



Engineering
212 Operations Center Drive
Wilmington, NC 28412-1810
910 341-7807
910 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice



Ver. Date 2020-11

CITY OF WILMINGTON RIGHT OF WAY PERMIT STANDARD PROVISIONS

It is the policy of the City of Wilmington that construction related activities within the City be adequately reviewed for coordination and to ensure the health, safety, and welfare of the citizens of the City.

"No person shall make any excavations in any public right-of-way, without first making application and paying applicable fees....." (City Code Chapter II, Article V, Section 11-74)

Receipt of a Right of Way permit does not indicate review, approval or permitting on behalf or from other City Departments, including but not limited to Planning, Zoning and Fire, including verification of City Land Development Code, Traffic Engineering, the City's Official Traffic Schedule, Truck Routes or other City programs.

Section 100 – Requirements

SP 101- Permittee shall submit to and notify City Engineering -for all Right-of-Way Permitting requests and shall follow the City's Permit Application Checklist'. Incomplete submission or failure to comply with any conditions will result in a denial and/or revocation of the permit or Notice of Violation including requests to remove installations or obstructions and to restore public right-of-way.

SP 102 - Permittee and assigned contractors shall secure and possess a valid ROW permit at the construction site at all times during construction or use of the ROW. Permittee is required to update permits when necessary for a change of use or schedule.

SP 103 - The Permittee shall have a superintendent available on a 24-hour basis who is authorized to carry out orders from the City while work is in progress. The Permittee shall provide the name and mobile number of the superintendent prior to the start of work.

SP 104 – Before work may proceed, a pre-construction conference is required prior to performing any work under this agreement. The Permittee, Utility Owner, Contractor(s), stakeholders, etc. shall be in attendance. Upon request, Permittee and/or Owner shall present construction information, plans or schedule; including staging areas, street closures, trucking routes, work hours, paving restoration, project oversight, public notification, etc. Any proposed parking or storage of materials or equipment on the right-of-way must be approved.

SP 105 – The Contractor shall notify and coordinate with City Inspections prior to and during construction for any work items at the discretion of the City. After permitting, Contractor and sub-contractors shall provide sufficient notice (typ. > 24 hrs.) for all inspection requests.

Contact City ROW Office 910-341-5889.

Normal work hours within the City are 7am to 6pm, but conditions may allow 24-hours per day, 7 days a week upon request. Contractor shall provide 48-hours notice and receive pre-approval for any proposed work

schedule(s) outside of the permitted schedule or normal work hours. (i.e. night, weekend, etc.). The City reserves the right to deny such requests when a certain nuisance may exist, City Inspection or contractual inspection services are not available. (On NCDOT Roadways, NCDOT's allowable working hours shall dictate construction activities.)

SP 107 - Before work may proceed, Permittee/Owner shall coordinate Public Notification with construction work such as NHC 911 dispatch (non-emergency), residents and businesses directly impacted by the work. Permittee shall make written public notification of work, as required, and shall notify impacted stakeholders and properties mentioned above at least 3 business days in advance of construction. See SP 304.

SP 108 – Before work may proceed, a proper Traffic Control Plan (TCP) shall be submitted and accepted by the City. Traffic control devices, signs, lane closures, sidewalks, etc. shall be installed to ensure public safety for pedestrian and vehicular traffic in accordance with the latest edition of the Manual on Uniform Traffic Control Devices Part 6 or NCDOT 2018 Roadway Standards Division 11 and any supplements. (Reference Ch 11 Art. 5 Section 11-94) Where needed, contractors shall develop truck route plans with suppliers and sub-contractors which adhere to NCDOT and City of Wilmington Truck Routes and Restrictions.

Traffic Control signs shall be installed prior to construction up to 3 days in advance and bagged as needed. Variable message boards shall in place no less than five (5) days, including one weekend prior to construction or as directed.

