, contractors, or agents pursuant to this Permit.
8. **Insurance.** Utility shall, at its own expense, purchase and maintain for the duration of this agreement Comprehensive General Liability Insurance including coverages for "C" and "U" (Collapse and underground property damage) and contractual liability assumed under this Permit. Such policy or policies of insurance shall be for limits not less than \$2,000,000 bodily injury and property damage liability and will be subject to future review and adjustment at the request of the Town. Certificates of Insurance shall be furnished to the Town containing the provision that 30 days written notice will be given to the Town prior to cancellation or change in the required coverage. Should any or all of the required insurance coverage be self-funded/self-insured, a copy of the Certificate of Self-Insurance from the North Carolina Department of Insurance or other documentation shall be furnished. The provision of such insurance shall in no way replace or otherwise limit the obligation to indemnify and defend as set forth in paragraph 7.
9. **Permit Subject to Exercise of Police Powers.** All rights and privileges granted herein are subject to the police powers of the Town and its rights to make laws and regulations, including the right to require one or more franchises.
10. **Non-Assignability.** This Permit may not be transferred or assigned.

11. **Agreement with and Acceptance of Terms.** By accepting this Permit and exercising the rights granted herein, Utility agrees to and is hereby bound by the terms of the Permit.

TOWN OF CORNELIUS, NORTH CAROLINA  
BY:

\_\_\_\_\_  
Town Manager

ACCEPTED:\*

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\*This Permit is not valid until accepted.

# Utility Contact Information Sheet

Master Permit Holder	
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## Local Representative:

Name		
Email		
Telephone		(c)
Address		

## Emergency Contact(s):

Name		
Position		
Telephone		

## Optional:

Name		
Position		
Telephone		

## Contractor(s):

Company		
Name		
Email		
Telephone		
Address		

Optional:

Company		
Name		
Email		
Telephone	(o)	
Address		

Company		
Name		
Email		
Telephone		
Address		

Company		
Name		
Email		
Telephone		
Address		

**AN ORDINANCE AMENDING CHAPTER 94  
OF  
THE CORNELIUS CODE OF ORDINANCES**

**WHEREAS**, Chapter 94 of the Cornelius Code of Ordinances contains Town regulations concerning streets and sidewalks; and,

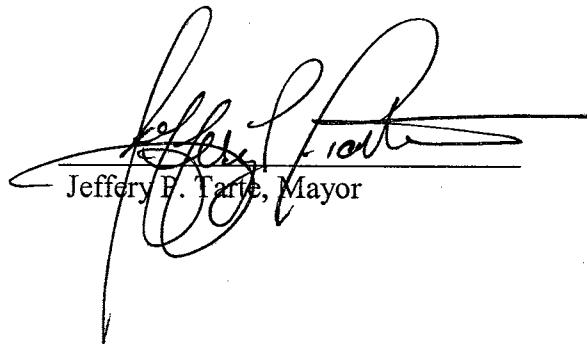
**WHEREAS**, placement of various utility lines in public rights of way is occurring with more frequency within the Town; and,

**WHEREAS**, the Town desires to adopt reasonable rules and regulations for the utility use of public rights of way to protect the public safety, health and welfare as authorized by G.S.160A-296(a) (6).

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Cornelius that:

1. Chapter 94 of the Code of Ordinances is hereby amended by adding Sections 94.50 through 94.62 concerning utility right of way use as shown on Exhibit A attached hereto and incorporated herein by reference.
2. This amendment shall be effective the date of its adoption.

Adopted this 7<sup>th</sup> day of July, 2008.

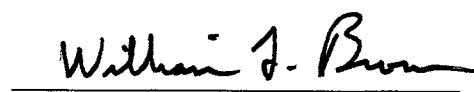
  
Jeffery F. Tarte, Mayor

SEAL

ATTEST:

  
Carolyn K. Sigmon, Town Clerk

APPROVED AS TO FORM:

  
William L. Brown, Town Attorney

Chapter 94: **Streets and Sidewalks**  
**Utility Right-of-Way Use**

Sec. 94.50. Purpose.

