

# Street Occupancy & Trench Permitting Regulations



Town of Arlington, Massachusetts  
Department of Public Works

Engineering Division  
51 Grove Street  
Arlington, MA 02476

March 2024

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# I. Definitions

1. **Applicant** – Person assuming responsibility for the work. Only the name appearing on the Certificate of Insurance under "insured" will be considered to be the applicant.
2. **Barricade** – Device or structure used to prevent access to a specific area.
3. **CDF** – Controlled Density Fill, controlled manufactured backfill material.
4. **Critical Work Area** – Work locations and/or sites that occur or directly affect major streets, major intersections, pedestrian and bicycle thoroughfares, or school zones.
5. **Curb Line** – The boundary line on either side of a roadway or paved portion of a street.
6. **Dig Safe** – “Underground Protection of Facilities Act” commonly known in the state of Massachusetts as the Dig Safe Law (1-888-344-7233). Any excavation undertaken or authorized by this policy shall comply with all requirements of the M.G.L. Massachusetts General Laws) c 81 Section 21 and c 82, Section 40.
7. **Director** – Director of Public Works of the Town of Arlington, or his designee.
8. **DPW** – Department of Public Works.
9. **Emergency** – An event that may threaten public health or safety, including but not limited to, third party damaged or mechanical failure resulting in water or gas facility systems leaking, damaged/plugged or leaking sewer or storm drain facility systems, damage resulting in customer service outage to underground electrical and communication facility systems or downed overhead pole structures.
10. **Encroach** – To intrude upon, above or beneath any public ways.
11. **Engineer** – Town Engineer of the Town of Arlington, or his designee.
12. **Excavation** – To dig into or in any way remove, physically disturb or penetrate any part of a Town right of way (paved, grassed or other).
13. **Extensive Excavations** – Excavations greater than fifty feet (50’) in length or one-hundred square feet (100 SF).
14. **Grass Strip** – That unpaved portion (normally grassed) of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.
15. **Obstruction** – Use of any portion of a Town right of way to place material, equipment, or other physical obstruction for any type of project or matter.
16. **Permittee** – An applicant who has been issued a valid Street Opening Permit in accordance with this Policy.
17. **Person** – Any person, association, corporation, partnership, company, sole proprietorship, political subdivision, public or private agency, utility, or any other legal entity.
18. **Public Utility** – A public utility entity as defined in current or amended M.G.L. (c 160 RR, 164 E&G, 165 W, 166 T, and others) includes non-regulated activities of such a utility entity.
19. **Public Way** – A street accepted and maintained by the Town of Arlington.
20. **Roadway** – That portion of a street improved, designed, or ordinarily used for vehicular traffic.
21. **Sidewalk** – That paved or concrete portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.
22. **Street** – The entire width between the boundary lines of every public way.
23. **Street Line** – The boundary line on either side of a street.
24. **Street Occupancy/Trench Permit** – A required document that must be obtained by a person before any excavation, occupancy or obstruction work in any Town right of way.

25. **Substructure** – Any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, utility system appurtenance, or other similar structures located below the ground surface.
26. **Town** – The Town of Arlington.
27. **Town Construction Contract** – A Town project being constructed under direction and supervision of the Town.
28. **Town or Public Right-of-Way [ROW]** – Any public street line (*full property limits including applicable shoulder area beyond paved road edge*), way, alley, sidewalk, square, plaza, or any other similar public right of way.

## II. Street Occupancy & Trenching Contact Information

1. Department of Public Works  
51 Grove Street  
Arlington, MA 02476

Dispatch Office:

Email: [dispatch@town.arlington.ma.us](mailto:dispatch@town.arlington.ma.us)

Phone: 781-316-3301

Water/Sewer Division:

Water/Sewer Division Supervisor: Bryan Mount

Email: [bmount@town.arlington.ma.us](mailto:bmount@town.arlington.ma.us)

Phone: 781-316-3310

Engineering Division:

Town Engineer: Wayne A. Chouinard, P.E.

Email: [wchouinard@town.arlington.ma.us](mailto:wchouinard@town.arlington.ma.us)

Phone: 781-316-3320

Assistant Town Engineer: William C. Copithorne, P.E.

Email: [wcopithorne@town.arlington.ma.us](mailto:wcopithorne@town.arlington.ma.us)

Phone: 781-316-3322

Permitting Engineer: Wolfgang Kirstein, E.I.T.

Email: [wkirstein@town.arlington.ma.us](mailto:wkirstein@town.arlington.ma.us)

Phone: 781-316-3324

Administration:

Director of Public Works: Michael W. Rademacher, P.E.

Email: [mrademacher@town.arlington.ma.us](mailto:mrademacher@town.arlington.ma.us)

Phone: 781-316-3104

2. Arlington Police Department  
112 Mystic Street  
Arlington, MA 02474

Emergency

Phone: 911

Non-Emergency

Phone: 781-643-1212

Police Safety Details Office:

Phone: 781-316-3906

3. Arlington Fire Department  
112 Mystic Street  
Arlington, MA 02474

Emergency

Phone: 911

Non-Emergency

Phone: 781-316-3800

### **III. Regulations for Street Excavations and Street/Sidewalk Occupancy**

Pursuant to Section 20 of Title III (Public and Private Ways) of the Town Bylaw as amended by Article 30 of the 1990 Annual Town Meeting, the Board of Public Works hereby adopt the following Regulations for Street Excavations, Street or Sidewalk obstructions and driveway aprons, effective September 1, 1991 and revised by the Town of Arlington Engineering Division in March 2024.

