

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1251, SERIES 2015**

AN ORDINANCE ADOPTING ADMINISTRATIVE REGULATIONS FOR WORK WITHIN THE PUBLIC RIGHTS-OF-WAY AND SETTING FORTH THE PENALTIES FOR VIOLATION OF THE ADMINISTRATIVE REGULATIONS.

WHEREAS, the City is authorized pursuant to Article XX of the Colorado Constitution as well as other law to provide for the orderly and safe use of the City's public rights-of-way; and

WHEREAS, the City's rights-of-way are a limited resource and subject to increasing demands from those who desire to locate underground and other facilities in the City's rights-of-way; and

WHEREAS, City Council finds that the increased demands place greater demands on the City's administrative and fiscal resources; and

WHEREAS, City Council finds that the increased demands threaten the public, health, safety, and welfare; and

WHEREAS, City Council finds that providing that those installing or placing facilities in the City's rights-of-way bear the costs and expenses associated with the administration of the City's rights-of-way serves the citizens of Woodland Park and the public, health, safety, and welfare; and

WHEREAS, the City Council finds that that providing a right-of-way permit program enhances the City's ability to consent to the use of the City's rights-of-way without creating a preference or disadvantage; and

WHEREAS, the City Council has adopted Ordinance No. 1244, Series 2015 governing work in the public right-of-way, which calls for the adoption of these Administrative Regulations.

NOW, THEREFORE THE CITY OF WOODLAND PARK, COLORADO, ORDAINS as follows:

Section 1. Adoption. In accordance with Ordinance No. 1244, Series 2015, the City Council hereby adopts conditions, standards, rules and requirements for the performance of work in the City's public rights-of-way, in the form attached hereto as Exhibit A, entitled "Public Works Department Administrative Regulations, No. 2015-PW-01; Work within the Right-of-Way" and referred to herein as the "Administrative Regulations."

Section 2. Applicability. The Administrative Regulations shall apply to all persons and entities seeking to work within a public right-of-way in accordance with the Woodland Park Municipal Code.

Section 3. Enforcement. Notwithstanding the authority contained herein to issue notices of violation and other administrative enforcement provisions, the City may elect legal enforcement of these Administrative Regulations and nothing herein shall limit the City's right to choose such legal enforcement in lieu of administrative enforcement. As such, a person violating any of the provisions of these Administrative Regulations shall be fined the amount not exceeding two thousand six hundred fifty dollars adjusted annually hereafter for inflation on May 1. Inflation means the annual percentage positive change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable under this Ordinance.

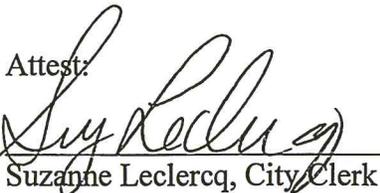
Section 4. Effective Date. These Administrative Regulations shall be in full force and effect from and after the adoption of the Fee Schedule pursuant to Ordinance No. 1244, Series 2015.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 5th DAY OF November 2015.



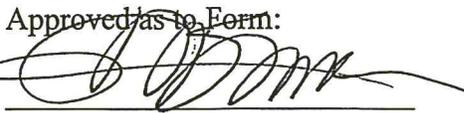
The Honorable Neil Levy, Mayor

Attest:



Suzanne Leclercq, City Clerk

Approved as to Form:



Norton & Smith P.C., City Attorney
By: Erin Smith

EXHIBIT A

PUBLIC WORKS DEPARTMENT
ADMINISTRATIVE REGULATIONS

No. 2015-PW-01
WORK WITHIN THE RIGHT-OF-WAY

Effective: _____

Adopted pursuant to Ordinance No. 1251, Series 2015 and in accordance with Ordinance No. 1244, Series 2015.	