The purpose of the following right of way regulations is to provide for the proper management of the public rights-of-way in order to preserve the health, safety, and welfare of the citizens of the Town of Cornelius. Specifically, these regulations are intended to provide for the reasonable regulation of the owners of public and private utility facilities located in the public rights-of-way, and the time, place and manner in which such utility facilities are located and worked upon. The Town is exercising these powers pursuant to the authority of G.S. 160A-296.

Sec. 94.51. Definitions.

“Public rights of way” means Town public streets and street right of way or NDCOT streets and right of ways maintained by the Town by agreement, sidewalks, on street parking, alleys, bridges, and all other ways of public passage within its corporate limits.

“Utility” means a company that owns and provides services to customers through utility facilities located in the right-of-way. This definition shall include the Town for purposes of the Town’s ownership of facilities including, but not limited to, stormwater utility and electric facilities.

“Utility facility” means a pole, tower, water main or line, sanitary sewer pipe or line, stormwater pipe or structure, gas pipe or gas line, telecommunications line or equipment, power line, conduit, or any like structure.

Sec. 94.52. Utility Right-of-Way Master Permit Required.

(a) It shall be unlawful to own any utility facility located in, on, under, or above any public right-of-way without a valid and un-expired utility right-of-way master permit issued by the Town. For purposes of this section, each street or other public right of way must meet the permitting requirements. A utility right-of-way master permit shall, among other things:

(i) grant to the holder of the permit the general right to have utility facilities in the public right-of-way provided, however, that the master permit does not constitute a permit for any particular installation, maintenance, repair, or removal of a utility facility;

(ii) specify the term of the permit (which term shall typically be for the one-year period, or portion of a one-year period, that expires on June 30);

(iii) provide for the removal of abandoned utility facilities;

(iv) acknowledge the Town’s right to require the removal or relocation of utility facilities when necessitated by a public need;



(v) provide for the defense and indemnification of the Town, its officers, and employees for claims and suits arising out of the use of the public right-of-way;

(vi) require proof of suitable levels of insurance coverage;

(vii) state the rights, if any, to assign or transfer rights or obligations without the prior consent of the Town;

(viii) acknowledge the Town's full retention of its police power;

(ix) provide for the registration of all contractors who work in the public right-of-way on behalf of the owner; and

(x) provide for the preparation, maintenance and maps of utility facilities located within the Town, and provide these maps and supporting information to the Town.

#### Sec. 94.53. Powers Reserved.

A utility right-of-way master permit does not constitute a grant of all governmental approval necessary for the use and enjoyment of utility facilities located in the public rights-of-way. A utility right-of-way master permit is not a franchise. With respect to the holder of a utility right-of-way master permit, the Town fully retains its franchising and police power authority and the holder of a utility right-of-way master permit is not relieved of its obligation to obtain all necessary franchises and permits and to comply with all other legal requirements.

#### Sec. 94.54. Utility Facility Installation, Maintenance, Repair, and Removal.

(a) The Town Manager, or designee, is authorized to adopt, amend, and repeal standards and provisions governing the installation, maintenance, repair, and removal of utility facilities in, on, under, and over the public rights-of-way. The standards and provisions shall, among other things, specify those types of activities that: (i) require a utility work permit; (ii) do not require a utility work permit but must be done in accordance with the standards set forth in the standards and provisions; and (iii) are exempt. The standards and provisions shall also address emergency situations and activities.

(b) It shall be unlawful to install, maintain, repair, or remove any utility facility in the public right-of-way in violation of the standards and provisions adopted pursuant to subsection (a).

(c) It shall be unlawful to install, maintain, repair, or remove any utility facility in the public right-of-way without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a utility work permit for such activities.

(d) Any owner of utility facilities located in the public right-of-way shall maintain a map of such facilities and shall provide a copy of the map to the Town.

#### Sec. 94.55. Utility Pavement/Sidewalk Cuts.

(a) The Town Manager, or designee, is authorized to adopt, amend, and repeal standards and provisions governing the making, excavation, filling, repair, and closing of a utility pavement/sidewalk cut. The

standards and provisions may provide that certain activities may be undertaken only in accordance with a utility work permit issued pursuant to such standards and provisions. The standards and provisions shall also address emergency situations and activities.