#### **A. Street Excavations and Utility Work**

##### **1. Licensing Requirements**

No person shall cut any excavation in any public way or conduct any work related to Town controlled infrastructure/utilities without first having been duly approved by the Board of Selectmen and Engineering Division as a Licensed Approved Contractor. Without prior written approval by the Town of Arlington, subcontractors will not be allowed to perform work permitted to Licensed Approved Contractors.

Exemptions may be made at the Director's or Engineer's discretion for other governmental agencies of State and Federal level, public utility companies, contractors performing or accommodating a Town construction contract, or for entities whose scope of work presents a limited risk to Town controlled infrastructure/utilities in the opinion of the Director or Engineer.

##### **2. Permitting Requirements**

No Licensed Contractor shall cut any excavation in any public way without first obtaining a permit to do so from the Town of Arlington Engineering Division, except as otherwise provided in these regulations.

Permits must be kept at the job site during the progress of the excavation and must be shown, upon request to any authorized Town personnel.

Please refer to [Section V – Street Occupancy/Trench Permitting](#) for specific permitting procedures and requirements.

##### **3. Insurance Requirements**

Before a Street Occupancy/Trench Permit can be processed, the applicant shall file with the Engineering Division an insurance certificate, acceptable to the Town Counsel containing the following:

Insurance under which the Town shall be named as an additional insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts, against the following risks in not less than the amounts as herein indicated:

- A. Workers Compensation
  - a. Statutory State- Massachusetts
  - b. Coverage Limit \$100,000 each employee
- B. General Liability
  - a. Limits of Liability:
    - i. Bodily Injury
    - ii. Combined Single Limit of \$1,000,000 Property Damage

- b. Arrangement of Coverage
  - i. Premises Operations
  - ii. Products – Completed Operations
  - iii. Owners & Contractors Protective
  - iv. Explosion, Collapse, and Underground
  - v. Broad Form Comprehensive General Liability endorsement or equivalent (to include Broad Form Contractual, Personal Injury, Broad Form Property Damage, Incidental Malpractice, etc.)
  - vi. Cross Liability
- C. Automobile Liability
  - a. Limit of Liability:
    - i. Bodily Injury
    - ii. Property Damage Combined Single Limit of \$1,000,000
  - b. Arrangement of Coverage
    - i. Employer Non-Owned
    - ii. Hired Car
    - iii. All Owned or Leased Vehicles
- D. Umbrella
  - a. Limit of Liability
    - i. \$1,000,000 (minimum) as excess over General Liability and Workers’ Compensation Coverage B

All policies shall provide the Town of Arlington 30 days notice of cancellation, non-renewal, or material change. Certificates are to evidence notice and certificate wording to the effect that carriers will “endeavor to” provide notice and failure to provide notice “shall not impose liability or obligation” are not acceptable.

Exemptions to filing insurance, at the discretion of the Director or Engineer, may be made to other governmental agencies of State and Federal level, or as otherwise deemed appropriate.

Street Occupancy and/or Trench Opening Permits will not be issued by the Engineering Division unless current Insurance Certificates are on-file with the Engineering Division. It shall be the responsibility of the Licensed Contractor to ensure that current Insurance Certificates are provided to the Engineering Division.

#### 4. Bonding Requirements

Before a Street Occupancy/Trench Permit can be processed, the applicant must have on-file with the Engineering Division a satisfactory bond in the amount detailed in the below table from a Surety Company authorized to do business in the Commonwealth of Massachusetts:

MINIMUM BONDING SUMMARY TABLE	
<b>Street Occupancy</b>	\$ 2,000
<b>Driveway, Curbing, and Sidewalk Work</b>	
<b>Residential Water Utility Work</b>	
<b>Residential Sanitary Sewer Utility Work</b>	\$ 2,000
<b>Residential Stormwater Drainage Utility Work</b>	
<b>Other and/or General Utility Work</b>	
<b>Utility Work Related to Commercial Development/Uses</b>	\$ 5,000

This bond shall be conditioned to guarantee the faithful performance of all such work as he may undertake to execute, to make good any defects which may appear in any sewer, drain or street work done by him and to indemnify and save harmless the Town and any person from all costs,



actions, suits and claims whatsoever arising or occurring in consequence of any act or work done by him under any permit for such work granted by the Town.

Exemptions to filing a bond may be made, at the discretion of the Director or Engineer, to other governmental agencies of State and Federal level, public utility companies, or as otherwise deemed appropriate.

Street Occupancy or Trench Opening Permits will not be issued unless current Bonding Certificates are on-file with the Engineering Division. It shall be the responsibility of the Licensed Approved Contractor to ensure that current Bonding Certificates are provided to the Engineering Division.

## **B. Driveway, Curbing, and Sidewalk Work**

### **1. Licensing Requirements**

#### ***a) Work Within the Public Right-of-Way***

No person shall lower any curb or change the grade of any grass strip or sidewalk for the purpose of providing access; and no person shall construct, reconstruct or resurface a sidewalk, driveway or driveway ramp, or enlarge a driveway or driveway apron without first having been duly approved by the Board of Selectmen and Engineering Division as a Licensed Approved Contractor. Without prior written approval by the Town of Arlington, subcontractors will not be allowed to perform work permitted to Licensed Approved Contractors.

Exemptions may be made at the Director's or Engineer's discretion for other governmental agencies of State and Federal level, public utility companies, contractors performing or accommodating a Town construction contract, or for entities whose scope of work presents a limited risk to Town controlled infrastructure/utilities in the opinion of the Director or Engineer.

