

These Specifications and Standard Plates shall be considered as forming an integral part of each and every permit issued for operations within the City of Eagan. Installation, placement, location, and relocation of equipment and facilities shall comply with all federal, state, and local laws. The work authorized by any permit issued by the City of Eagan shall be performed in such a manner as to ensure the safety of the public, shall not unnecessarily obstruct travel along any road or right of way, and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being or has not been properly performed, the permittee, upon notification by the City, shall immediately take the necessary steps, at their own expense, to bring the work into a condition to conform to said requirements and standards.

Section 100: Definitions

- 100.1 **Abandoned Facility** - A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not considered abandoned unless declared so by the Right-of-Way user.
- 100.2 **Applicant** - See permittee.
- 100.3 **Certificate of Completion** - A form issued with the permit that must be returned to the issuing agency at the conclusion of the project, stating that work has been completed and restoration is complete.
- 100.4 **City** - The City of Eagan, Dakota County, Minnesota.
- 100.5 **City Engineer** - The City of Eagan's City Engineer, or the designee.
- 100.6 **Congested Right-of-Way** - A condition in the public right-of-way that occurs when the maximum lateral spacing between existing facilities does not allow for construction of new facilities without using hand digging to expose the existing lateral facilities in conformance with applicable Minnesota statutes and Rules, over a continuous length in excess of 500 feet.
- 100.7 **Construction Performance Bond** - A form of financial security, typically an insurance company issued performance bond, posted to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction work is completed in accordance with the terms of the right-of-way permit, or other applicable state law or local regulations.
- 100.8 **Degradation** - A decrease in the useful life of the right-of-way caused by excavation or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.
- 100.9 **Degradation Cost** - Subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the City of Eagan at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.
- 100.10 **Degradation Fee** - the estimated fee established at the time of permitting by the City of Eagan to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.
- 100.11 **Delay Penalty** - The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.
- 100.12 **Emergency** - A condition that (1) immediately endangers the life or safety of persons, (2) causes an immediate threat of significant loss or damage to property or (3) requires immediate repair or replacement in order to restore service to customers.
- 100.13 **Equipment** - Any tangible asset used to install, repair, or maintain facilities in a right-of-way.
- 100.14 **Excavate/Grade** - To dig into or in any way remove, physically disturb or penetrate any part of a public right-of-way.
- 100.15 **Excavation Permit** - The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

- 100.16 **Excavation Permit Fee** - The money paid to the City of Eagan by an applicant to cover the costs associated with the excavation permit.
- 100.17 **Facility(s)** - Any tangible asset, including equipment, in the right-of-way which is required to provide utility service.
- 100.18 **High Density Corridor** - A designated portion of the public right-of-way within which telecommunications' right-of-way users having multiple and competing facilities may be required to build and install facilities. A common conduit system or other common structure may be located within this portion of the right-of-way for such uses.
- 100.19 **Local Representative** - A local person(s), or designee of such person(s), authorized by a registrant to accept legal notice or service and to accept communications and to make decisions for that registrant regarding all matters within the scope of these Specifications.
- 100.20 **Management Costs** - The actual costs the City incurs in managing its public right-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user equipment and facilities during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits.
- 100.21 **Obstruct** - To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.
- 100.22 **Obstruction Permit** - the permit which, pursuant to this chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.
- 100.23 **Obstruction Permit Fee** - The money paid to the City of Eagan by a permittee to cover the costs associated with the obstruction permit.
- 100.24 **Patch or Patching** - A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the sub base and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.
- 100.25 **Pavement** - Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete or aggregate.
- 100.26 **Permit (Right-of-Way)** - A permit to perform work in a public right-of-way, whether to excavate or obstruct the right-of-way (Minn. Stat. § 237.162).
- 100.27 **Permittee** - Any person, corporation, cooperative, or other entity subject to the laws and rules of this state, however organized, or government agency to whom a permit to access, excavate/grade, or place a utility service in a public right-of-way has been granted by the City under these Specifications.
- 100.28 **Person** - An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.
- 100.29 **Public Right-of-Way** - The area on, below, or above a public roadway, highway, street, trail, bicycle lane, public sidewalk, boulevard or area in which the City has an interest, including other dedicated rights-of-way for transportation purposes and utility easements of the City. A public right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, trail, bicycle lane, sidewalk or boulevard are included as right-of-way.

