

TOWNSHIP OF BURLINGTON

LOCATION SKETCH FOR ROAD OPENING APPLICATION

Person/Company Performing Opening (Include Address, Phone & Fax Numbers)	
Name/Address/Phone Number of Homeowner (if different from above)	
Location of Opening:	
Number & Size of Openings:	Type of Pavement:
Reason for Opening:	
Date Work to be Started:	Date Work to be Completed:
Sketch:	
<div>INSURANCE CERTIFICATE SHALL BE PROVIDED PRIOR TO RELEASE OF PERMIT TO CONTRACTOR</div>	
Date:	Signature:

Article II Right-Of-Way Openings

[Adopted 8-27-1974; amended 5-14-1975; 9-25-1979; 3-26-1985; 6-9-1993 (Sec. 11:2 of the 1975 General Ordinances); 8-25-2026]

§ 520-6 **Definitions.**

§ 520-7 **Permit required.**

§ 520-8 **Application procedures.**

§ 520-9 **Emergency conditions.**

§ 520-10 **General conditions of approval.**

§ 520-11 **Inspections.**

§ 520-12 **Technical provisions.**

§ 520-6 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARTWAY

The paved or improved travel portion of the right-of-way.

EMERGENCY

Any event or series of events which, if left untended, would create a risk to the public health or safety.

PERMIT

A written document issued by the Office of the Township Engineer, which permit shall be issued in accordance with the standards set forth within this article and shall legally permit the person to whom it is issued the authorization to open a right-of-way as heretofore defined.

ROADSIDE

Any area, either improved or unimproved, located outside of the cartway but within the right-of-way.

RIGHT-OF-WAY

The entire width between the boundary lines of every public road, whether improved or unimproved, as depicted on the Township's Tax Maps of which any part thereof is open to the public for vehicular or pedestrian travel and refers only to a right-of-way dedicated and accepted by the Township and excludes any right-of-way over which a higher governmental agency exercises jurisdiction.

§ 520-7 Permit required.

No person shall open, remove, excavate, bore, or tunnel or in any way impair the surface or subsurface of any right-of-way within the Township without first obtaining a permit.

§ 520-8 Application procedures.

A.

Form, filing and fees. An application for a Right-of Way Opening Permit shall be submitted in writing to the Office of the Township Engineer on forms prescribed by the Township prior to any work being performed within the right-of-way. Prior to the issuance of said permit, the applicant shall be required to pay the prescribed nonrefundable application fee and post the appropriate deposit fee as set forth on Schedules 1 and 2 annexed to the article, which amount shall be calculated by the Office of the Township Engineer.⁽¹⁾

[1]

Editor's Note: Schedules 1 and 2 are included at the end of this chapter.

B.

Plans required. Plans, profiles and other details necessary to accurately depict the work to be performed shall be submitted along with the application except that, where an opening is 60 square feet and less than six feet deep, the Township Engineer may waive this requirement.

C.

Engineering review. The Township Engineer shall note any objections to the issuance of a permit or any conditions to be imposed on the applicant prior to issuance of the permit within five working days from receipt of the application and plans; all objections and conditions set forth by the Township Engineer shall be satisfied or they shall be imposed as conditions upon the issuance of the permit.

D.

Nature of applicant. The applicant must be a person, who will be performing the right-of-way opening work under the permit or who will be directly responsible for the protection of the work, for the adherence of the work to the specifications, and for the safety of the public. The application shall be made for and on behalf of the owner for whom the work is being done and shall be countersigned by such owner. A permit may be issued directly to private property owners or developer at the discretion of the Township Engineer.

§ 520-9 Emergency conditions.

In the event that an emergency condition exists requiring immediate action by any person for work which would be subject to a permit under this article, the person may immediately cause the right-of-way to be entered and emergency measures taken without first obtaining a permit, provided that:

A.

A true emergency exists;

B.

A permit is applied for within 24 hours of the right-of-way opening or on the next business day, whichever is more practicable, and the only work performed is that which is necessary to address the emergent condition;

C.

All work is performed in accordance with the provisions of this article, and

D.

No opening shall be permanently closed until authorized by the Township Engineer.

§ 520-10 General conditions of approval.

As a formal condition in addition to such other conditions as may be set forth within the permit, all parties issued a permit pursuant to this article shall abide by the following:

A.

Department of Transportation specifications. The current New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction, with all

amendments and supplements, and §330, Article XIII of the Township Code, shall govern all the work performed under the permit issued pursuant to this article, except as may be modified by this article. In the event of a conflict, the Township Code shall govern.

B.