SP 109 – A pavement restoration plan showing location of cuts, trench width, repair areas, pavement thickness, overlays, milling, etc. must be reviewed and approved by the City. Pavement repair will be subject to the City's Street Cut Policy, Brick Street Policy, Standard Details (i.e. SD 1-05), etc.

SP 110 – City reserves the right to stop all work in Public right-of-way without a valid permit unless evidence of approval can be shown. Where non-compliant activity occurs or safety or traffic conditions warrant such action, City reserves the rights to further limit, restrict, request to remove or suspend operations or portions thereof within the ROW.

SP 111- Upon completion of work, City may request Permittee/Utility Owner to provide one or more of the following documents: signed and sealed by a licensed North Carolina Professional Engineer where required.

- Permit Compliance Certification (form)
- one (1) hard copy and one (1) electronic (PDF) copy of Record Drawings (noted with changes)
- Other construction reports (daily reports, testing, materials, drilling logs, certifications, etc)

Section 200 - Coordination

SP 201 – Permittee is responsible to coordinate and cooperate with all Inspections of work by either City, New Hanover County, 3rd party or other Agency. Hired inspectors must be familiar with **City, County and NCDOT Standards and Specifications**.

SP 202 - An independent inspection and testing firm may be requested for the quality control or assurance of material specifications including placement, compaction and densities, concrete testing, asphalt testing, etc. Test results, records etc. shall be provided in a timely manner, i.e. to assist with construction phasing and approvals and anytime upon request. Inspectors and testing consultants shall be present at meetings and negotiations concerning this permit.

SP 203 - Work may not proceed until Owner/Developer has contacted the appropriate Utility Owners with facilities in conflict or close proximity of the proposed work at least 30 days prior to beginning construction and to make satisfactory arrangements to relocate or adjust the utilities.

SP 204 - Depending on the number and location of pavement cuts within in the project area, separate Street Cut Permit(s) of \$335 must be obtained. The City reserves the right to ascertain extents of pavement cuts for location, area, and verify compliance with Street Cut Policy. The City Streets Division reserves the right to provide service for restoration of asphalt cuts and charge fees for the repairs.

SP 205 – Before applicable work may proceed, all releases and permits from the New Hanover County, CFPWA, NC Department of Environment and Natural Resources (NCDENR), Division of Water Quality (DWQ) and U.S. Army Corps of Engineers, etc. have been received. The encroaching party shall comply with all applicable Federal, State and local environmental regulations, including but not limited to, those related to erosion and sediment control, storm water, wetland, streams, endangered species, and historical sites.

SP 205 - Permittee shall comply with all applicable requirements of the Underground Utility Safety and Damage Prevention Act (Chapter 87 of NC General Statutes), Overhead High Voltage Line Safety Act (Chapter 95 Article 19A, NC GS) OSHA, the City of Wilmington and all regulatory agencies having jurisdiction. Contractor shall fully utilize NC One Call 811 and follow all utility locate and excavation protocols. Contractor to be trained and knowledgeable, and aware of regulatory changes, i.e. HB 476.

SP 206 - Permittee shall adhere to another contractor’s ‘controlled work zone’ and to provide advanced notice (>24hrs) of any activity to coordinate all activities through their General Contractor. Permittee shall be aware of the installation of any new facilities and take extra precaution to locate and work around active construction.

"§ 87-104. Requirements of person doing excavation.–(a) Except as provided in G.S. 87-106, no person may excavate in a highway, a public space, or a private easement of a utility owner without first having given the notice required in G.S. 87-102 to the utility owners.

SP 207- In cooperation with NC One Call 811 procedures, Permittee shall limit the extents of locate request and utilize white lining or other markers. Permittee shall utilize the NC811 Positive Response function prior to beginning excavations. If damage occurs, Permittee shall immediately follow all notification and reporting requirements.