#### ***b) Work Outside of the Public Right-of-Way***

No person shall drive any vehicle over a public curb, grass strip or sidewalk for the purpose of providing access across such curb, grass strip, or sidewalk or drive or transport any construction equipment over a curb, grass strip, sidewalk or driveway for any purpose whatsoever without first having been duly approved by the Board of Selectmen and Engineering Division as a Licensed Approved Contractor. Without prior written approval by the Town of Arlington, subcontractors will not be allowed to perform work permitted to Licensed Approved Contractors.

Exemptions may be made at the Director's or Engineer's discretion for other governmental agencies of State and Federal level, public utility companies, contractors performing or accommodating a Town construction contract, or for entities whose scope of work presents a limited risk to Town controlled infrastructure/utilities in the opinion of the Director or Engineer.

### **2. Permitting Requirements**

#### ***a) Work Within the Public Right-of-Way***

No Licensed Contractor shall lower any curb or change the grade of any grass strip or sidewalk for the purpose of providing access; and no person shall construct, reconstruct or resurface a sidewalk, driveway or driveway ramp, or enlarge a driveway or driveway apron without first obtaining a permit from the Board of Public Works or its designee.

Each request for a street opening permit to construct, reconstruct or enlarge a driveway apron shall be accompanied by a detailed plan or sketch showing the width and location of the proposed driveway apron and curb cut. Additional details, dimensions, etc., may be required at the discretion of the Director or Engineer.

Permits must be kept at the job site during the progress of the excavation and must be shown, upon request to any authorized Town personnel.

Please refer to [Section V – Street Occupancy/Trench Permitting](#) for specific permitting procedures and requirements.

***b) Work Outside of the Public Right-of-Way***

No Licensed Contractor shall drive any vehicle over a public curb, grass strip or sidewalk for the purpose of providing access across such curb, grass strip, or sidewalk or drive or transport any construction equipment over a curb, grass strip, sidewalk or driveway for any purpose whatsoever without first obtaining a permit from the Board of Public Works or its designee.

Permits must be kept at the job site during the progress of the excavation and must be shown, upon request to any authorized Town personnel.

Please refer to [Section V – Street Occupancy/Trench Permitting](#) for specific permitting procedures and requirements.

**3. Insurance Requirements**

Insurance requirements for work related to driveways, curbing, and/or sidewalks shall be as defined in [Section III-A-3 – Insurance Requirements](#).

**4. Bonding Requirements**

Bonding requirements for work related to driveways, curbing, and/or sidewalks shall be as defined in [Section III-A-4 – Bonding Requirements](#).

**C. Street or Sidewalk Occupancy**

**1. Permitting Requirements**

No person shall use or occupy any portion of a Public Way without first obtaining a permit to do so from the Board of Public Works or its designee pursuant to Section 20 of Title III (Public and Private Ways) of the Town Bylaw

Permits must be kept at the job site during the progress of the excavation and must be shown, upon request to any authorized Town personnel.

Please refer to [Section V – Street Occupancy/Trench Permitting](#) for specific permitting procedures and requirements.

**2. Insurance Requirements**

Insurance requirements for work requiring street or sidewalk occupancy shall be as defined in [Section III-A-3 – Insurance Requirements](#).

**3. Bond Requirements**

Bonding requirements for work requiring street or sidewalk occupancy shall be as defined in [Section III-A-4 – Bonding Requirements](#).

#### **4. Moving a Building**

Before a permit is issued for moving a building over the Public Way, the applicant shall deposit with the Engineering Department the required fee. This fee is to cover work to be done by the Department to accommodate the building move. The work includes a review of the move route by the Engineering Division, Department of Public Works, Department of Public Safety and Department of Properties and Natural Resources together with the work to be performed in conjunction with the move itself.

The Director shall fix the fee dependent upon the amount of work required as determined by review of the move route. The minimum fee will be two thousand dollars (\$2,000).

The work shall be accomplished at such times and in a way and manner as the Director may require. Each request for a permit to move a building shall be accompanied with written certification in accordance with the following:

- a. General Law 85 Section 18 – Permission is required from Board of Selectmen to move a building within a public way.
- b. General Law 87 Section 3 – A permit from the Tree Warden and approval of the Board of Selectmen to cut, trim or remove any public shade tree.

### **D. Permitting General Requirements & Restrictions**

#### **1. Construction Season**

Due to seasonal and weather related restrictions, Street Occupancy & Trench Permits will only be issued/valid between April 15<sup>th</sup> and November 15<sup>th</sup>, except in case of emergency or as otherwise determined to be acceptable as determined by the Town of Arlington.

Emergency work and other applicable work permitted between November 16<sup>th</sup> and April 14<sup>th</sup> shall be subject to additional “Winter Conditions” that will be issued on a case by case basis by the Engineering Division and/or the Department of Public Works.

#### **2. Drawings, Plans, & Sketches**

Scaled drawings, plans, or sketches detailing the proposed work, location, and/or route (depending on the type of permit applied for) shall be filed with the Engineering Division prior to issuance of a Street Occupancy and/or Trench Permit, unless otherwise approved in writing by the Engineering Division.

#### **3. Revocation of Permits**

The Director, Engineer, Water & Sewer Supervisor, or their designees, may at any time cancel or suspend a permit. Cancellation or expiration of insurance and/or bonding certificates shall result in automatic cancellation of any issued permits.

#### **4. Start of Work**

Work shall start as near to the starting date specified in the permit as possible. A seventy-two (72) hour notice to the Department of Public Works Dispatch Office and Water/Sewer Division is required prior to starting work. Further, final inspections for water, sewer, or drain service work must be requested from the Water/Sewer Division a minimum of twenty-four (24) hours prior to the work and shall not commence without confirmation of an appointment with the Water/Sewer Division.