Contents [This Table of Contents-to be updated upon final passage]

- 1.0 AUTHORITY AND PURPOSE 1
- 2.0 DEFINITIONS 1
- 3.0 PERMIT PROCESS 3
 - 3.1 Applicability 3
 - 3.2 Contact Information 4
 - 3.3 When a Permit is Required 4
 - 3.4 Prohibition on Construction Activities – Recently Resurfaced Streets 4
 - 3.5 Fees 5
 - 3.6 Application Information 5
 - 3.7 Emergency Repairs 7
 - 3.8 Contractor License and Bond Requirements 7
 - 3.9 Permit Amendments 7
 - 3.10 Permit Extensions 7
 - 3.11 Notice of Violation 8
 - 3.12 Completion Inspection 8
 - 3.13 Final Inspection 8
 - 3.14 Acceptance 9
 - 3.15 Warranty 9
 - 3.16 Warranty Inspection 9
 - 3.17 Appeals Procedure 9
- 4.0 PERMIT CONDITIONS 10
 - 4.1 Duration of Permit 10
 - 4.2 Terms and Conditions 10
 - 4.3 Work Hours 15
- 5.0 PERMIT STANDARDS 15

5.1	Grading, Erosion and Sediment Control (GESC)	15
5.2	Construction.....	16
5.3	Traffic Control	23
6.0	PAVEMENT RESTORATION [Reserved]	23
7.0	OPEN RECORDS	23
	FEE SCHEDULE [TO BE ATTACHED].....	25

1.0 AUTHORITY AND PURPOSE

These Administrative Regulations are adopted pursuant to City of Woodland Park Ordinance 1244, Series 2015 for the purpose of:

- Implementing Ordinance No. 1244, which is currently codified in Chapter 12.04 of the Municipal Code of the City of Woodland Park.
- Establishing standards and procedures to ensure that persons who engage in Construction Activities or Maintenance Activities within the public rights-of-way which are under the jurisdiction of the City of Woodland Park perform such work in a competent, safe, and orderly fashion.
- Issuing Right-of-Way Permits to protect the public's investment and prevent or address the premature degradation of public streets and other infrastructure.
- Ensuring that persons working in the Public Right-of-Way have the knowledge, competence, and resources needed properly to perform the work for which they are permitted.

All previously issued policies and procedures dealing with street cuts, internet service provider permits, boring, and associated traffic control are hereby repealed and replaced by these Public Works Department Administrative Regulations. Except that these Administrative Regulations are not intended to replace the Engineering Specifications.

2.0 DEFINITIONS

As used in these Administrative Regulations, the following words and phrases are defined as follows:

Administrative Regulations or Regulations shall mean the current Public Works Administrative Regulations for Work within the Right-of-Way.

Approved shall mean by the Designated Representative.

ATSSA shall mean American Traffic Safety Services Association.

CDOT shall mean the Colorado Department of Transportation

City shall mean the City of Woodland Park, a Colorado home rule municipality.

City Manager shall mean the City Manager of the City.

Construction Activities shall mean potholing, boring, tunneling, construction, excavation, repair, demolition and any work within the Public Right-of-Way that requires repairs to street pavement, curb, gutter, sidewalk, roadside vegetation or other improvements. Also see *Maintenance Activities* definition.

Designated Representative shall mean any member of the Right-of-Way Management Team.

Emergency Repair shall mean necessary, immediate work performed within City rights-of-way in order to repair damaged sewer, water, gas, telecommunication or electrical facilities, which damaged facilities pose an immediate and substantial hazard to the health, safety, or welfare of City property or the general public.

Engineering Specifications shall mean the City of Woodland Park Engineering Specifications adopted pursuant to City of Woodland Park Resolution No. 724, Series 2011, as the same may be amended from time to time.

Entity shall mean any contractor, subcontractor, Utility, or other person(s), firm(s), corporation(s) or other entity seeking to perform work within City rights-of-way.

Fee Schedule shall mean the Schedule of Fees adopted in accordance with Ordinance No. 1244, Series 2015, as the same may be amended from time to time.

Holiday shall mean a legal holiday recognized by the City on which the City offices are closed.

Infrared Patching shall mean any pavement repair technology that involves reheating of the existing asphalt pavement and blending of the asphalt patching material that results in the appearance of a seamless patched or repaired area of the pavement.