SP 208 -Where utility locates or site conditions indicate an interference with proposed alignments on plans and/or cause a shift (> 2’ horizontally or 2’ vertically) of the proposed utility design or create the potential for a conflict with other structures and utilities, Permittee shall be responsible to notify Utility Owner and the City prior to excavation or installation to determine proper course of action. Any significant shift or alteration of the proposed work from the original plans may render this permit invalid.

"§ 87-113. Notification required when damage done.–(a) The person doing an excavation that results in any known damage to an underground utility shall, immediately after the discovery of the damage, notify the utility owner of the location and nature of the damage and shall allow the utility owner reasonable time to repair the damage before completing the excavation in the immediate area of the damaged underground utility."

SP 210 - In the case of emergency situations (Reference City Code Ch 11 Art. 5 Section 11-94) , where the loss of service or accident presents a critical safety issue, the Utility Owner may access the utility and provide site control as necessary to protect themselves and the public. The Utility Owner must contact the proper authorities and emergency agencies, including the City, as well as submit for a follow up permit.

SP 211 - The proposed construction shall in no way impede, exacerbate or alter the drainage of the existing culverts, swales or roadway. Existing elevations and grades shall be obtained prior to construction, so as to re-establish drainage to a permissible condition based on current standards. Reshape the shoulders and slopes to allow positive drainage. Where minor modifications to elevations and grade may be necessary, including the request to add drainage piping, the Permittee may need to obtain professional engineering

services to ascertain drainage needs of the area. Permittee shall provide notification and coordinate proposed changes in drainage with the City.

SP 212 - Permittee shall warrant all work, including excavation and restoration against all defects in workmanship and materials for a period of eighteen (18) months after final completion. (City Code Sec 11-96 (e)). The applicant shall notify the City of Wilmington upon completing work to establish a date of completion and allow for a final inspection to be performed, satisfactory to the City. After the project has been completed for eighteen months (1 ½ year) and upon request by the applicant, City personnel will conduct a final investigation. Acceptance or warranty periods shall not apply to unreported or unseen damage.

Section 300 Construction and ROW activity

SP 301 - A pre-construction video shall be taken of the entire project site within 1 week prior to starting work including existing infrastructure and road, curbing, drainage, ditches, driveway pipes, etc. Digital video file shall be commercially available and compatible standard video players. Files shall be of sound quality with a date of filming and made available upon request.

SP 302 - Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police and fire stations, fire hydrants, schools and hospitals.

SP 303 – Any proposed parking or storage of materials or equipment on the right-of-way must be approved. Drainage structures shall have proper erosion control, be kept clean, and not be blocked with materials, etc. Contractor shall adhere to any E&S permits and shall utilize best management practices for erosion & sedimentation control.

SP 304 – For all non-emergency road closures, the Permittee shall notify New Hanover County 911 Management Center dispatch @ 910-452-6120. If a closure is overnight or >24hrs, then notifications shall also be emailed. Permittee shall complete all other public notifications as necessary, (residents, businesses, utilities, NCDOT, WAVE, NHC Schools, media, etc.). The Permittee shall take measures to ensure emergency services personnel and equipment will have unhindered access to buildings and properties adjacent to the construction site.

SP 305 - Any work requiring equipment, material or personnel within five (5) feet of the edge of travel way (typ. pavement) of an undivided facility and within ten (10) feet of the edge of pavement of a divided facility shall require a lane closure with appropriate tapers. Only one lane closure in each direction is to be allowed. Work requiring lane or shoulder closures shall not be performed on adjacent sides of the road simultaneously.

SP 306 – No Regulatory (Stop, Yield, Do Not Enter, One Way), Warning or Speed limit sign shall be removed or relocated to facilitate construction. Any sign temporarily removed to facilitate equipment positioning shall be reinstalled in the same location prior to restoration of normal traffic patterns.

SP 307 – Utilities shall be installed with proper vertical and horizontal separation distances as required by City standards, state law and common engineering practice including separation from other facilities in parallel or in crossing as well as adequate distance from the proposed ground surface. (Ch 11 Article V Section 11-92).