For further information, please refer to [Section III-D-10 – Notification to Public Utility Companies](#).

## **5. Work Hours**

Except in emergencies, permitted work shall be limited to Monday thru Friday (exclusive of Holidays) from the hours of 8:00 AM to 4:00 PM.

At the discretion of the Director, Engineer, or Police Department work hours may be restricted based on traffic or pedestrian concerns in critical work areas. Typical work hour restrictions are from 9:00 AM to 3:00 PM, but may be further adjusted based on a particular work location or other concerns of the Town.

Any variances that may be required from these established work hours, including weekend work, shall be made via a written request to the Department of Public Works which may approve additional work hours on a case-by-case basis. Work after hours, on weekend, or on Town recognized Holidays may also require approval of the Town Manager.

## **6. Noise**

Each Permittee shall conduct and carry out all work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. During the hours from 7:00 P.M. to 8:00 A.M., he shall not use, except with the express written permission of the Director, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring properties.

## **7. Urgent Work**

If, in the judgment of the Engineer or the Director, traffic conditions, the safety or inconvenience of the traveling public or the public interest require that the excavation work be performed as urgent or emergency work, the Engineer or the Director shall have full power to order that a crew of men and adequate equipment and materials be employed by the Permittee sixteen (16) hours a day to the end that such excavation work may be completed as soon as possible.

## **8. Emergency Work**

Nothing in these rules shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the licensed contractor making such excavation shall apply to the Engineering Division for such a permit on the first business day after such work is commenced.

The licensed contractor engaged in emergency action shall notify the Department of Community Safety, Fire and Police Departments, Engineering Division and Department of Public Works Dispatch Office at the start of any emergency work. For contact information, please refer to [Section II – Street Occupancy & Trenching Contact Information](#).

## **9. Roadway Access & Public Safety**

The Permittee shall take appropriate measures to assure that during the performance of the excavation so far as is practicable normal traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants or the abutting properties and to the general public.

The Permittee shall maintain safe travel for two lanes of vehicle traffic at all road intersections where possible and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across a public way, it shall be made in sections to assure maximum safe crossings for vehicles and pedestrians.

***a) Signage***

It shall be the sole responsibility of the Permittee to provide & employ appropriate construction signage and barriers/cones/etc. as needed. All signs and devices shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways and all applicable MassDOT Standards/Requirements.

During the entire course of work, the applicant and/or owner shall be responsible to properly delineate & protect the job site in accordance with current MUTCD Standards to the full satisfaction of the Arlington Police Department.

Failure or inability to provide appropriate devices & signage may result in work being suspended at the discretion of the Town of Arlington.

***b) Road Closures/Detours***

Road Closures and Detouring of traffic and/or pedestrians must be approved in advance of work commencing by the Town of Arlington Police Department. This approval shall include preparation of MUTCD compliant Temporary Traffic Management Plans to be provided to the Arlington Police Department for inspection/approval in advance of any work commencing. These plans must satisfy all Arlington Police Department requirements. These Plans shall also be kept on-site for the duration of all construction & restoration activities.

Additionally, a pre-construction meeting shall be coordinated by the Permittee prior to work commencing.

Planned road closures and/or detours will also require forty-eight (48) hour advance notification to affected properties and abutters detailing the scope of work and potential temporary impacts to travel and access.

***c) Police Safety Detail Requirements***

A minimum of 24-hours prior to commencing work, the Permittee shall contact the Town of Arlington Police Department to determine if a Police Safety Detail will be required for the proposed work, at the Permittee's cost.

The use of a Police Safety Detail does not eliminate the need for proper warning signs and traffic control devices during the course of construction.

***d) Equipment & Construction Materials***

Construction materials and equipment on the site shall be limited in quantity and space occupying area so as not to unduly hinder and block the use of the way.

All material stockpile within the public right of way shall be protected with erosion control devices, such as silt fencing and/or straw waddles.

Equipment, staging, and material shall not be located or stored so as to interfere with intersection sight lines. Wherever practical, all materials and equipment shall be located no

closer than fifty (50) feet to an intersection. Equipment, staging, and material shall not be left within the public right of way outside of designated work hours unless prior written approval is requested and granted by the Department of Public Works.

***e) Steel Road Plates***

In non-critical work areas, steel road plates may only be used for 24 hours at the same location. Steel plates shall not be used during any weekends or in critical work areas unless special permission is requested in writing and granted by the Department of Public Works.

Steel plates used to protect an excavation shall be of sufficient thickness to resist bending, vibration, etc., under traffic loads and shall be anchored securely to prevent movement. Additional particular conditions and/or installation procedures may be required for steel road plate installations based on specific installation locations.

The use of steel road plates shall be subject to additional “Winter Conditions” for any work authorized between November 16<sup>th</sup> and April 14<sup>th</sup>. These conditions will include, but not be limited, to the requirement that all authorized steel road plates shall be recessed and their locations reported to the Department of Public Works on a daily basis.

**10. Notification to Public Utility Companies**

The Permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making an excavation.

Under the General Laws of the Commonwealth of Massachusetts, Chapter 82, Section 40 as amended, no one may excavate in the Commonwealth of Massachusetts except as in an emergency without giving seventy-two (72) hours notice, exclusive of Saturdays, Sundays, and legal holidays, to natural gas pipeline companies, public utility companies, and cable television companies and municipal utility departments that supply gas, electricity, telephone or cable television service in or to the city or town where the excavation is to be made.