Legal Parking Lane shall mean that portion of a street along the outer edges where parking is not restricted by signs or Traffic Lane.

Maintenance Activities shall mean maintenance work within the Public Right-of-Way that requires traffic control for access to existing facilities or landscaping, including but not limited to manholes, vaults, cabinets, poles or irrigation systems, but which does not cause any surface or ground disturbance and therefore, does not require erosion or sediment control measures. See the General Requirements of the Permit Conditions section for sediment control requirements. Maintenance Activities shall also mean any work outside of the Public Right-of-Way that requires traffic control for the closure of a public street or sidewalk. Also see *Construction Activities* definition.

Municipal Code shall mean the Municipal Code of the City of Woodland Park, as the same may be amended from time to time.

MUTCD shall mean the Manual of Uniform Traffic Control Devices, as supplemented by the Colorado Department of Transportation.

Other Infrastructure shall mean non-Utility-owned private infrastructure, including but not limited to conduit, fiber, sanitary sewer service lines and sanitary sewer service laterals.

Permit or Right-of-Way Permit shall mean the permit issued by the City and which is required under these Regulations to use the City right-of-way for any Construction Activities or Maintenance Activities or any traffic control.

Permit Holder shall mean any Entity holding a valid Right-of-Way Permit.

Public Right-of-Way shall mean all streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as matter of right, for the purpose of vehicular or pedestrian travel, except CDOT right-of-way.

Right of Way Management Team shall mean the City Engineer, the Public Works Director, the City Utilities Director, and the City Construction Inspector and in their absence any other individual(s) designated in writing by the City Manager to administer and enforce these Administrative Regulations.

Street Cut shall mean an excavation, removal, or disturbance of pavement within any Public Right-of-Way.

Subcontractors shall mean any person, firm or corporation performing work associated with a Permit issued to another Entity.

Traffic Lane shall mean that portion of a street designated for vehicular travel by painted lane markings or a minimum twelve (12) foot width from the center of the street, median curb or painted lane markings.

Utility (Utilities) shall mean, as the context requires: (1) a public or private Entity owning, operating and maintaining a utility within the City. Utilities are inclusive of governmental entities, special purpose districts, metropolitan districts or other entities owning, operating and maintaining infrastructure for the general benefit of the public but exclusive of any entity that does not fit the definition contained in C.R.S. Section 40-1-103; or (2) facilities, whether privately or publicly owned, for the provision of services, including but not limited to water distribution, wastewater collection, stormwater drainage, communication, electric, and gas.

Work Days or Working Days shall mean all days on which the City offices are open for business.

3.0 PERMIT PROCESS

3.1 Applicability

These Regulations apply to any Entity seeking to undertake Construction Activities or Maintenance Activities within a Public Right-of-Way under the jurisdiction of the City. Such entities include, but are not limited to persons, contractors, the State and its departments and agencies, counties, municipalities, special districts, governmental and quasi-governmental agencies and Utilities, notwithstanding any exemption or exception from local approvals or requirements as may be otherwise recognized by state law.

The City's municipal departments are not required to obtain a Right-of-Way Permit for work within a Public Right-of-Way under the jurisdiction of the City.

A no-fee Permit is required when the contractor or service provider is performing work under a contract or agreement with the City. Nothing herein is intended as a waiver of fees for Entities installing infrastructure eventually to be put to public use once dedicated and accepted by the City.

3.2 Contact Information

The following contact information and phone numbers are provided for the convenience of the applicant or Permit Holder:

- Utility Notification Center of Colorado (UNCC) utility locates: Call 811 before you dig.
- City of Woodland Park:
 - Public Works Department & Public Utilities Department: 220 W. South Avenue, Woodland Park, CO 80866, 719-687-5293
 - 24-hour City Police Department: 719-987-9262
 - 24-hour City Police Dispatch: 719-686-2527
 - City of Woodland Park, Public Works Department Web Page

3.3 When a Permit is Required

3.3.1 Construction Activities

- a. A Permit is required for each project where Construction Activities (see Definitions) occur within the Public Right-of-Way.
- b. A Permit is required when the work requires grading, erosion and sediment controls.

