

TOWN OF EDEN

Right-of-Way Access Permits, Excavation & Obstruction Restrictions Policy

- 1) The Town of Eden requires permits for any person, firm, corporation, committee, organization or department wishing to place sap lines over or disturb the ground or pavement of any part of any road within the Town of Eden right of way, as described and defined in 19 VSA Chapter 11, Section 1111, "Permitted use of the right-of-way."
- 2) The Town of Eden has adopted the following policies which set forth standards and specifications for development of roads and construction and improvements within the highway right-of-way. These Policies, or their most current amended versions, shall be incorporated in this Policy as Attachments A, B and C: "Town of Eden Highway Policy" (last amended February 9, 2005), "Town of Eden Town Road and Bridge Standards" (adopted March 20, 2013) and "Application for Access Permit Procedure" (adopted January 28, 2015).
- 3) Permits will be issued by the Town of Eden Selectboard in accordance with the statutory requirements. Application for an access, excavation permit or for improvements to unimproved portions of the public right of way shall be made on forms furnished by the Town of Eden. All permits, whether approved or denied, shall be recorded in the Land Records of the Town of Eden at the expense of the applicant.
- 4) Fees are as follows:
 - Access Permit: \$15
 - Excavation and Obstructions Permit: \$100 and \$15 per page for recording.Fees are due and payable at the time the application is submitted by the applicant. A performance bond may be required when pipes, wires, conduits, cables, or other utilities or structures are proposed to be placed under the travel portion of the road. The amount of the bond is to be determined by the Selectboard with the minimum being \$500. The bond may be increased, when in the judgment of the Selectboard, the nature of the job and potential for damage to highways warrant it. The bond shall be submitted to the Town prior to commencing any work in the right of way and will be held for the duration of one (1) year after completion of the job and final approval is given by the Road Commissioner. The Selectboard may set and revise a fee schedule for permit applications from time to time, the most current of which will be part of this policy.
- 5) A permit shall contain a commencement date and estimated date of completion. Completion date as used in this section means the date upon which work is completed or the permanent pavement resurfacing is finished and all are accepted by the Road Commissioner. Any portion of the work affecting the traveled portion of the right of way shall be completed within eight (8) hours unless otherwise approved by the Road Commissioner.

- 6) The permit holder shall be responsible for insuring that all work performed within the road right-of-way is done in accordance with any permit conditions, signage, traffic control, and safety according to the current versions of: the Manual on Uniform Traffic Control Devices (MUTCD); VOSHA; any other applicable Federal, State, or local rule(s) or regulation(s). All work performed within the Town of Eden right of way must be done to the outer edge of the right of way being 49 ½ feet or 24 feet 9 inches from the center of the road. Any other placement will need prior approval from the Road Commissioner.
- 7) The permit holder shall be responsible for any and all damages to persons and/or property due to or resulting from any work allowed under this permit. The permit holder shall defend, indemnify and hold harmless the Town of Eden and its officers, agents and employees from all suites, actions or claims of any character, name and description brought on account of any injuries or damages sustained by any person or property, including all costs or expenses to defend against such suits, actions or claims. permit holder and his/her contractors will maintain Commercial General Liability insurance covering bodily injury, death, or property damage in an amount not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. All insurance policies shall name the Town as an additional insured or interested party. The Permit Holder will provide the Town certificates evidencing the required insurance policies prior to the start date and annually thereafter. This insurance shall include coverage for owned, non-owned and hired vehicles. The Road Commissioner will accept satisfactory evidence of self-insurance in lieu of the above coverage. During the work in the right of way the above-referenced insurance shall not be canceled without thirty (30) days written notice to the Road Commissioner.

Proof of a proper permit or license to do the work shall be provided, if such license or permit is required under the laws of the State or ordinances of the Town.

The permit holder/contractor shall provide proof of a Dig Safe number and provide all traffic control.

The permit holder/contractor shall provide a plan for protection of shade and ornamental trees and the restoration of turf.

Final inspection shall be conducted one year from completion of project construction.

- 8) The Road Commissioner reserves the right to withhold the issuance of permits when:
 - a. Paving materials are unavailable; or
 - b. A satisfactory traffic, pedestrian, or utility diversion plan cannot be implemented; or
 - c. Unsatisfactory compliance with sections 1 through 7.
- 9) Emergencies: Nothing in this policy shall be construed to prevent the making of excavation as may be necessary for the preservation of life or property, provided that the person, firm, corporation, committee, organization or department making such excavation shall apply to the Eden Selectboard for a permit on the first working day after such excavation is commenced. Even in emergency situations, notice shall be given by phone to the Eden Selectboard and Road Commissioner. All provisions of this policy shall apply to such emergency.