The utility companies have established a public utility underground plant damage prevention system called Dig Safe: to receive the above mentioned notices of excavation which are then transmitted to member utilities. There is no cost to excavator. The calls are received over toll free lines. The telephone number is 811 or 888-344-7233.

The Town of Arlington is not a member of Dig-Safe. All Water, Sewer, and Drainage Utility markouts must be coordinated through the Department of Public Works Dispatch Office at 781-316-3310 a minimum of seventy-two (72) hours prior to work commencing.

The Massachusetts Water Resources Authority (MWRA) maintains regional water and sewer infrastructure at select locations in the Town of Arlington and is also not a member of Dig-Safe. The MWRA shall also be contacted to determine applicability of an MWRA markout and other potential permitting requirements. The MWRA Switchboard may be reached by telephone at 617-242-6000 and MWRA Markouts can be requested by telephone at 617-305-5671.

**11. Relocation and Protection of Utilities**

The Permittee shall not interfere with any existing utility without the written consent of the Director and the owner of the utility. If it becomes necessary to relocate an existing utility, unless otherwise instructed, the relocation shall be done by its owner and the cost of such work borne by the Permittee.

The Permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The Permittee shall adequately support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by

the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area.

In the event any of said pipes, conduits, poles, wire or apparatus be damaged during the course of work or due to trench repair failures, and for this purpose pipe coating and other encasement or devices are to be considered as part of a sub-structure, such damage shall, unless otherwise instructed, be repaired by the agency or person owning them and the expense of such repairs borne by the Permittee.

The Permittee shall be fully responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility.

## **12. Clearance of Vital Structures**

Any excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, catch basins, and all other vital equipment as designated by the Department of Public Works.

## **13. Protection of Adjoining Properties**

The Permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper protective measures and by taking such other precautions as may be necessary for the purpose.

The Permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work.

## **14. Tree Protection**

The Permittee shall contact the Town Tree Warden prior to any excavation work should a tree or shrub exist within the public right of way in the vicinity of the proposed work. The Permittee shall not disturb, damage, or remove, even temporarily, any trees or shrubs (including the root structure) which exist within the public right of way without first obtaining permission from the Tree Warden. In the event that a tree or a shrub (including the root structure) is damaged, destroyed or is authorized for removal, the Permittee shall be liable for all applicable fees/fines as determined by the Tree Warden, or alternately, at the discretion of the Tree Warden, shall replace the tree or shrub at his/her expense. If replacement is allowed, the species, size and place of relocation shall be determined by the Tree Warden. The Tree Warden may be reached by telephone at 781-316-3114.

## **15. Erosion Control**

The Permittee shall take whatever precautions are necessary to insure that runoff will not create erosion and siltation problems or obstruct the natural flow of stormwater.

In particular, the Permittee shall protect drainage structures from siltation by whatever means are necessary, including but not limited to; the piling of excavated material away from drainage structures, the covering of excavated materials with impervious membrane, and the installation of hay bales or filter fabric fences.

The Permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

In the event that the drainage system does become impacted by siltation, the Permittee will be required to clean or replace the impeded drainage system facilities as determined by the Department of Public Works, at the expense of the Permittee.

## **16. Excavated Material**

All material excavated from trenches or excavation shall be removed from work site except in such cases where the material is suitable for and permission has been granted by the Department of Public Works to use it for backfill.

## **17. Dust and Clean-Up**

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris daily. The Permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day.

All clean-up operations shall be accomplished at the expense of the Permittee and shall be carried out to the satisfaction of the Department of Public Works. Any sediment that enters the Town drainage system as a result of the Permittee's work will be the sole responsibility of the contractor to remove to the satisfaction of the DPW.

## **18. Breaking through Pavement**

Approved cutting of bituminous pavement surface prior to excavations is required in order to confine pavement damage to the limits of the trench. Roadways & sidewalks shall be saw-cut unless otherwise approved by the Department of Public Works.

Cement concrete sidewalks shall be removed in full-width panels (i.e. from scoreline to scoreline) unless otherwise approved by the DPW.

Unstable pavement shall be removed over potential cave-ins and over-breaks and the excavation sub-grade shall be treated as the main trench.

Pavement edges shall be trimmed to a vertical face and neatly aligned parallel with the center line of the trench.

Cut-outs outside of the trench lines must be regular and aligned parallel and/or perpendicular to the center line of the trench.

Trenches and excavations shall be braced and sheathed when necessary as required to comply with all current OSHA specifications and/or regulations.

Generally, excavations shall be open cut in nature. Tunneling will only be allowed through prior written approval of the DPW. Trenches and excavations shall be braced and sheathed when necessary as required by current OSHA specifications and/or regulations.

## **19. Backfilling**

All permitted excavations shall be filled and resurfaced during the same day it is opened unless otherwise allowed by the Director of Public Works or Engineer.

Excavations shall be backfilled with clean gravel in no more than twelve inch (12") mechanically tamped layers. Excavated material may be used if deemed suitable by the DPW, to within ten inches (10") of the finished grade. Three-quarter inch (3/4") dense graded material shall be placed and compacted within the excavation limits to a final depth which will allow for the appropriate finish courses to be installed as detailed in [Section III-D-20: Post-Construction Restoration](#).



The backfill and dense graded material in the trench must be mechanically tamped to 95% of maximum dry density as determined by the Modified Procter Test in accordance with ASTM-1557 method. Additional guidelines in regard to suitable backfill material can be found in the [Sewer, Water, and Drain Regulations & Specifications](#).

## **20. Post-Construction Restoration**

Unless otherwise specified herein, all Excavations shall be restored in compliance with the standards set forth by the Massachusetts Department of Public Utilities Docket #DTE 98-22. A copy of these standards is available at the Town of Arlington Engineering Office.