(b) It shall be unlawful to make, excavate, fill, repair, or close a utility pavement cut in violation of the standards and provisions adopted pursuant to subsection (a).

(c) It shall be unlawful to make, excavate, fill, repair, or close a utility pavement cut without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a permit for such activities.

#### Sec. 94.56. Lane Closure/Traffic Control.

(a) The Town Manager, or designee, is authorized to adopt, amend, and repeal standards and provisions governing the closing of any portion of the public right-of-way to vehicular, pedestrian or other traffic, including standards and requirements for warning and controlling traffic including, but not limited to, development and enforcement of a Work Area Traffic Control Handbook (WATCH). The standards and provisions may provide that certain closings or traffic warning and control activities may be undertaken only in accordance with a utility work permit issued pursuant to such standards and provisions. The standards and provisions shall also address emergency situations and activities.

(b) It shall be unlawful for any person to close any portion of the public right-of-way to vehicular, pedestrian, or other traffic in violation of the standards and provisions adopted pursuant to subsection (a).

(c) It shall be unlawful for any person to close any portion of the public right-of-way to vehicular, pedestrian, or other traffic without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a utility permit for such closing.

#### Sec. 94.57. Additional Prohibitions

(a) Except in an emergency, it shall be unlawful to authorize a contractor to perform work regulated by these regulations without first registering (for applicable licenses, etc.) such contractor with the Town.

(b) If a contractor is performing work on a utility facility in the public right-of-way, it shall be unlawful for the contractor to fail or refuse to properly identify the Utility on whose behalf the contractor is performing the work when requested to do so by authorized personnel of the Town.

(c) If a subcontractor is performing work on a utility facility in the public right-of-way, it shall be unlawful for the subcontractor to fail or refuse to properly identify the contractor on whose behalf the subcontractor is performing the work when requested to do so by the authorized personnel of the Town.

(d) All contractors and subcontractors shall identify on their vehicle and/or equipment in plain sight, the utility for which work is being performed.

Sec. 94.58. Performance Guarantees.

A cash deposit, letter of credit or surety/performance bond may be required in an amount prescribed by the Town to guarantee the completion of work in accordance with all rules and regulations.

Sec. 94.59. Amended Standards and Provisions.

A copy of any administratively adopted amended standards and provisions shall be provided to currently in effect master permit holders at least 15 days before their effective date.

Sec. 94.60. Administration and enforcement.

(a) These regulations shall be administered and enforced by the Town Manager, or his designee.

(b) A violation of these regulations shall not constitute a misdemeanor or infraction punishable under N.C. Gen. Stat. 14-4. Any person who violates this article may be subject to all civil and equitable remedies stated in North Carolina General Statute 160A-175. Notwithstanding the foregoing, the violation of a stop work order issued pursuant to Section 94.61 shall constitute a misdemeanor punishable under N.C. General Statute 14-4.

(c) Violations of these regulations may be enforced by the following civil penalties:

1 <sup>st</sup> Violation:	\$100.00
2 <sup>nd</sup> Repeat violation:	\$250.00
3 <sup>rd</sup> and more repeat violations:	\$500.00

(d) Civil penalties authorized by this section may be assessed against the utility on whose behalf work is being performed and against the contractor or subcontractor who is performing such work.

(e) Civil penalties not paid within 30 days will be assessed a late fee of 1% of the unpaid balance per month.

Sec. 94.61. Administrative Enforcement

(a) Stop Work Orders. A stop work order shall be in writing, state the work to be stopped, state the reasons therefore, and state the conditions under which the work may be resumed. A stop work order may be issued for, but is not limited to:

- a. Working in the right-of-way without a valid and unexpired utility right-of-way master permit;
- b. Use of a contractor that has not been registered with the Town other than in an emergency;
- c. Violation of any adopted standards and provisions as authorized by these regulations;
- d. Violation of Section 94.57 (a) through (d).

(b) Permit Denials. The Town may refuse to issue utility work permits required by these regulations to a utility that does not possess a valid and unexpired utility right-of-way master permit or to a utility that is in violation of the terms and conditions of a utility right-of-way master permit.