Utilities shall be separated from one another to allow adequate space for future maintenance and excavation. This shall generally be considered as; 4' horizontal distance and 2' vertical distance from the outside edge to outside edge from pipes = > 6" in diameter for wet utilities; smaller diameter cable wires and conduits shall be separated from one another by 18" horizontal and 2' vertically vertical distance minimum from the outside

edge. At a minimum, water & sewer utilities shall be located with 36" or greater of cover; telecommunications lines (conduits) shall be located with 24" or greater of cover; gas and buried electric utilities shall be located with 36" or greater of cover. Where combined trenching is proposed, separation requirements shall be furnished by the owners. Deviations from such specifications shall require a review for pre-approval. Reference Section 208 for additional installation directions.

SP 308-All above ground utility facilities and objects such as poles, pedestals, cabinets and fire hydrant(s), etc. shall be placed a minimum of 18" from the back curb to the closet point; or a minimum 7' from the edge of road pavement. Fire hydrants shall not be located in the ditch limits.

SP 309 – Utility facilities such as manholes, valves, meter boxes, cleanouts, hand holes, junction boxes or other appurtenances shall not be located in conflict with existing utilities; or within the curb line, driveways, or sidewalk areas; or in an existing ditch line in such a manner that would restrict the maintenance or flow of the existing ditch line. All appurtenances located from the roadway to the ditch or within clear recovery zone, whichever is greater, shall be designed for HS-20 loading rated for continuous traffic.

SP 310 - Any utility marker material, shape and size shall be approved by the City and located in a practical manner away from obstructions or other areas as best as possible. Utility markers shall be made flush where possible but may not be more than 30" in height from the ground surface. Only one utility marker per hand hole is allowed.

SP 311 – No above-ground terminal compartment, switchbox, transformer or other object more than 30" in height shall be located within the sight distance triangle dictated by the City Technical Standards.

SP 312 – Where utilities installed in the ROW shall be locatable, and is not of ferrous material, locating tape or detection wire shall be installed. Detection tape may be used and buried in the trench approximately one (1') foot above the utility or fiber optic cable.

SP 313- The Permittee shall comply with all North Carolina Department of Transportation's and OSHA requirements and provide a competent person on site to supervise excavations at all times. Trenching, boring pits, and/or other excavations shall not be left open or unsafe overnight.

SP 314- Permittee is to provide shoring and restraints for utilities and foundations within excavation areas, including above ground structures and poles. No trenching, boring or excavations shall occur within 5' of a traffic signal support or light pole without permission from the City.

SP 315 - For all excavations inside the theoretical 1:1 slope from the existing edge of pavement to the bottom of the nearest trench wall, Permittee shall provide all appropriate safety measures including moving traffic to a travel lane safely outside the 1:1 slope; limiting the length of the trench, providing shoring as necessary and securing the excavation overnight.

SP 316 - All concrete structures shall be built to City Standards or NCDOT details as required. Areas subject to vehicle access such as driveways and sidewalks shall be 6" thick minimum. Sidewalks shall be 4" thick minimum, or reinforced where needed. Concrete shall be constructed by flatwork using forms or molds and shall be 3000psi minimum. Concrete shall be drum mix type. Concrete shall not be mixed on-site. No tunneling under curbs, sidewalks or driveways is allowed unless by an acceptable method, such as drilling, that is pre-approved. In-situ concrete repairs will utilize industry standards and products and shall be pre-approved on a case by case basis. Repairs and alternate methods shall be approved by the Inspector and/or City Engineer.

SP 317 - All curb and gutter disturbed or damaged shall be removed to the next joint or a minimum of 5' and replaced. Curbs shall have an expansion joint every 50' and a control joint every 10'.