Based on the scope of work and site particulars, additional restoration requirements may be requested by the Director or Engineer upon issuance of any Street Occupancy or Trench Permit.

### ***a) Pavement Restoration***

#### **(1) Temporary Patching**

Under certain conditions, such as an extensive excavation (see [definitions](#)), the Director or Engineer may require the installation of a temporary patch for all disturbed areas within the right-of-way.

Temporary patches shall preferably be hot Class I Type 1-1 bituminous concrete but may be substituted for with cold mix if hot mix is unavailable and the substitution is authorized by the DPW.

The patch shall be laid and compacted in two (2) courses to a minimum of four (4) inches total of compacted thickness to a finished grade matching the existing road surface.

Temporary patches shall be removed and replaced with permanent patches after an appropriate allowance for trench settlement as determined by the DPW. Temporary patch replacement shall only take place after approval from the DPW.

The Permittee shall maintain temporary patches and within twenty-four (24) hours of notification by the Town fill with similar material any depressions and holes that may occur so as to maintain the surface in a safe and satisfactory condition.

#### **(2) Permanent Patching**

All permanent paving shall be performed in accordance with the specifications of the Massachusetts Highway Department and at the expense of the Applicant. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed leaving sound vertical faces.

The bituminous concrete base and top shall be laid and rolled in two (2) courses. The binder (base course) shall be three inches (3") in depth and the top course shall be one and one-half inches (1-1/2") in depth. The minimum total thickness of both courses, measured after rolling, shall be four and one-half inches (4-1/2").

The Permittee shall furnish, place, grade and compact Mass Highway Department approved hot mix asphalt which meets the approved job mix formula as submitted. The asphalt shall be compacted to within 95-100 percent of the Marshall value as determined in the laboratory.

Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the old.

The permanent paving shall not overlap the existing pavement and will be applied with a mechanical spreader to areas of extensive excavations or unless otherwise directed.

Under certain circumstances where excavations and trench repairs are considered to be extensive, it may be required that curb-to-curb restorations be carried out. At the discretion of the DPW, these restorations may include the roadway to be cold-planed, leveled, and overlaid with up to two inches (2") of Hot Mix Asphalt. If curb-to-curb restoration is called for, all restoration work activities must be advance scheduled and coordinated with the Town of Arlington Engineering Division.

***b) Pavement Marking Restoration***

All permanent pavement markings, such as traffic center lines, crosswalks, stop bars, stencils, etc., that are removed or damaged during construction and/or restoration activities shall be promptly repainted following pavement restoration, by the Permittee to the satisfaction of the Director and/or Engineer.

***c) Traffic Loop Restoration***

All traffic loop devices and appurtenances that are removed or damaged during permitted construction and/or restoration activities shall be promptly replaced to the satisfaction of the DPW at the full cost of the Permittee.

***d) Curb/Berm Restoration***

All curbing and/or asphalt berm edging that is removed or damaged during permitted construction and/or restoration activities shall be promptly reset and replaced to the satisfaction of the DPW.

Any curb, curb-roundings, or curb-corners that are removed (and do not require replacement) through permitted construction work shall be promptly delivered by the Permittee to the Town of Arlington Department of Public Works Yard upon completion of the work. Delivery shall be coordinated with the Department of Public Works Dispatch Office directly.

***e) Sidewalk/Driveway Apron Restoration***

Sidewalks and driveway aprons shall be replaced in kind to the satisfaction of the Director and/or Engineer.

**(1) Bituminous Concrete Sidewalk and Driveway Aprons**

***(a) General***

1. Compaction of all courses, including the required gravel base called for in [Section III-D-19: Backfilling](#), shall be accomplished by the use of a self-propelled roller having a gross weight of not less the one and one half (1 ½) tons.
2. All sidewalk and driveway aprons shall be replaced so as to be in accordance with all current ADA & AAB standards/regulations.
3. Sidewalks shall be reconstructed to the full-width of the original sidewalk.

***(b) Binder Course***

1. All edges shall be thoroughly cleaned and receive an asphalt tack coat prior to patching.

2. For sidewalk restoration, the base course shall consist of two inches (2") of Bituminous Concrete Type I "Binder".
3. For driveway restoration, the base course shall consist of three inches (3") of Bituminous Concrete Type I "Binder".

**(c) Surface/Top Course**

4. All edges shall be thoroughly cleaned and receive an asphalt tack coat prior to patching.
5. The surface/top course for both sidewalk and driveway restorations shall consist of one and one-half inch (1-1/2") of Bituminous Concrete Type I "Top".
6. When the patching operation is completed, all edges shall be properly sealed.

**(2) Cement Concrete Sidewalk and Driveways**

**(a) General**

1. Cement Concrete sidewalks and driveways shall be replaced to the full width of the original sidewalk/driveway and to a full panel length (score-line to score-line).
2. All sidewalk and driveway aprons shall be replaced so as to be in accordance with all current ADA & AAB standards/regulations.
3. Expansion joints shall be installed every thirty (30) feet.
4. Appropriate forms shall be used for all concrete pours. It is recommended that the Permittee schedule an inspection of installed forms with the Engineering Division a minimum of twenty-four (24) hours prior to a scheduled pour to ensure compliance with ADA & AAB standards/regulations.

**(b) Base/Gravel Course**

1. The base course shall be in accordance with [Section III-D-19: Backfilling](#), and shall be compacted by the use of a self-propelled roller having a gross weight of not less than one and one-half (1-1/2) tons.

