



**Liberty Township
Delaware County
Right-of-Way Excavation
Rules & Regulations**

1. **PERMIT REQUIRED:** A right-of-way excavation permit is required when placing, extending, or repairing any pipes, cables, wires, roadway structure or appurtenances, or for any other purposes requiring the use of or connection to a Township road right-of-way. (U.S. Postal Maintenance approved mailboxes on breakaway posts are exempted from permit requirements.) This permit requirement does not apply to the installation or replacement of a driveway or other culvert that is currently subject to review by the Delaware County Engineer's Office. Failure to obtain a permit may result in the imposition of a fine equal to the permit and inspection fees (listed below) that would have been charged had the work been properly permitted and inspected. Further penalties may also apply, including the opening of the construction site for inspection and/or prosecution under Ohio Revised Code §5571.99.
2. **PERMIT APPLICATION SUBMITTAL:** A Right-of-Way Excavation Permit On-Line Application must be submitted via www.libertytp.org/ROWPERMITAPP. The appropriate Township staff shall review and act upon the ROW Permit Application within a reasonable period of time based upon the permit request. The Liberty Township Fiscal Officer shall receive a copy of the Application in order to secure and maintain the bond from the contractor/applicant.
3. **PERMIT EXPIRATION:** A Right-of-Way Excavation Permit is valid for twelve (12) months from the date of issuance by Liberty Township. Expired permits must be renewed by submitting a new permit application and payment of permit fees. There will be no additional engineering review fees assessed for permit renewal if the plans have remained unchanged from the original submittal.
4. **LIABILITY:** The applicant and the applicant's contractors assume all responsibility for safety during the construction project and shall conform to all required laws applicable to the construction project, including OSHA standards. The issuance of a permit does not relieve the permit holder and its contractor from any liability, and the permit holder shall at all times indemnify and save harmless Liberty Township-Delaware County and its employees and officials against all claims from injury or damage to persons and property that may be asserted by any firm, person or corporation arising out of the use and occupancy of any part of the road and/or road right-of-way. The Indemnification Agreement included with the ROW Permit Application must be submitted with permit application. Upon the approval of a ROW Permit, the applicant shall provide a certificate of liability insurance with respect to the proposed work/project naming Liberty Township-Delaware County as an additional insured with minimum coverage of at least \$300,000/\$500,000 for personal injuries and \$500,000 for property damage prior to commencing any work.
5. **PERMIT PLANS:** Whenever excavation is to be performed within the right-of-way, all permit requests shall be accompanied by a plan of suitable size and clarity to show the nature of the work to be performed and the staging of the proposed work to be completed, including the location and storage of any vehicles, equipment, and materials to be used in the performance of the proposed work. Such plans shall show all existing utilities and topographic features, existing right-of-way and adjacent property lines. The utilities shall be shown on the plans as to horizontal and vertical alignment based on a diligent search of records. All conflicts with any utility facility shall be resolved to the satisfaction of the utility owner. Trench data is to include length, width and depth dimensions and indicate fill material to be used. Method of closure must also be shown. Indicate if excavation is in pavement, sidewalk, driveway or grass areas. Make notation if a trench, push, bore or tunnel

method is involved. Proposed work should be highlighted for easy identification. **NOTE:** Liberty Township discourages the practice of enclosing natural or man-made swales and ditches with storm pipe in the Township. In most cases, permits will not be granted for such excavation work.