3.3.2 Maintenance Activities

- a. A Permit is required when Maintenance Activities (see Definitions) occur in a Public Right-of-Way or require a lane, sidewalk or ditch closure in such Public Right-of-Way.
- b. Notwithstanding the foregoing, a Permit is not required when Maintenance Activities (see Definitions) occur outside the Improvements as described in Engineering Specifications, Section 7.5.2 Note: (a) and there is no excavation involved.

3.3.3 Subcontractors

Subcontractors are authorized to perform work under the Permit provided that they are listed on the Permit or are added to the Permit prior to starting work. Subcontractors must hold a valid business license with the City of Woodland Park and a valid Teller County construction license (see Section 3.8.1).

3.4 Prohibition on Construction Activities – Recently Resurfaced Streets

- 3.4.1 Construction Activities necessitating street cuts shall not be allowed on any street section that has been paved, overlaid or resurfaced within two (2) calendar years following final acceptance of such construction or reapplication of the paved, overlaid or other hard surface by the City,

except for Emergency Repairs of existing facilities, or when approved in advance and in writing by the Designated Representative following a review of the criteria set forth in this Section 3.4.1. When reviewing a request for a street cut on a recently resurfaced street, the Designated Representative shall review the following criteria:

- a. Whether the applicant considered the City's anticipated resurfacing schedule prior to planning the proposed street cut;
- b. Alternatives that eliminate the need for the street cut;
- c. Whether the proposed street cut is needed to provide new service to a customer; and
- d. Additional restoration requirements, beyond the permanent patch requirements of these regulations, may be required to restore ride quality and anticipated pavement life. Additional requirements may include resurfacing an area larger than the street cut, replacing or using geogrid or other materials, reapplication of chip-seal surfacing, a longer warranty period, payment to the City equal to the anticipated restoration remedy, or a reasonable combination thereof.

3.4.2 In documenting any exception to the prohibition on Construction Activities within recently resurfaced streets, the Designated Representative shall clearly identify which additional restoration requirements authorized by Section 3.4.1(d) shall be required, and shall identify the same on the Permit.

3.5 Fees

3.5.1 Permit Fees

Permit fees shall be paid in accordance with the Fee Schedule. The Fee Schedule can also be obtained from the Public Works Department, 220 W. South Avenue, Woodland Park, CO 80866, 719-687-5293.

3.6 Application Information

3.6.1 Permit applications can be obtained from the Public Works Department, 220 W. South Avenue, Woodland Park, 80866, Phone: 719-687-5293, or the Public Works Web Page.

3.6.2 Submittal Requirements

- a. Completed Permit application.
- b. Construction plans or sketch plan according to the following specifications:
 - 1. Plan sheets measuring 24"x36" or 11"x17". 8-1/2"x11" plans are only acceptable for small projects.
 - 2. Drawn to scale showing as a minimum:

- Streets and addresses or nearest intersecting street(s)
- Street names
- Street features such as medians, curb and gutters, sidewalks, roadside ditches, visible culverts, fire hydrants, street lights, etc.
- Approximate location of property lines and easements
- Proposed improvements and or utility infrastructure to be installed by the Entity
- Water mains and lines
- Sanitary sewer mains
- Visible storm sewer facilities
- North arrow
- Legend and key
- Date and revision edition of plan(s)
- The scale of the drawing shall be sufficient to provide enough detail to adequately depict and distinguish the above elements. The Designated Representative may request a written narrative that clarifies or provides additional information.

c. Grading, erosion and sediment control information.

d. Traffic control plan per MUTCD. Street closure plans must be submitted for approval. See Section 5.3 for additional information.

3.6.3 Processing Time

An Entity shall allow up to ten (10) working days to process a permit application, except for projects which involve a collocation opportunity (see Section 4.2.1), which may require up to twenty (20) working days to process. The designated Representative will endeavor to act on completed permit applications in a reasonable time period.