**(c) Surface/Concrete Cement Course**

1. 4,000 PSI cement concrete shall be installed in accordance with Section 701 of the "Commonwealth of Massachusetts Standard Specifications for Highways and Bridges" as follows:
  - Sidewalks – Four inches (4") thick
  - Driveways – Six inches (6") thick

**f) Grassed Surfaces**

All grassed surfaces which are disturbed shall be replaced with six (6") inches of screened loam and reseeded with a good quality perennial lawn seed or sodded.

Likewise, any areas containing plantings shall be restored to their original condition with the same or similar plantings. Special care shall be taken to insure the areas are re-landscaped to meet the conditions which existed before the excavation.

**g) Restoration Guaranty**

Any person making excavations in streets must guarantee their permanent restoration work for a period of two (2) years from the date of acceptance of the permanent restoration by the

Engineer. If deficiencies are identified by the Department of Public Works during semi-annual inspections, the permit holder may, at the request of the DPW, be required to completely re-excavate, refill, and repave any permanent restoration that fails within the two (2) year guarantee period.

If, at any time, whether during or after the two (2) year guarantee period, it is discovered that the permanent restoration was not made in accordance with Town specifications; the permit holder shall be responsible for making a proper restoration.

## **21. Prompt Completion of Work**

Each Street Occupancy and Trench Opening Permit will be issued with a permit expiration date. The Permittee shall perform all permitted work and required restoration with diligence so as to restore all construction disturbances to original condition (or as near as may be) prior to the issued expiration date.

If an extension to the originally issued permit expiration date is required to complete the work or restoration activities, a written request for a permit extension must be provided and granted by the Engineer prior to work continuing past the original expiration date. Should work not be completed prior to the expiration date, or alternatively a permit extension request not be granted, the Engineer reserves the right to require that a new permit application be submitted and approved and that associated fees be paid prior to the resumption or continuation of work.

## **22. Newly Paved and/or Constructed Roadway Moratorium**

No Street Occupancy & Trench Permits will be issued on newly constructed/paved roads for a period of five (5) years after the roadway is constructed or paved, unless work is deemed emergency in nature or failure to complete such work would result in an undue hardship as determined by the Engineer. If a newly constructed roadway is opened due to an emergency or hardship, at a minimum, the following requirements must be met:

1. A plan shall be submitted with the permit application indicating the dimensions of the anticipated pavement disturbance, or alternatively the actual disturbance if the work is completed under emergency circumstances. The projected or actual disturbance shall be “squared off” and extend a minimum of one (1) foot from the edge of all trench work to allow for a clean and uniform permanent restoration.
2. In addition to the standard permit fee, a Street Preservation Offset Fee (SPOF) shall be added to the total permit fee to fund a permanent pavement restoration which will be completed by the Town or a contractor under contract with the Town. The permanent restoration will be completed after an acceptable period of trench settling has passed as determined by the Town. The SPOF will be calculated based on the area of the pavement disturbance and will be charged at the bid rates of current Town paving contracts on a square yard (SY) basis.
3. Should multiple trenches be completed/required in the same area (i.e. the construction of a new building necessitating multiple cut & caps, utility permits, etc.), the Permittee shall notify the Engineering Division of the total anticipated extents of excavation prior to the start of any work. Under such circumstances, permanent restoration may be required from curb to curb for the extent of the disrupted area.
4. At the written request of the Permittee or their designee, the Permittee may request to complete permanent restoration work at their own cost in lieu of paying a SPOF. The extent of restoration and the pavement restoration methods (i.e. grind and inlay, infra-red treatment, or a complete curb-to-curb overlay) shall be determined by the Engineering Division.

## **E. Violations, Fines, and Penalties**

Any condition at the work site which, in the opinion of the Director, the Police Department, Fire Department, Engineer, or Water/Sewer Supervisor adversely affects the safety of the public or property shall be immediately corrected by the Permittee. If the Permittee fails to take corrective action the Department of Public Works will take whatever action is deemed necessary to correct the problem and the Permittee shall be charged for the cost of the correction.

Violations of permitting rules and regulations may result in the immediate revocation of a permit at the sole discretion of the Director, Engineer, Water/Sewer Supervisor, or their designee. Should a permit be revoked prior to completion of work, the Town will apply the Permittee's performance bond to complete applicable work.

Should a violation result in the revocation of a permit, or a Permittee be determined to have committed repeated violations, it may result in the loss of the contractor's (or approved subcontractor's) license to complete work in Town. Penalties against a contractor's license shall typically be issued in the following order, though the Town reserves the right to skip directly to license revocation if it is warranted in the opinion of the Town based on the seriousness of the violation(s):

1. **Warning:** The licensed contractor shall be issued a written warning detailing the alleged violation(s) and notified of the consequences of further violations.
2. **60-Day Suspension:** Should further violations occur following a written warning, the licensed contractor shall be suspended from completing Street Occupancy & Trench Permitting work for a period of sixty (60) business days. During this time no additional work shall be permitted and the contractor shall be responsible for hiring another licensed contractor to complete any open projects, or alternatively, the Town will apply the contractor's performance bond to complete applicable work.
3. **License Revocation:** Should further violations occur following a suspension, the contractor's license to complete Street Occupancy & Trench Permitting work shall be revoked. No additional work shall be permitted by the Town thereafter and the contractor shall be responsible for hiring another licensed contractor to complete any open projects, or alternatively, the Town will apply the contractor's performance bond to complete applicable work.

All disciplinary notices shall be issued in writing, via certified mail, return receipt requested. Licensed contractors shall have the right to a hearing as detailed below.