- 100.30 **Registrant** - Any person, corporation, cooperative or government agency who (1) has or seeks to have its facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities in the right-of-way.
- 100.31 **Restore or Restoration** - The process by which an excavated public right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before excavation.
- 100.32 **Right-of-Way User** - (1) a telecommunications right-of-way user as defined by Minn. Stat. § 237.162 Subd. 4; or (2) a person, corporation, cooperative, or government agency owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way; or (3) any person or entity to whom a permit to use the right-of-way has been issued by the City.
- 100.33 **Service or Utility Service** - includes (1) those services provided by a public utility as defined in Minn Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications system as defined in Minn, Stat. Chapter 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water and sewer, including service laterals, steam, cooling or heating services.
- 100.34 **Service Lateral** - An underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.
- 100.35 **Trench** - An excavation in the right-of-way, with the excavation having a length equal to or greater than the width of the pavement.

Section 200: Requirements Prior to Starting Construction

- 200.1 Submit completed, signed and dated *City of Eagan Permit to Work within City Property/Right-of-Way/ Easements* permit application. **The permit shall be submitted no more than two (2) weeks prior to the start of construction unless prior approval is granted by the City Engineer to submit it earlier.**
- 200.2 Submit a scaled map of the project area(s) showing specifically the limits of disturbance and the scope of the proposed project. When an existing utility is going to be abandoned, an exhibit shall be included with the permit application clearly indicating the verified as-built location of the proposed abandoned line along with the proposed alignment of the new line.
- 200.3 Permit categories (based on total project length w/in the City ROW, easements and/or City property):
 Level I: 0-1000 LF, application, base permit fee and financial security required.
 Level II: 1001- 2640 LF, Level I requirements plus a per foot charge for anything over 1001 LF.
 Level III: 2641 LF+, Level I & II plus the requirement of a pre-construction meeting prior to starting any work within the City. The utility or contractor must arrange the meeting and must invite City staff involved with and/or affected by the project as well as all other utility companies and their locators that have facilities anywhere along the proposed route.
 These requirements may be adjusted or waived at the discretion of the City Engineer.
- 200.4 Updated *Right-of-Way User Registration Form* shall be on file with the City of Eagan, Engineering Division. If permit is for a new right-of-way user, the one-time filing fee shall be paid at the time the registration form is submitted.
- 200.5 Conformity to Laws-The installation shall be made in conformity with all applicable laws, regulations, and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.

- a. The applicant shall furnish a Warranty/Maintenance Bond or financial guarantee in the amount to be determined by the City that is required to ensure adequate and timely completion of the project. This Warranty/Maintenance Bond or financial guarantee shall remain in effect for 2 years (1 year for turf establishment) subsequent to completion of street repair to protect the City from defects in material, workmanship or non-compliance with City standards or specifications.
- b. The applicant shall file with the City a liability insurance policy or certificate of such insurance issued by an insurance company authorized to do business in the **Seven County Metro Area** within the State of Minnesota. The policy shall insure the person performing acts described in this section and **the City, listed as an additional insured**, in the sum of at least \$1,000,000 for injury to one person, and \$1,000,000 for one accident, and at least \$1,000,000 property damage or in such other amounts as the Council shall determine. The policy shall be kept in effect until the termination of the permit granted pursuant to this section.
- c. Except for the negligent acts of the City, its agents and its employees, the permittee shall assume all liability for, and save the City, its agents and its employees, harmless and defend same at its sole cost and expense from any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the permittee, including but not limited to the placing, constructing, and reconstructing, maintaining, protecting and use of said facility under this application and permit for construction.