The Town may refuse to issue utility work permits required by these regulations to a utility that has not paid civil penalties within forty-five (45) days after the date the penalties were assessed if the company has not appealed the assessment, or within forty-five (45) days of a final decision on appeal.

The Town may refuse to issue utility work permits required by these regulations to a utility that has not paid costs assessed pursuant to subsection (c) below within forty-five (45) days of the assessment.

(c) Cost of Remediation. In the event that a utility fails to properly repair and restore the public right-of-way as required by these regulations, the Town may provide for the repair and restoration and charge the cost to the utility.

#### Sec. 94.62. Appeals

(a) Any person whose utility work permit application has been denied or who has been assessed a civil penalty may appeal such decision in writing within ten (10) days after notice of such denial or civil penalty assessment. A utility that has been charged repair and restoration costs pursuant to Section 94.61 (c) may appeal such decision in writing within ten (10) days after the Town invoices such charge. Appeals shall be heard by the Town Manager or the Town Manager's designee. The appellant shall have the right to present evidence at said hearing and a written ruling on the appeal will be issued.

(b) A ruling on appeal is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after notice of the decision has been sent to the appellant.

**Utility Right of Way Management Program  
Standards and Provisions  
Adopted Effective July 8, 2008  
By the Town Manager**

The following standards and provisions are intended to provide reasonable parameters to the owners of public and private utility facilities located in public rights of way. These standards govern the installation, upgrade, relocation and maintenance of all utility facilities on and after their effective date.

1.0 General

1.1 These standards shall apply to all Town public rights-of-ways. Exceptions may be granted by the Town Manager on a case by case basis based on adequate written justification.

1.2 If crossing another entity's right-of-way, the standards and requirements of that entity may differ from or supersede these standards.

1.3 All utilities shall be designed and installed in accordance with appropriate industry standards and national and state building codes, including but not limited to the National Electric Code and the National Electric Safety Code.

1.4 Utility entities or their representatives shall notify other utilities in accordance with NC G. S. 87-102 of proposed excavation activities allowing sufficient time (48 Hours Minimum) for those utilities to mark their existing underground facilities either through the North Carolina One-Call Center ([www.ncocc.org](http://www.ncocc.org)) at 1-800-632-4949 for those utilities which are members or directly for those utilities which are not members.

1.5 Utility entities or their representatives shall take all reasonable steps necessary to protect and support existing utilities, facilities and structures. Utilities, facilities and structures as addressed by these standards do not include transmission facilities which are within their own dedicated rights-of-way such as electric transmission lines, poles and towers or gas transmission pipelines.

1.6 All utilities shall be marked in accordance with NC G. S. 87-112.

1.7 The placement of new utility facilities or the major rebuild/upgrade of existing utility facilities shall be consistent with the proposed street design requirements and cross-sections in the Town Land Development Code.

1.8 Utilities are encouraged to consolidate wherever feasible onto one pole line or in one joint-trench or duct bank.

1.9 Pole lines consisting of continuous runs of distribution facilities paralleling a roadway shall be limited to one side of the roadway except when the facilities are within a 3/4 mile radius of existing or future electric substation(s). This standard does not prohibit pole lines from moving from one side of the street to the other or service lines crossing the street.

1.10 Installation of utility facilities on highway structures such as bridges or culverts is prohibited.

1.11 Any relocation involving a streetlight requires prior approval from the Town.

1.12 The ROW shall be restored to equal or better condition than existed prior to relocation of utilities.

1.13 Utilities shall maintain documentation of their respective facility locations/relocations and shall provide such documentation to the Town upon written request for project specific purposes. The Town recognizes the proprietary nature of such information and shall limit access accordingly as allowed by law.

## 2.0 Aboveground

2.1 Poles shall be of materials meeting Electricities or AT&T standards.

2.2 Where not otherwise required to be underground and where pole lines located in the planting strip, the lowest facility attached to the pole line shall be a minimum of 25 feet above existing grade. This distance will allow the planting of small maturing trees (20 foot tall or less) with a minimum clearance to the lowest overhead facility of 5 feet.

2.3 The maximum pole height above grade shall be 50 feet.

2.4 The longitudinal location of above ground facilities shall be behind the sidewalk as near as practical to the right-of-way line or easement line on a uniform alignment and as close to side property lines as possible.