Pursuant to Section 20 of Title III (Public and Private Ways) of the Town Bylaw, any violation of these regulations shall be subject to a fine of three hundred dollars (\$300). Each day in which a violation occurs shall be considered as a separate offence.

## **F. Right to Hearing**

Any person accused of violating these rules or regulations shall be notified of the alleged violation, in writing, via certified mail, return receipt requested. If deemed necessary, a hearing date and time will be set before the Director or his designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

## IV. Approved Contractor Licensing

Application for a license as an approved contractor shall be made to the Town of Arlington Engineering Division using the “Application for Town of Arlington DPW Contractor License”, which can be found on the [Town of Arlington Engineering Website](#). The licensing process is as follows:

1. Completed licensing applications and \$75.00 Application fee shall be submitted to the Town of Arlington Engineering Division to the attention of the Permitting Engineer.
2. The Engineering Division will review the application and contact/review references that are provided by the applicant as part of the application.
3. A recommendation from the Engineering Division is then forwarded to the Select Board Office, where the matter is placed on an upcoming Select Board meeting agenda for official approval.
4. Upon official approval, the Select Board Office will contact the applicant and issue their license.
5. Once approved, the contractor must provide Insurance Certificates and Bonding to the Engineering Division in accordance with [Section III – Regulations for Street Excavations and Street/Sidewalk Occupancy](#) of this Handbook.

Please note that it is the responsibility of the licensed contractor to ensure that valid/current Insurance and Bonding Certificates are on-file with the Engineering Division.

6. Once the Engineering Division has received all paperwork, approvals, and certificates, the newly licensed contractor will be added to the Department of Public Work’s Approved Contractor list. At this point, the Contractor may apply for Street Occupancy and/or Trench Permits in accordance Section 18 of Article 9 (Public Ways) of the Town Bylaw.

Please refer to [Section V – Street Occupancy/Trench Permitting](#) for specifics related to the Permitting Process and Procedures.

## V. Street Occupancy/Trench Permitting

### A. Purpose and Intent

In order to protect the integrity of all rights-of-way open to the public, assure the protection of all town maintained infrastructure within the Town, and provide optimum safety and convenience for the public, permission must be obtained from the Department of Public Works before any cutting, obstruction or disturbance is undertaken within the public right-of-way. In order to promulgate this process, the Town of Arlington has instituted Street Occupancy/Trench Permitting procedures & regulations which strive to meet the following objectives:

1. Require that individuals performing work in the right-of-way or private property be properly insured against personal injury and property damage;
2. Ensure that work is being done in accordance with all Town of Arlington specifications, standards and requirements, thereby providing for proper restoration of public property;
3. Help coordinate schedules among numerous agencies and individuals so that they do not attempt to perform work at the same location at the same time;
4. Provide a record of who performed what kind of work and where (in case problems are discovered after work has been completed);
5. Ensure that vehicular and pedestrian traffic are adequately maintained or provide for in order to guarantee public safety;
6. Require the prevention of unauthorized access by the general public to unattended trenches (Jackie's Law).

### B. Procedures

#### 1. Markout

1. In accordance with state laws, Dig-Safe must be contacted seventy-two (72) hours prior to excavation taking place. You will need your Dig-Safe Ticket number for use on the Town's Street Occupancy/Trench Permit Application.
2. The Town of Arlington is not a member of Dig-Safe. As such, **any work, even if not directly related to water, sewer, or drainage utilities will require a Town Utility Markout.** A Town Markout Number will also be required for use on the Street Occupancy/Trench Permit Application.

Markout numbers should be requested through the Water/Sewer Division (781-316-3310).

3. Additional markout may be required by the MWRA or other utilities. It is the sole responsibility of the licensed contractor to ensure all applicable markouts and permits are obtained prior to the start of work.

#### 2. Application

The Town of Arlington has instituted an online Street Occupancy/Trench Permit Application, which will allow for a more streamlined permit application process. Contractors may apply for permits online anywhere internet access is available.

1. Applicants wishing to apply for a Street Occupancy/Trench Permits can find the application online at <https://www.arlingtonma.gov/departments/public-works/engineering/street-occupancy-trench-permit-application>.

2. Applicants shall fill out all required fields (including the Town of Arlington Utility Markout Number) and submit their application using the “Save/Submit” button located at the bottom of the application.
3. Upon submission of the application, an email alert will be sent to the Town of Arlington Permitting Coordinator and a receipt of the application will be emailed to the Contractor/Applicant if an email address is provided through the application.
4. The Permitting Coordinator will review and begin processing the permit. Applications are typically processed in 5-7 business days. Permit applicants shall not schedule work until an approved permit is received from the Engineering Division.
5. Upon approval of a Street Occupancy/Trench Permit Application by the Town of Arlington Permitting Coordinator, an email will be auto-generated to the Contractor/Applicant alerting them that their permit is approved. A copy of the permit with the permit fee will also be submitted via email by the Permitting Coordinator to the email address that is on file.
6. Upon receipt of an approved permit, payment shall be mailed or dropped off to the DPW Customer Service Center at 51 Grove Street. Checks shall be made payable to the “Town of Arlington”. Neither cash nor credit cards are currently accepted.
7. Once a permit is received and paid for, work must be scheduled a minimum of 72 hours in advance with the Town of Arlington Water/Sewer Division.

## **C. Fees**

1. Street Occupancy/Trench Permit Application fees shall be in accordance with the current Permit Fee Schedule developed by the Town of Arlington Engineering Division. Copies of this fee schedule are available posted on the [Engineering Division’s website](#). Specific inquiries regarding permitting costs may be directed to [engineering@town.arlington.ma.us](mailto:engineering@town.arlington.ma.us) or 781-316-3320.