3.6.4 24-hour Contact Personnel

The Permit Holder shall provide the name and phone number of a contact person who is available on a 24-hour basis in the event the City becomes aware of an unsafe condition that warrants immediate attention. The contact information shall be updated immediately whenever a change occurs.

3.7 Emergency Repairs

Permits for emergency repairs must be obtained within seven (7) Working Days following the date the emergency repairs were initiated, in accordance with the timing requirements of this Section 3.7. In addition, the notice requirements of Section 4.2.4 shall apply to any emergency repairs. Any Entity undertaking an emergency repair shall: (1) submit a Right-of-Way Permit application within two (2) Working Days following the date the emergency repair was initiated; and (2) pick up the Permit and pay any and all applicable fees within five (5) Working Days thereafter. If any Entity fails to submit a Right-of-Way Permit application or fails to pick up the Permit within the timeframes required by this Section 3.7, a Notice of Violation will be issued to the Entity.

3.8 Contractor License and Bond Requirements

3.8.1 Any Entity proposing to perform work as an owner, contractor or subcontractor under a Right-of-Way Permit must have a valid and current City of Woodland Park business license and a Teller County "Full Excavator's License".

3.8.2 Each permittee, except Entities that are party to a City franchise agreement, is required to post and maintain, during the term of any Permit, a minimum bond, in the amount specified in Section 12.04.60 of the Woodland Park Municipal Code. Excepted Entities are required to provide the bond or a performance guarantee provided for in the respective franchise agreement, or if none is provided for, then in a form approved by the City identifying the City as the beneficiary or secured party of the performance guarantee.

3.9 Permit Amendments

3.9.1 A Permit may be amended to accommodate project phasing (e.g. design and engineering; followed by construction), extend the length of the underground work within the overall limit of the permit, make reasonable changes. Changes that are significant shall require a new Permit. A Permit Amendment fee will be charged for each Permit Amendment.

3.9.2 Any alterations, words, phrases or statements of any kind whatsoever typed or written on the face of the Permit application/Permit by any Entity other than the information required to be provided shall be void and of no effect unless and until approved by the Designated Representative by specific notation on the Permit application/Permit.

3.10 Permit Extensions

The duration of any Permit may be extended when approved by the Designated Representative. Requests for extension must be made in writing to the Designated Representative, a minimum of ten (10) Working Days prior to expiration of the Permit. A Permit Amendment fee will be charged for each Permit extension.

3.11 Notice of Violation

A Notice of Violation may be issued by the Designated Representative when a Permit is not obtained prior to starting work or work performed under the Permit is not in compliance with these Regulations. The Permit Holder shall be responsible for the payment of a fee, in the amount shown on the Fee Schedule, when issued a Notice of Violation. The Fee Schedule specifically includes and references increased fees for second and subsequent Notices of Violation. The Designated Representative will identify the violations or deficiencies that must be corrected. A Notice of Violation issued for working without a permit must be corrected within one (1) Work Day and other corrective actions must be initiated within three (3) Work Days and corrected within five (5) Work Days unless extensions are approved by the Designated Representative and included in the completion date. If the corrections are not completed by the date required on the Notice of Violation, an additional Notice of Violation with the associated fee, to be assessed in the amount set forth in the Fee Schedule, may be issued by the Designated Representative.

To the extent permitted by law, the Designated Representative retains the authority to revoke any Entity's privileges of working in the Public Right-Of-Way for failure to comply with these Administrative Regulations, the Engineering Specifications, or other applicable laws or regulations of the City.

Upon issuance of a Notice of Violation, the Permit Holder shall secure the site(s), provide the necessary traffic control and discontinue all non-corrective work within the Public Right-Of-Way. No further work will be allowed until the corrections are completed and approval is provided by the Designated Representative. To the extent permitted by law, Permit applications for any Entity with a Notice of Violation in effect will not be processed until all applicable outstanding fees, as set forth in the Fee Schedule, have been paid to the City by the Permit Holder and the City has verified that all outstanding non-compliance issues have been cured to the Designated Representatives satisfaction.