2.5 If an above ground facility is determined by the Town to be in a location that has a higher than average accident potential, the Town may require that the facility be relocated at the utility's expense.

2.6 Utility pole guy wires crossing an existing or proposed sidewalk shall allow a clear zone equal to the width of sidewalk plus one foot and a height of 8 feet.

2.7 Damaged poles or above ground facilities shall be "made safe" by the owner immediately following notification by the Town. Full repair or replacement shall be scheduled to occur within 60 days or as soon as replacement materials are available.

2.8 Abandoned poles shall be removed by the owner within 30 days following notification by the Town.

2.9 Poles and pedestals shall have a mark or tag identifying the owner.

2.10(a) New or expanded above-ground utility facilities such as pedestals, terminals, cross boxes, interfaces, remote terminals, and other items of industry standard nomenclature ("above-ground structure") that are part of a utility's distribution system (i.e., does not include facilities or devices that primarily serve individual properties) may be located in the right of way only upon issuance of a permit in accordance with the standards set forth below. Above-ground structures shall not interfere with the operation and maintenance of existing utilities, facilities, roadways or walkways within the public right of way.

(b) In determining whether to issue a permit for a new or expanded above-ground structure in the right of way, the Town Manager, or designee, shall consider the following:

- i. The technical need for the structure and the need to locate the structure at the proposed location;
- ii. Whether the structure would create an unacceptable sight obstruction or other safety hazard and whether it is aesthetically compatible with surrounding uses and structures; and
- iii. Whether a location outside of the right of way is reasonably available and whether the utility has made reasonable efforts to secure such a location.

(c) In approving a permit for a new or expanded above-ground structure, the Town Manager, or designee, may impose reasonable screening, appearance, and other conditions to minimize the impact of the structure. In the event that screening, appearance, or other conditions are not adequate to minimize the impact of the structure, the permit may be denied. The Town of Cornelius reserves the right to require above-ground structures to be placed under ground on a case by case basis.

## 3.0 Underground

3.1 Pull boxes and hand holes 4 feet by 4 feet in area or smaller shall be acceptable. Larger pull boxes, hand holes, manholes, and vaults may be permitted on a case by case basis as determined by the Town.

3.2 Pull boxes, hand holes, manholes, and vaults shall not be located in driveways or within the intersection corner radius. A minimum 30-foot corner radius shall be recognized, where the existing corner radius is smaller. If the existing corner radius is greater than the facility shall be placed beyond the end of the radius.

3.3 Pull boxes, hand holes, manholes and vaults, if permitted to be in pedestrian/non-motorized areas, shall have lids identifying the utility owner with a skid resistant surface. Lids shall have a minimum vertical load capacity of 20,000 lbs in accordance with ANSI/SCTE 77 and ANSI Tier 15 test provisions. Lids shall be one piece for boxes 30 inches by 48 inches and smaller.

3.4 Pull box, hand hole, and manhole lids shall be centered within a single section of sidewalk.

3.5 Conduit proposed to be installed by horizontal directional drilling shall be approved after review by the Town. Drilling details shall be provided on the construction plans and installation shall conform to the requirements noted below for horizontal directional drilling.

3.6 All proposed facility installations crossing laterally at intersections shall be drilled, bored or tunneled to minimize open cuts. If drilling, boring or tunneling are agreed by the Town to not be cost effective, then open cutting may be permitted.

3.7 Open cuts and trenching may be permitted by the Town on a case by case basis and conform to industry standards.

3.8 All proposed utilities shall be placed in such a way as to not interfere with the operation and maintenance of existing utilities, facilities, roadway, bikeways, or walkways within the public rights-of-way.

3.9 Facilities shall be placed in accordance with the NCDOT "Policies and Procedures for Accommodating Utilities On Highway Rights of Way" (most recent edition).

3.10 Pull boxes, hand holes, manholes and vaults, located in the planting strip, shall be located outside the drip line of existing trees. Trees shall be retained or replaced as determined by the Town.

3.11 Vault access panels shall not be placed in the sidewalk. Exceptions shall be considered by the Town on a case by case basis.

