

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Section 31-1 Construction work in public rights-of-way

Cross references: Environment, Ch. 14; Land use, Ch. 18; Parks and recreation, Ch. 26; State law reference: Streets, sidewalks, curbs and gutters, public grounds, NMSA 1978, § 3-49-1 et seq.

Section 31-1. Construction work in public rights-of-way.

(a) *Purpose.* This section is for the purpose of ensuring construction methods and village procedures are implemented for permitting and repairing the excavation of public rights-of-way due to the installations done by private individuals, companies and contractors.

(b) *Definitions.* The following definitions shall apply to this section:

Emergency repair: Repair, restoration or replacement of an existing structure or cable made necessary because of a sudden unexpected event which has created an immediate and continuing threat to public health, safety and welfare, to include the protection of property.

Excavation: Any hole, trench, ditch or depression which penetrates through or under paved or unpaved surface resulting from the removal by the applicant of pavement, dirt or other material crating a substantive opening.

Public place: All property owned, maintained, or controlled by the village including, but not limited to, streets, bicycle paths, pedestrian or equestrian paths, ways, places, plazas, parks, easements, and rights-of-way.

Public right-of way: The dedicated and accepted public land deeded to the village, reserved by plat, or otherwise acquired by the village, county or state.

Surface right-of-way use: The use of any surface area within the public right-of-way allowed by an excavation or barricade permit.

(c) *Application permit requirements:*

(1) Applications shall be filed with the Village Administrator or appropriate department and shall contain at a minimum the following for excavation and barricade permits:

- a. Name and address of applicant.
- b. Location of the proposed area to be barricaded or excavated.
- c. Applicant shall include with the application an estimated cost to replace and/or repair village-owned appurtenances. The village will evaluate applicant's estimated costs by utilizing Albuquerque's "City Engineer's Estimated Unit Prices for Contract Items Handbook, Spring 1992" or most recent revision. Adjustments may be made for unit prices to depict current rates. If necessary, estimated cost adjustments shall be made acceptable to the village.
- d. Start and ending dates of constructing to include alternate dates. Work must be completed within ten working days after permit is issued. If the work is not completed or an extension not approved, surety or cash bond funds will be used by the village to complete any repairs.
- e. Traffic control plan to include work schedule.

- f. Applicant must present evidence that liability insurance is carried before issuance of a permit.
 - g. Construction plans to include repair work.
 - h. Contractors responsible for work must be licensed by the State of New Mexico for the excavation work.
 - i. Applicants must certify in writing that they understand the contents of this section.
- (2) Applicant will be responsible for any damage to public or private property which may arise from or out of the performance of the work by applicant or agent.

(d) *Permit fee and approval:*

- (1) No person may excavate in a public right-of-way without first obtaining a permit from the village. An excavation permit shall be required for the underground installation in a public right-of-way of any facility by jacking, trenching, boring, digging, tunneling or drilling. The excavation permit application fee will be \$100.00.
- (2) No person shall barricade a public right-of-way without first obtaining a “barricade only permit” from the village. A separate “barricade only permit” shall not be required for barricade activities included within an excavation permit.

The barricade permit application fee will be \$10.00. This permit will be issued allowing the temporary obstruction of the surface of the public right-of-way.

- (3) Companies and their agents having franchise agreements with the village will be exempted from these fees.
- (4) Upon receipt of a completed excavation permit application, the village will inspect the area of disturbance and determine the present condition. The village will determine a reasonable cost for repairing the disturbance and notify the applicant of the cost. The applicant shall be required to post a performance bond with a financially qualified surety or a cash bond with the village. Upon review and approval of repairs by the village the bond or funds will be released by the village.
- (5) All permits shall be approved by the Village Administrator or designated agent.

(e) *Construction requirements on public right-of way:*

- (1) All material excavated and piled adjacent to the excavation must be piled and maintained so as not to endanger the public and so as to cause minimal disturbance to persons using the public place and adjoining property. Excavated material shall not be as a barricade.
- (2) Each applicant must thoroughly clean up all rubbish, excess dirt, rock and other debris resulting from excavation work. If the applicant fails to clean up within 48 hours of completion of work, then the village will contract for such clean up and deduct from surety bond or cash bond.
- (3) The applicant must maintain all bar ditches, culverts, gutters, easement crossing and related drainage water, free and unobstructed for the full depth and width or provide adequate substitutes for any watercourses which are blocked by the excavation.
- (4) When excavation will affect road pavement, the applicant is prohibited from using pavement

breakers which endanger existing structures or other property. Saw cutting of concrete or pavement may be required when the nature of the job or condition of the street warrants. Unstable pavement must be removed over cave-ins and subgrade is to be treated in the same manner as the main excavation. Pavement edges must be trimmed to a vertical face and neatly aligned with the centerline of any trench. All cuts shall be parallel or perpendicular to the street.

- (5) Any person who trenches or excavates a public place for any purpose whatsoever is required to backfill the trench or excavation. Backfill material must have a minimum of 95 percent of maximum density. For pavement cuts, six-inch base course will be used with a 12-inch compacted subgrade, 95 percent compaction. PMBP (asphalt) road surface will have a minimum of 2 ½ inches. Applicant will be required to submit laboratory test results, performed by an acceptable and certified laboratory, to ensure compliance of the 95 percent maximum density requirement. The Village Administrator and/or engineer will review and approve repairs or excavation areas.

History: Ord. No. 300, §§1-4, adopted 5-13-97.

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