SP 318- All disturbed sidewalk areas shall be replaced with a full panel. Replacement of sidewalk panels shall be in accordance with current standards and not create safety issues with adjacent sidewalks. Typical sidewalks shall have an expansion joint every 30' and a control joint every 5'.

SP 319 - All disturbed driveways shall be replaced with full panels. Replacement of driveways shall be in accordance with current standards and not create safety issues with adjacent sidewalks. Typical driveways shall have an expansion joint at the curb tie-ins and the end of the apron.

SP 320 - The location and depth of boring utilities shall be dependent on the methods, diameter of pipes/conduit, type of road and location of existing utilities. This section shall serve as a general guideline and additional engineering calculations may be required. For horizontal clearance, all bores shall maintain a minimum of 4' (clear) distance from the nearest part of any utilities (See SP 307) including drainage structures. For larger sized pipe ($\geq 36''$ dia.), or structures ($> 4' \times 4'$) etc. the bore shall maintain a minimum 8' horizontal distance. For vertical distance, conventional (dry) boring methods shall require a minimum depth of 3' below the pavement surface. Directional boring using jetting (wet - bentonite or equivalent material) shall require a minimum depth of 4' below the pavement surface. For large conduits and higher volume roads a minimum depth of 6' feet below the pavement surface is required. Five (5') feet below any ditch line and/or creek bed is required. Under no condition shall jetting alone or wet boring with water be allowed. An overbore shall not be more than two (2'') inches greater than the diameter of the pipe or encasement. Bores are not allowed beneath bridge footings, culvert wingwall footings or retaining walls.

SP 321 –Staging of dumpsters, mobile storage units, or staging of materials, including use of ROW for restoration of buildings is for temporary use only, and permit dates shall be strictly adhered to. Selection and use of such items shall be sized and managed with site, traffic, and pedestrian controls as not to create unsafe conditions. Additional restrictions will apply in the downtown area or other confined locations. Permittee shall take precaution to secure roadway, curbing, bricks, plaza, sidewalks, etc. against damage and provide restoration of area to the same or better conditions. Where placement of units or materials may cause scarring or damage, especially upon brick streets, additional protection such as plywood or other protective bolsters shall be used. Permittee shall communicate with contractors and suppliers of permit conditions, dates, traffic control and truck routes.

Section 400 - Restoration

SP 401 -Any curbing, pavement, markings, signs, sidewalks, trees, landscaping, light poles, signal equipment, etc. damaged or removed during the construction process or installation of this work or damaged by equipment used for this work, shall be restored to the same or better condition to the satisfaction of the City Engineer. All repairs and restoration shall conform to current Standards and Details, including compliance to City of Wilmington Site design requirements and with all ADA policies.

SP 402- All open cuts shall be backfilled compacted and made safely traversable prior to reopening to traffic or removal of the traffic control. Paving of trench shall occur within 3 days of backfill; otherwise contractor shall place temporary asphalt. At no time shall temporary trench repair and patches exceed 30 days in duration, unless approved.

SP 403 - Pavement cuts and excavations shall adhere to the permit conditions and be subject to the City of Wilmington Street Cut Policy, Brick Street Policy and the Standard Detail 1-05. The City reserves the right to ascertain extents of pavement cuts and verify restoration is compliant with policies.

- Pavement restoration requirements are dependent on location and number of cuts
 - (% of disturbance).
- Pavements shall be saw cut and clean materials placed back in excavation.
- Compaction is performed in 6'' lifts by mechanical or vibratory means.

- After trench work is complete, the edges of the existing pavement along the trench should be cut a minimum of 1' wider on each side of the trench; or if the pavement is undermined, to 1' beyond the undermined portion and remove the pavement. Before paving, all edges are hot tacked.
- Asphalt patching shall be compacted with a drum roller.
- Final Asphalt restoration shall include the use of hot tack and standard Hot Mix Asphalt.