3.12 Damaged facilities shall be made safe within 24 hours after notification by the Town. Repair or replacement shall take no longer than 90 days.

3.13 All non-metallic underground facilities shall be installed with a tracer wire providing the ability to be tracked from the surface by conventional electronic tracing technology.

#### 4.0 Underground Construction Methods

##### 4.1 Horizontal Directional Drilling

4.1.1 Horizontal Directional Drilling should follow the construction and safety practices as described in the "Horizontal Directional Drilling Installation Guidelines" manual, current edition, published by the National Utility Contractors Association (NUCA).

##### 4.2 Jack Sleeve and Bore

4.2.1 Jack Sleeve and Bore operations should follow the construction and safety practices as described in the "Guide to Pipe Jacking and Microtunneling Design" manual, current edition, published by the National Utility Contractors Association (NUCA).

4.2.2 All bore pits less than 5 feet deep shall be a minimum distance of 5 feet from the back of curb or from the edge of pavement. All bore pits 5 feet deep or greater shall be a minimum distance from the back of curb or from the edge of pavement based on a ratio of one foot of separation per one foot of depth. By example, a 10 foot deep bore pit shall be a minimum of 10 feet from the back of curb or edge of pavement.

4.2.3 Bore pits shall be protected and made safe by fencing around or plating over.

## 5.0 Other Provisions

5.1 The Town's permit approval does not authorize any construction on private property, rail right-of-way, utility easement, or state maintained streets. Any crossing or parallel routing of a system along state maintained streets requires an Encroachment Agreement with the North Carolina Department of Transportation (NCDOT). To obtain a NCDOT Encroachment Agreement in the Mecklenburg County area, contact 704-596-6900.

5.2 All right-of-way lines are to be shown on submitted plans. Tax plat information is not to be used as right-of-way data. Review of the utility plans by the Town is not an approval or verification of the right-of-way lines shown on the plans. The Town does not guarantee the right of way of the road, nor will it be responsible for claims for damages brought by any property owner.

5.3 A pre-construction meeting is required with the Town prior to beginning any construction.

5.4 The contractor shall utilize "door hangers," telephone contact, e-mail contact or some other form of notice to notify residents and businesses of pending utility work. Door hangers shall include the project name; a brief job description; the contractor's 24-hour contact information; and the proposed schedule for work in the immediate area. The contractor shall provide advanced notification at least 72 hours prior to work commencement.

5.5 The contractor shall comply with requirements of the Town's Noise Ordinance.

5.6 Special attention shall be given to the placement of construction equipment and materials so as to not obstruct visibility or otherwise adversely affect property or persons.

5.7 The contractor shall not close or block sidewalk on both sides of a street or more than two consecutive blocks on the same side of a street.

5.8 Restoration of all improvements shall be completed on a block-by-block basis to reestablish functionality of the ROW as soon as possible. The contractor must begin restoration of the "first" block upon starting the new installation of the "second" block. In lieu of this requirement a temporary and permanent restoration plan prescribing specific restoration phasing may be included with the permit application.

5.9 The Town shall be provided notice of the final inspection upon completion of the installation. All punch list items shall be addressed within 30 days.

5.10 As-built drawings shall be submitted to the Town within 90 days of the completion of the work in the public right-of-way.

5.11 The utility shall provide the Town with 24-hour emergency contact information for the utility contractor and/or subcontractor.





**Utility Right of Way Management Program  
Notification and Work Approval Application**

Street/Cut #1	Street/Cut #2	Street/Cut #3	Street/Cut #4	Street/Cut #5	Street/Cut #6
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**General Information**

Estimated Start Date					
Estimated Finish Date					
Project Name					
Description of Work					

**Site/ Property**

Street Name					
Nearest Cross Street					
Location					

**Contractor Information**

Company Name	
Contracted By	
Contact Person	
Office Phone #	
Field Contact Cell #	

**Street Cut Information**

Length (ft)					
Width (ft)					
Depth (ft)					
Patch Material					

The Contractor must abide by all Town of Cornelius standards and ordinances, work shall only occur between 7am-7pm Monday- Saturday  
If the Contractor has plans for the project they must provide a copy to the Town.