6. **OHIO UTILITIES PROTECTION SERVICE (OUPS):** Prior to any work being performed pursuant to a permit issued, a permit holder shall contact the Ohio Utilities Protection Service (OUPS) to locate all existing utilities in the right-of-way and work areas at least two (2) days prior to construction. All utilities which are not members of the OUPS shall be contacted directly.
7. **TRENCHLESS EXCAVATION:** Any contractor using trenchless excavation methods (e.g., directional drilling) to install a proposed utility shall:
 - a. Expose and confirm all underground utility facilities at each crossing point by the proposed excavation in a non-destructive manner.
 - b. Expose all parallel underground utility facilities in a non-destructive manner at the beginning and end of each trenchless excavation. Any parallel underground facility that is within five (5) feet of the proposed alignment shall also be exposed every one hundred (100) feet. Any parallel underground facility that is within three (3) feet of the proposed alignment shall be exposed every fifty (50) feet.
 - c. Ensure that the final product installation maintains a minimum of 12-inch or other agreed upon clearance of existing underground utility facilities.
8. **ROAD CLOSURE:** Whenever the full closure of a road is needed, the agency or its contractor shall provide the Liberty Township Park & Road Services Department with a set of plans showing the proposed traffic control signs, detour route maps, etc. Upon approval of plans, contractor must notify Liberty Township Road Services Department and Fire Department five (5) working days prior to actual closure of road.
9. **RESTORATION:** When a permit is issued to excavate in any roadway or right-of-way of any road or public way, the person or agency causing such excavation shall restore the same in such a manner and by the time as required by Liberty Township. All road and driveway repairs shall conform to current township and county standards and specifications. Permanent repairs to any road, open-cut for the purpose of installing, extending or repairing any pipe, utility, wire, cable, conduit or any other repair shall be made in accordance with current specifications approved by the Delaware County Engineer. In addition to the foregoing, all excavation under and within five (5) feet of the edge of pavement and 1:1 zone of influence will require premium backfill with ODOT #304 limestone. Compaction efforts shall be in accordance with ODOT standards. If settlement occurs within a two (2) year period after completion of construction, the applicant shall place additional fill as required and also perform the associated restoration of the area disturbed.
10. **EMERGENCY REPAIRS:** When any public agency, private utility company or contractor must excavate within the roadway to make emergency repairs for the safety and convenience of the public, the same shall request a permit the following working day. All permanent repairs shall conform to these regulations.
11. **INSPECTION:** Liberty Township shall perform inspections and approve acceptance of work performed under these permits. It is the permit holder's responsibility to request inspections by email to the Liberty Township Parks & Road Services Department. If, in the opinion of the Liberty Township Park & Road Services Department or the Liberty Township Administrator, additional

inspections are needed due to the size or nature of the work, the contractor shall pay an inspection fee for each required inspection.

12. **TRAFFIC CONTROL:** If traffic control devices are required, all such devices shall be furnished, erected, maintained and removed by the contractor in accordance with the Ohio Uniform Manual of Traffic Control Devices with current revisions.
13. **NEW PAVEMENT OR REPAVEMENT:** No permit will be granted to open-cut new pavement or repavement of a road, except for the purpose of emergency repairs, until after three years from the completion of such new pavement or repavement. When any emergency repairs are necessary. The Delaware County Engineer's specifications shall be followed when making permanent pavement repairs after open cutting.
14. **FEES:** A permit fee of \$50.00 shall be charged (ORC §5571.16). In addition, Applicant agrees to reimburse Liberty Township for all costs incurred by Liberty Township to review plans submitted by the applicant and for any inspection activities associated with this application, which Applicant agrees to pay prior the issuance of a permit pursuant to this application.
15. **CONSTRUCTION BOND:** In addition to permit fee, plans review and inspection fee, a bond shall be required for the following: open-cutting of pavement; work in right of way outside of paved area; new residential and commercial structures accessing a Liberty Township roadway; or existing residential structures seeking a new or additional curb cut; installation of culvert pipes. No bond shall be required for replacement of existing driveway culvert pipe so long as the replacement is the same diameter and alignment as the existing culvert pipe (application and permit still required). **No bond shall be refunded if the construction does not meet the required standards, is in violation of these regulations, or is not carried out according to the application and approved permit. Bond will be refunded if work is corrected within 30 days of initial inspection and the correction meets the standards and regulations. It is the applicant's responsibility to request the refund of bond.**
16. **MATERIALS TO BE USED:** All materials to be used shall be listed on the application for excavation in the right-of-way and shall be approved by the Liberty Township Park & Road Services Department and/or the Delaware County Engineer.
17. **SUBSTANDARD OR INCOMPLETE WORK:** Substandard or incomplete construction or restoration will result in forfeiture of bond in the amount required for Liberty Township to complete, repair or restore the excavation at a rate of \$50.00 per hour plus materials. Severe nonconformance with these standards may result in a stop work order by the Township.
18. **ENFORCEMENT:** Notwithstanding any of the foregoing, these Rules & Regulations may be enforced by the Liberty Township Park & Road Services Department and/or the Liberty Township Administrator. If the Township incurs any costs associated with such enforcement, such costs shall be borne by the party or parties against whom enforcement is sought. If a violation of these rules and regulations results in an immediate risk of danger to any affected party, as a condition of any issued permit, an applicant consents to the immediate enforcement of these rules and regulations by the Township to the extent necessary to eliminate the identified risk of danger.