SP 404 - A 20 to 50-foot mechanical overlay may be required for disturbed or bored pavement area(s) that occur within roadways which; carry heavy traffic volumes, carry a high condition index, or have been newly paved (standard < 3 years); or where settlement occurs within the 18-month warranty period.

SP 405 – All meter boxes, cleanouts, manholes, castings, etc. in the right-of-way shall be located out of the sidewalk or driveways and a minimum 18-inches from the back of curb line. These elements shall be adjusted as necessary to meet finish grade of adjacent soil, brick, concrete or asphalt and not cause conflicts with pedestrian, vehicle, utility or drainage requirements.

SP 406 - Where any traffic or pedestrian signal failures, malfunctions or damages occur as a result of work, an emergency response shall be activated within 4 hours of notification with the repairs completed within 8 hours of notification. Any signal loop outages shall be replaced within 5 workdays. All repairs shall be accomplished by a NCDOT approved contractor, with a licensed electrical contractor familiar with traffic signal construction.

SP 407 - Right of Way monuments disturbed during construction shall be referenced by a Registered Land Surveyor and reset after construction.

SP 408 - Shoulders, ditch slopes, and ditches disturbed as a result of this encroachment, shall be seeded, mulched and restored to the satisfaction of the City Engineer. Shoulders, ditches and plaza area shall be fine graded and returned to a similar grass like condition or better by application and care of proper top soil, seeding, matting and straw or mulching. These operations shall begin, not to exceed ten (10) calendar days, from the start of the ground disturbance. Any deviations from this requirement shall be cause for immediate stoppage of any further ground disturbance activities until all seeding and mulching is completed and has been brought to where the work stoppage began.

Section 500 - General

SP 501 - The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by the City other government agencies (Federal, State, and local) which have jurisdiction.

SP 502- The City reserves the right to require the presence of a police officer at any construction activities, operations utilizing public right-of-way or properties. Security, vehicular traffic control, pedestrian traffic control, noise control, dust control, vibration control are some, but not all, of the reasons for the requirement. The Permittee shall be required to comply with the City Police Department Off Duty Officer Contract. Note N.C.G.S. 14-223: If any person shall willfully and unlawfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his office, he shall be guilty of a Class 2 misdemeanor.

SP 503 – Restroom facilities such as a port-a-john shall not be placed upon the City public right-of-way. Such facilities shall be located on private property, in a manner not to cause a nuisance. Screening or other protections may be required. Permittee shall notify supplier of such requirements prior to placement.

SP 504 – Contractors shall follow state and City regulations respectively for fencing (wraps) and construction signage on jobsites, including in the central business district.

SP 505 -At no time will construction of any kind be performed within the rights of way on a Civic holiday without prior approval. The Permittee shall coordinate construction work with the City, Special Events-Festivals and Films to accommodate activities associated with as little disturbance as possible. The City can restrict the issuance of Right-of-Way Permits approximately thirty (30) days prior to major events, holidays, and other activities.

SP 506 - Contractor(s) performing work shall be competent in their trade and possess the training and certifications required for the job, including operator(s), competent trench person, certified flagger, certified tester, etc.

SP 507 - Any contractor or subcontractor performing work shall prominently identify vehicles and equipment, including the Utility they are working on. They shall identify themselves, company, and employers upon request.

SP 508- In addition to compliance with above provisions, Permittee shall endeavor to keep work zone free of debris, waste and general hazards, while also managing equipment, fencing, signage, barricades, general protection and conducting periodic cleaning, sweeping or other adjustments to foster an environmentally safe and compliant site as well as an accident free work zone.

SP 509 - City Code Sec. 11-65. Indemnification of city by users of public rights of way. All persons (1) placing any encroachment, obstruction, facility or object; (2) undertaking any repairs or construction activity; or (3) making any excavation over, under or upon any public rights-of-way shall indemnify and hold harmless the City of Wilmington, its officers, and employees, from any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for property damages sustained by any person as a result of such activities unless proximately caused by the negligence of the city, its officers, and/or its employees.