In addition to all of the listed coverage, the Contractor shall procure and maintain an Umbrella Excess Liability Policy in a minimum amount of \$1,000,000.00.

- 200.6 Winter Work-Any permit issued between December 1 and March 31 may be charged a **\$100 winter work fee in addition to** the normal permit fee. Due to seasonal conditions, extra expenses and staff time are usually incurred by City staff. This extra fee may be waived at the discretion of the City Engineer.
- 200.7 If the applicant has satisfied all the requirements listed above, the City shall issue a permit within seven (7) business days of receiving a completed application, or shall provide written notice detailing reasons for denial of the application if the City believes the requirements have not been satisfied.

Section 300: Safety

- 300.1 Traffic shall be allowed to pass safely at all times. If it is not possible to allow traffic to pass, a detour must be implemented. The detour must be pre-approved by the City Engineer. Notification, including a map of the proposed detour, must be made to the City Engineer in writing at least 3 working days prior to implementing the detour. All necessary labor, material, and equipment to implement, maintain, and remove the detour after completion, shall be furnished by the applicant.
- 300.2 Traffic control devices shall be installed in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) "Temporary Traffic Control Zone Layouts Field Manual" (2007 or most recent published version). When a trail or roadway has been cut, appropriate signage must be kept in place and maintained until restoration is complete. If any traffic control device is to be used during night time hours, it must be equipped with the appropriate retro-reflectivity. All barricades, including those used on sidewalks/trails, must be equipped with Type A warning light flashers.
- 300.3 Existing Facilities—The utility facility and installations shall not interfere with any existing utility facility within the City right-of-way or easements. It is the responsibility of the applicant to call for timely, necessary locations of existing utilities. **(Gopher State One Call 651-454-0002)**
- 300.4 All excavations shall comply with Occupational Safety and Health Administration (O.S.H.A.) standards.

- 300.5 Stock piling of excavated material shall not occur within the public-right-of-way without proper traffic control. **In addition, practical erosion control methods must be in place before depositing any material within the public right-of-way to protect any storm water conveyance systems; including curb and gutters, catch basins, storm sewers, wetlands, lakes or ponds. Proper erosion control methods must be installed and maintained until vegetation is established.**
- 300.6 Guys or stays shall not be attached to trees on right-of-way or private property nor obstruct roadways, sidewalks, trails, driveways, etc., without written permission.
- 300.7 Flaggers and/or traffic control devices shall be furnished by the permittee whenever the work being performed creates a hazard either to traffic using the roadway or the personnel engaged in construction, or when directed by the City.
- 300.8 Driving Limitations:
- a. Driving or parking on City trails or sidewalks shall only be permitted for those operations requiring direct access to the boulevard area where adequate shoulder width is not available on the roadway. Vehicles within the right-of-way area shall utilize their warning flashers at all times.
 - b. Vehicles driving on trails or sidewalks shall not operate in excess of 5 miles per hour.
 - c. Vehicles shall not be parked on trails or sidewalks in such a manner as to unnecessarily impede the safe and efficient use of trails by the general public without the approved closure of the trail(s).
 - d. Vehicles or equipment driving on road or railway surfaces shall not utilize studded or chained tires, caterpillar traction, or any other form of traction that will result in damage to the surface. The City reserves the right to bill the permittee for damage caused by such actions.
- 300.9 Limitation of Space-To protect the public health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City shall have the right to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.
- 300.10 Winter Season Special Requirements begin in the fall once the ambient air temperature drops below 32 degrees and continues until the temperature warms and stays above freezing in the spring. This is typically between November 1st and April 15th although the actual dates may vary based on weather conditions.
- During the winter season no excavations will be allowed in paved road surfaces unless a permanent hot mix bituminous repair can be made. The hot mix bituminous must be placed at a minimum air temperature of 45° and rising. If a permanent repair cannot be made then a temporary patch, using concrete, cold mix or other bituminous hot mix asphalt product may be used. Temporary patches must be replaced with a permanent hot mix bituminous patch as soon as conditions allow in the spring. Temporary patches are the responsibility of the permittee and must be monitored and maintained until a permanent patch is made.
- Snow removal may be required for work off the roadway. Snow can be relocated further away from the road to other areas of the right-of-way but cannot be placed on private property without the property owner's permission. Snow may be trucked off site, provided the proper traffic control is set up. Any snow or ice dropped onto the roadway must be immediately removed and road salt applied in the affected area. Sidewalks and trails must be closed during

any snow removal operation or construction activity in the boulevard and then cleared and reopened once work is completed.