- 10) Where an excavation is for the limited purpose of planting a tree or erecting a sign within the public right of way, the Road Commissioner may waive any of the requirements contained in, sections 1-9. All work performed within the Town of Eden right of way must be done to the outer edge of the right of way being 49 ½ feet or 24 feet 9 inches from the center of the road. Any other placement will need prior approval from the Road Commissioner.
- 11) Where an excavation is for the limited purpose of constructing a driveway, the rules and regulations of this policy shall apply along with the Access Permit Procedure policy.
- 12) Generally, a permit shall cover only contiguous construction and work performed as on continuous operation, except as otherwise determined by the Road Commissioner.
 1. A diagram shall include the following information:
 - a. Road name and number
 - b. Location of proposed work measured from the nearest intersection or landmark with due point north.
 - c. A drawing of proposed work.
 2. The Road Commissioner shall review and monitor the project and submit findings to the Selectboard as necessary.
- 13) Generally, a permit for placement of a sap line over a town highway will be good for one year, renewable annually with Selectboard approval at no additional fee, letter of intent to continue and current certificate of insurance required, except as otherwise determined by the Road Commissioner.
 1. A diagram shall include the following information:
 - a. Road name and number
 - b. Location of proposed sap line measured from the nearest intersection or landmark with due point north.
 2. Sap line shall be constructed at the designated vertical height noted in the permit above the grade of the road. No support structure shall be placed closer than the designated distance in the permit from the traveled portion of the road. The final location and construction of the sap line shall be approved by the Road Commissioner.
 3. The Road Commissioner shall review and monitor the project and submit findings to the Selectboard as necessary.
- 14) Wherever possible, any utilities or structures placed under the travel portion of a road shall be installed without open cutting or trenching of the road. Open trenching of a road will not be allowed unless, in the sole judgment of the Eden Selectboard and Road Commissioner, there is no other reasonable alternative or the condition of the existing road/pavement would not be adversely impacted by the open trenching. Cost will not be a determining factor.
- 15) Wherever open trenching is allowed, all work must be reviewed and approved by the Road Commissioner throughout the entire process. All work to be performed must meet the following standards:
 - a. Saw a clear cut of roadway/pavement.
 - b. Dig a trench not less than 4' deep.

- c. Conduit to be in sleeve (schedule 80) to the edge of town ROW (49 1/2 ft). Extra sleeve to be in place for future use.
- d. Replace roadway back to original condition in accordance with Eden's Highway Policy:
 - Minimum 4' cover.
 - Compact in 6" lifts.
 - Top 1' to be good crushed gravel with suitable material approved by the Commissioner.
 - Re-pave affected area of roadway once power is across the roadway, utility lines must be out of the town ROW (49 1/2ft).
- e. Applicant/contractor is responsible for its own traffic control.

16) Upon a request to release the damage deposit by the applicant, the Road Commissioner shall inspect the job to see if any damage to the highway exists. If no damage has been done the deposit may be released by the Treasurer (with no interest). If the inspection reveals damage to the highway, the applicant shall either repair the damage to the satisfaction of the town no later than 30 days of notification, or sacrifice the deposit. The town reserves the right to use any or all of the deposit to cure any damages resulting from the work performed under the permit.

17) The Town began issuing Application for Access, or "Driveway Permits" in November 1, 1982. Prior to that time, no permits were required. It shall be the Policy of the Town of Eden to recognize any driveways or accesses constructed prior to November 1, 1982 within the Town highway right-of-way, as being duly permitted. Any such access or driveways are nonetheless fully subject to all the provisions of 19 VSA §1111. Issuing of Application for Right of Way Permit shall commence on January 28, 2015.

Adopted: January 28, 2015

By: Ricky Morin, Chair
Jubal Durivage
Dale Tatro

Amended: May 9, 2016

By: Ricky Morin, Chair
George Sheldrick

Amended: November 27, 2017

By: Ricky Morin, Chair
Adam Degree
George Sheldrick

Revised: August 27, 2024

By: Ricky Morin
Tim Bullard
Clayton Whitemore