Road closings. No Township road shall be closed to traffic without the prior consent of the Burlington Township Police Department.

C.

Relocation. Any utility company to whom a permit is issued shall agree as a condition of the issuance of a permit that any facilities, pipes, poles or other improvements installed or to be installed within the Township right-of-way pursuant to the permit shall be promptly relocated at the permittee's expense except where otherwise provided by law to accommodate the installation of Township facilities; such agreement shall be expressly set forth in writing in the application form and permit.

D.

Commencement of work. Unless prior arrangements are made with the Township Engineer for an extended period of commencement and/or completion, all work under an issued permit shall be completed within one year from commencement, or said permit shall be deemed void and reapplication shall be required.

E.

Notice of commencement. The applicant shall notify the Office of the Township Engineer a minimum of 48 hours in

advance of the actual commencement of any work under a permit.

F.

Guards and safety devices. The applicant shall place flagmen as may be required by the Township Engineer to properly secure the area and in addition shall keep the excavation properly guarded both day and night and shall have lights, barriers and adequate safety devices placed thereat and maintained throughout the performance of the work and shall interfere as little as possible with vehicular or pedestrian traffic and no greater part of any such right-of-way shall be opened than that which shall be set forth within the permit.

G.

Insurance. The applicant shall include with the permit application, evidence of insurance or a certificate of self-insurance sufficient to indemnify and save harmless the Township against and from all suits of every kind and from all damages resulting from negligence or from any phase of operation performed under the permit; said insurance shall provide limits of not less than \$300,000 of liability coverage per individual and \$500,000 per accident.

H.

Security devices. The Township Engineer shall not issue a permit unless the applicant has deposited ~~with it~~ as security for faithful performance a certified check payable to the Treasurer of the Township of Burlington, satisfactory to the Township Engineer, the amount thereof to be based on a schedule of charges and fees hereinafter provided and attached as Schedule 1.^(a) In lieu of the certified check, an

applicant may post a bond payable to the Township of Burlington with surety of self-insurance certificates in the principal amount of \$2,500, provided that upon review of any application where the Township Engineer shall determine that the protection of the Township requires that the bond shall be in a greater amount, said bond shall be in accordance with the requirements set by the Township Engineer. The applicant shall also specify by separate money order or certified check a nonrefundable application fee as more particularly set forth in Schedule 2 attached hereto and made a part hereof by reference.^[2]

I.

Recent improvements. In the case of an opening proposed within a right-of-way that has been reconstructed or rehabilitated (milled & overlaid) within 36 months prior to the date of the permit application, the Township Engineer may require, as a condition of the permit, the final pavement restoration (2" mill & overlay) for work limits between the edge of the cartway and the centerline to extend to the centerline and to 10' beyond each edge of the excavated area. In the case of work limits between the edge of the cartway and extending beyond the centerline, the Township Engineer may require, as a condition of the permit, the final pavement restoration (2" mill & overlay) to extend for the entire width of the cartway and to 10' beyond each edge of the excavated area.

[2]

Editor's Note: Schedule 1 is included at the end of this chapter.

[3]

Editor's Note: Schedule 2 is included at the end of this chapter.

§ 520-11 Inspections.

The Township Engineer shall periodically inspect all openings and the repair and resurfacing thereof for the purpose of determining compliance with any conditions imposed on the issuance of the permit and specifications.

The Township Engineer may:

A.

Order a temporary stop to the road opening; and/or

B.

Order the applicant to perform or correct specified work in accordance with the prevailing standards; and/or

C.

Order a stop to any work and revoke the permit, in which event the Township may complete or cause to be completed the work and declare the applicant's cash deposit forfeit or notify the applicant surety of an intent to file a claim on the bond; and/or

D.

Correct any work after notification to the applicant and the neglect or the refusal of the applicant to make such corrections as indicated and, upon doing so, declare the applicant's cash deposit forfeit or notify the applicant's surety of the intent to file a claim on the bond; and/or

E.

Take any other action deemed reasonable under the circumstances.

§ 520-12 Technical provisions.

Attached is Schedule 3, which are technical provisions that shall govern the specific requirements required by the Township concerning construction activities pursuant to any permit which is issued.⁽⁴⁾

The Township Engineer may also include Special Conditions for the issuance any permit.

[4]

Editor's Note: Schedule 3 is included at the end of this chapter.