Except for emergency work, no construction activity, parked vehicles or equipment will be allowed within the roadway during periods of inclement weather or if inclement weather is imminent. This creates a safety hazard for both the traveling public as well as contractor personal.

Any construction work during the winter season must be approved by the City prior to the start of a project. The decision on whether or not a project can commence shall be at the discretion of the City Right-of-Way Manager or City Engineer. During the winter season daily permission may be needed prior to working on the City right-of-way as weather conditions change. At the time of inspection the City Right-of-Way Manager may order the immediate cessation and possible correction of any work which poses a threat to the life, health, safety or well-being of the public, the contractors performing the work or to public infrastructure.

Section 400: General Permit Conditions

- 400.1 Permit on Job Site—A copy of the Permit (including approved detour plans) must be kept on the job site while the work is in progress. The permit shall be exhibited upon request by any City official.
- 400.2 The permittee shall notify abutting property owners prior to commencement of any project work. If the use and access to the abutting property is disrupted, the disruption shall be the least disruption as is reasonably practicable for the project, or in the alternative, alternate non-disruptive access shall be provided.
- 400.3 No person may excavate or obstruct the public right-of-way after the completion date specified on the permit, unless the person obtains an extension prior to the completion date or obtains a new permit. The permit is valid only for the area of the public right-of-way specified on the permit. No permittee is allowed to do any work outside the area specified on the permit, except as noted herein.
- 400.4 If the obstruction or excavation of the public right-of-way begins later or ends sooner than the dates specified on the permit, the permittee shall promptly notify the City Engineering Division **(651-675-5641)**.
- 400.5 Whenever possible, the permittee shall coordinate project work and installation of facilities in co-locations with other public right-of-way users.
- 400.6 The permittee shall locate property lines abutting public right-of-ways and replace any disturbed property corners with the services of a Minnesota registered land surveyor.
- 400.7 All facilities shall be located so as to not interfere with existing and potential future traffic signal systems and traffic control devices.
- 400.8 The location and installation of telecommunications' facilities shall comply with the National Electric Safety Code, as incorporated by reference in Minnesota.
- 400.9 Private Property-The permit as issued does not in any way imply an easement or right to enter private property, except within an easement designated for the permitted work.
- 400.10 Emergency Work-Each registrant shall immediately, or as soon as practical, notify the City Engineering Division (651-675-5641) of any event regarding its facilities which is considered to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with the permit requirements for the actions it took in response to the emergency. ***If a utility is damaged and repaired within the excavation made by the primary permit holder, an additional permit is not required; however, notification to the City is still required.***

- 400.11 Non-Emergency Situations-Any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way, must subsequently obtain a permit, and pay the normal fee for said permit. In addition they must deposit with the City a Warranty/Maintenance Bond with sufficient funds to correct any damage to the right-of-way and comply with all other requirements of the permit.
- 400.12 Abandoned Facilities-A right-of-way user shall notify the City when facilities are to be abandoned. A right-of-way user that has abandoned facilities in a right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction. When a permittee abandons an existing utility facility, they must include exhibits with the new facility permit application clearly indicating the verified as-built location of the proposed abandoned facility along with the proposed alignment of the new facility.
- 400.13 County or State Right-of-Ways-Any public right-of-way user, who is required to obtain any county or state permit for excavation or obstruction in any Dakota County or Minnesota Department of Transportation right-of-way, must provide notification of permitting to the City within one week of obtaining the permit but no less than 48 hours before the excavation begins.