STREETS AND SIDEWALKS

520 Attachment 1

Township of Burlington

Article II, Schedule 1

Deposit Fees for Right-of-Way Openings (Refundable)

A. Right-Of-Way Opening (Non-Paved Areas):

1. Up to five (5) square yards: \$150
2. Greater than five (5) square yards but less than ten (10) square yards: \$300
3. Ten (10) square yards or greater: \$500

B. Right-Of-Way Opening (Paved Areas - Asphalt or Concrete):

1. Up to five (5) square yards: \$300
2. Greater than five (5) square yards but less than ten (10) square yards: \$500
3. Ten (10) square yards or greater: \$1,000

C. Boring or tunneling under the Right-of-Way:

1. Base Fee: \$50
2. Additional for each linear foot of boring/tunneling: \$5

STREETS AND SIDEWALKS

520 Attachment 1

Township of Burlington

Article II, Schedule 2

Application Fees for Right-of-Way Openings (Non-Refundable)

A. Right-Of-Way Opening (All Areas):

1. First ten (10) square yards: \$75
2. Each Additional square yard : \$2

Total application fee shall not exceed \$350.

STREETS AND SIDEWALKS

520 Attachment 3

Township of Burlington

Article II, Schedule 3

Technical Provisions for Right-Of-Way Opening Permits

1. Permittee shall also comply with all Special Conditions attached to any permit. In the event of a conflict, the Special Conditions shall govern.
2. The excavated portion of any opening shall be restored to grade at the end of each work day, except as otherwise permitted by the Township Engineer.
3. When using soil or other granular material that requires compaction, backfill shall be placed in maximum 6" lifts and thoroughly compacted by mechanical means satisfactory to the Township Inspector.
4. Bituminous pavement restoration shall utilize HMA 19M64 for the base course and HMA 9.5M64 for the surface course. Minimum compacted thickness of base course shall be 5". In those instances where the existing base course exceeds 5", the Permittee shall match the thickness. Compacted thickness of surface course shall be 2" $\pm$ 0.25".
5. Concrete pavement restoration shall utilize Class B fiber-reinforced concrete with a minimum 28-day design strength of 3,700 psi. Cast-in-place concrete shall not be mixed onsite. Pavement thickness shall match existing.
6. All joints where new bituminous pavement meets existing pavement shall be sealed with a Type II hot-applied joint sealer. For joints in concrete pavement, use a Type IV sealer.
7. Restoration of non-paved areas shall consist of a minimum of 4" of topsoil followed by the placement of fertilizer and seed. Minimum required germination for acceptance is 85%.

SPECIAL CONDITIONS
FOR ROAD OPENING

1. Permittee shall adhere to Chapter 520, Article II of the Township Code.
2. Paving restorations shall consist of 2" thick Hot Mix Asphalt 9.5M64 Surface Course over a Hot Mix Asphalt 19M64 Base Course. The thickness of the base course shall match the existing base course pavement thickness, but in no event shall be less than 5" thick.
3. Suitable excavated material or select material (i.e., DGA, 20:1 dry grout mix) placed in max. 6" lifts and properly compacted may be used for trench backfill. However, the Township Engineer may require the use of C.L.S.M. (Controlled Low-Strength Material) within the cartway. In those locations where (C.L.S.M.) is being utilized an initial lift of clean sand shall be placed to approx. 6" above any utility pipes.
4. Trenches backfilled with flowable fill (C.L.S.M.) shall be covered with steel plating until such a time that the flowable fill is properly cured. Said plating shall firmly held in place using pins and/or bituminous fillets, as approved by the Township Engineer.
5. Prior to excavation, the pavement shall be sawcut. All pavement edges shall be tacked concurrent with the installation of the base course and surface course.
6. All pavement placed within or abutting the ROW, to include the extension or rehabilitation of an existing driveway, shall meet and match the existing elevation of the roadway and shall not block or redirect existing drainage flows.
7. All work and materials shall conform to Burlington Township requirements. All work under this Permit shall be subject to inspection by the Burlington Township Engineer's Office.
8. Prior to any excavation, Contractor shall coordinate with Burlington Township Police Department regarding traffic control. Traffic flow shall be maintained at all times. In no case shall the roadway be closed to traffic or active lanes occupied without written approval from an authorized Burlington Township official. A traffic control plan shall be submitted upon request.
9. Directional drilling and/or boring shall be performed in accordance with accepted industry standards and contractor shall be responsible to repair any "frac outs" or other damage caused by their operations.
10. All work including excavations shall comply with OSHA Regulations, and all other applicable Federal, State or local safety regulations. Permittee is solely responsible for contacting NJ One Call prior to any excavation.
11. Please contact the Township Engineering Dept. (609-239-5836) at least 48 hours prior (weekends & holidays excluded) to construction to arrange for inspection.

*****END OF SPECIAL CONDITIONS*****