Section 500: Construction Requirements

- 500.1 Public right-of-way alignment and grade shall be maintained unless otherwise authorized by the City Engineer.
- 500.2 Unless otherwise approved by the City, fiber facilities shall be buried in a proper conduit at a depth of no less than three (3) feet deep and no more than four (4) feet. Copper cable facilities below concrete or bituminous paved surfaces shall be buried no less than three (3) feet deep and no more than four (4) feet deep. All other copper cable facilities shall be buried no less than thirty (30) inches deep and no more than four (4) feet deep. ***The separation distances above do not supersede Federal regulations.***
- 500.3 All *above ground* facilities shall be located no closer than ten (10) feet to City hydrants, waterline valves, manholes, lift stations or catch basins unless approved by the City, and shall not be installed in front of or within visual sight lines of any City signs, monuments or amenities for facilities or parks. Minimum offsets from sidewalks and trails shall be 2 feet unless approved by the City. No above ground facilities shall be installed within the *clear zone* of any intersection (see Standard Plate No. 606 & 607), nor within seven (7) feet of the curb in any boulevard area.
- 500.4 *Underground* facilities shall not be installed between a hydrant and an auxiliary valve. Underground facilities shall not be installed within five (5) feet of hydrants, waterline valves, lift stations, manholes or catch basins where utility easements exist beyond the roadway surface area of the public right-of-way and space is available therein. In those areas in which no utility easement exists, placement of an *underground* facility shall be between the edge of pavement and no closer than three (3) feet to an existing City utility appurtenance, unless approved by the City.
- 500.5 All underground facilities which cross streets or paved driveways shall be directional bored and installed in conduit. Natural gas lines do not need to be installed in conduit.
- 500.6 When utilizing trenchless installation methods to cross an area in which an existing utility is located or when directed by the City, the permittee shall excavate an observation hole to expose the utility prior to crossing that utility to ensure that the utility is not damaged. When an observation hole must be excavated in an existing pavement section the pavement must be cut using the keyhole coring method. Saw cutting, jack hammering or any other means is strictly prohibited without the prior approval of the City Engineer.
- 500.7 If the project work involves an open cut, the permittee shall install visual tracers twelve (12) inches over the buried facilities. If other construction methods are used, substitute location methods may be used upon approval by the City.

- 500.8 During plowing or trenching of facilities, a warning tape shall be placed twelve (12) inches above copper cables with over two hundred (200) pairs and all fiber facilities. A locating wire or conductive shield shall be installed above buried telecommunication facilities, except for dielectric cables.
- 500.9 Working Hours-7 a.m. to 7 p.m. Monday through Saturday. No work is permitted on Sundays. These restrictions do not apply to emergency work, as defined in Section 100.
- 500.10 Cutting Trees-The permission herein granted does not confer upon the permittee the right to cut, remove, or destroy trees or shrubbery within the legal limits of the right-of-way or easements that are not specifically identified on the plan attached to this permit, or relieve permittee from obtaining any consent otherwise required from the owner of the property adjacent thereto. The permittee shall protect the root growth of significant trees and shrubbery within the public right-of-way adjacent thereto.
- 500.11 Drainage-All waterways and overland drainage shall remain operative. Proper erosion control shall be established and maintained throughout the construction and restoration. All temporary erosion control devices must be removed after restoration is complete.
- 500.12 Pole anchors-Pole anchors, anchors, braces or other devices/supports may be permitted within right-of-way or easements and must be approved on a case-by-case basis.
- 500.13 Trees and Vegetation-Burning or disking operations and/or the use of chemicals to control or destroy trees, brush and other vegetation is prohibited without prior approval from the City.
- 500.14 Restoration-Restoring areas disturbed by construction will include returning the right-of-way to a like condition prior to excavation. The permittee is responsible for all work in the right-of-way within the scope of their permit, whether by employees, agents, or independent contractors.
- a. Curb and gutter shall be removed only after saw cutting at joints and replaced according to standard specifications and plates.
 - b. Bituminous pavement shall be removed only after saw cutting. Any damaged edges will be saw cut prior to patching.
 - c. Replace bituminous with the same thickness as bituminous removed; a minimum of three inches (3") shall be placed if the existing bituminous is less than three inches (3"). New surfaces must match existing roads or trails. **Paved surfaces must be permanently replaced within 48 hours after completion of backfill operations, and within 72 hours of initial removal.** Temporary fill material shall be placed flush with adjacent surface elevations, and appropriate temporary traffic control shall be implemented immediately upon the completion of backfill operations. Bituminous material used shall be according to standard Specifications and Plates.
 - d. Replace base aggregate with same thickness as base aggregate removed; a minimum of six inches (6") shall be placed if the existing base aggregate is less than six inches (6"). Base aggregate used shall be according to standard specifications and plates.
 - e. Compaction-Restoration shall include proper compaction of the sub-grade materials as placed in 12 inch lifts. Material shall be subject to approval of the City. Material from the excavation may be acceptable provided such material is primarily granular in nature. Compacted backfill shall be brought to the bottom of the aggregate base of the approved street section. The proper compacted lifts of aggregate base and pavement (maximum of 2" lifts for bituminous pavement) shall be brought to the surface to match the existing street section. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate. Compaction of 95% of Standard Proctor must be achieved at depths of 36 inches and deeper. At depths less than 36 inches, 100% of Standard Proctor must be achieved. Compaction testing may be required as determined by the City.
 - f. Replacement of Sod-Wherever sod is disturbed, it shall be replaced and maintained with highland or non-pet sod until established. Any turf that fails to be established shall be replaced and satisfactorily re-established. On any "non-maintained" boulevard, grass seed

(bluegrass, MnDOT standard ditch mix, or approved equal) shall be used along with appropriate cover to protect exposed soils until germination. Restoration of boulevards shall include a minimum of 4" of topsoil.

- g. Duty to Correct Defects-The permittee shall correct defects in patching or restoration performed by permittee or its agents. Permittee, upon notification from the City, shall correct all work to the extent necessary, using the method required by the City. Correction of patching shall be completed within 48 hours with appropriate temporary traffic control implemented immediately upon notification. Restoration work shall be completed within five (5) working days or at a time set by the City Engineer from the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.
- h. Failure to Restore-If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City shall notify the permittee in writing of the specific alleged failure(s) and shall allow the permittee seven (7) days from receipt of said written notice to cure said failure(s), unless otherwise extended by the City Engineer. Bituminous patches within a roadway or trail should be addressed as soon as possible and must be complete within 48 hours of receiving written notice. All bituminous patches must be completed under the guidelines listed above in this section and elsewhere within these specifications. In the event the permittee fails to cure, the City may at its option perform the necessary work, and permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

500.15 Clean Up-Street and trails shall be cleaned at a minimum, at the end of each workday. More frequent cleaning may be required depending on conditions. Affected right-of-way shall be cleaned after construction is completed and left in a neat and presentable condition. Any project related sediment or debris shall be removed from sanitary or storm sewer systems, including drainage swales and ponds, as needed.

Section 600: Post Construction Requirements

- 600.1 Certificate of Completion - Unless waived by the City, a person designated by the right-of-way user as a responsible employee shall sign a Certificate of Completion stating the completion date for the work performed (including restoration), identifying the installer, the location at which the work was performed, and certifying that work was completed according to the requirements of the City. If a utility or contractor has ten (10) outstanding certificates, the City reserves the right to withhold issuing future permits until the certificates are submitted.
- 600.2 As-Builts - If necessary, due to approved changes in the original running line at the time the permit is issued, the permittee shall submit "as built" drawings or maps within six (6) months of completing the work, showing any deviations from the plan that are greater than plus or minus two feet (2' +/-). Failure to do so will mean the facility is installed in a non-permitted location. The City can require a facility to be removed at the owner's expense from a right-of-way if it is in a non-permitted location.
- 600.3 Severability - If any portion of these Specifications is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in these Specifications precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.