3.12 Completion Inspection

The Permit Holder or other Entity shall schedule a completion inspection with the Designated Representative within one Working Day in advance of leaving the site after completion of the work. Failure to schedule a completion inspection prior to leaving the site after completing the work is justification for a Notice of Violation.

The Designated Representative shall provide an inspection report with a written punchlist of all deficiencies, if any, that must be corrected prior to acceptance of the work for completion of the Permit. The Permit Holder shall complete the punchlist and schedule a final inspection within seven (7) calendar days, unless a written extension is approved by the Designated Representative. If there are no punchlist items, the completion inspection will be the final inspection.

3.13 Final Inspection

If the completion inspection is not the final inspection, the Permit Holder or contractor shall complete the punchlist and schedule a final inspection within

seven (7) calendar days, unless a written extension is approved by the Designated Representative. Failure to complete the punchlist items within the period approved by the Designated Representative and schedule the final inspection is justification for a Notice of Violation. If the Designated Representative does not accept the corrected work at the final inspection, or the work is not completed, the Designated Representative will assess a Notice of Violation.

3.14 Acceptance

Upon acceptance of the work after the final inspection, the Designated Representative will sign and date the Permit to indicate the start date for the warranty period.

3.15 Warranty

All work performed under the Permit shall be warranted for one (1) year from the date of acceptance. During the warranty period, the Permit Holder may be notified in writing of any defective work and shall correct the defective work within 14 calendar days or the time allowed in writing by the Designated Representative. The corrective work shall be warranted for one (1) year after completion. Failure to correct the deficiencies within the required time period, or obtain a written extension, is justification for a Notice of Violation. As set forth in Section 3.4.1(d), a warranty period exceeding one (1) year may be required for Construction Activities permitted to occur within streets that have recently been resurfaced.

3.16 Warranty Inspection

In cases where the work is accepted the Designated Representative will not send any notice. The Designated Representative will send a notice of warranty inspection to the Permit Holder prior to the warranty expiration date. The notice will include a written punchlist of deficiencies that must be corrected within 14 calendar days or the time allowed in writing by the Designated Representative. The Permit Holder shall notify the Designated Representative after the punchlist is completed. Failure to complete the punchlist within the required time period, or obtain a written extension, is justification for a Notice of Violation.

3.17 Appeals Procedure

A Permit Holder may appeal to the City Manager or his Designee in writing any decision that the Designated Representative renders pursuant to this Section 3.0. The City Manager or his Designee shall render a decision on such appeal, and any appeal to such decision shall be to a City Manager-appointed hearing officer. Such decision shall be final and may not be appealed pursuant to procedures outlined elsewhere in these Regulations. The City Manager or his Designee's decision shall be made in writing and shall be made within thirty (30) calendar days following receipt of the Permit Holder's written appeal. Unless otherwise approved by the City Manager or his Designee in writing, no work under the Permit shall be allowed during the pendency of the appeal.

4.0 PERMIT CONDITIONS

4.1 Duration of Permit

- 4.1.1 Permits for Maintenance Activities are issued on a City-Wide and an annual basis. Annual Permits for Maintenance Activities must be renewed each calendar year.
- 4.1.2 Permits for Construction Activities are issued by location and shall be in effect for 120 days from date of issuance.

4.2 Terms and Conditions

4.2.1 Collocation of City Infrastructure with Permit Holder's Infrastructure

- a. The City will review permit applications or extensions for Construction Activities involving directional boring or open trenching for collocation opportunities. Upon the City's determination that a collocation opportunity exists for a specific application or permit extension, and to the extent permitted by law, the City shall, as a condition of the issuance of the Permit or continued validity of a Permit, direct the Entity/Permit Holder to install City conduit or infrastructure with tracer wire concurrent with the installation of the Permit Holder's infrastructure following the City's review and approval of all estimated costs associated with the collocation of the City conduit or infrastructure. The Permit Holder shall install the City conduit or infrastructure with tracer wire adjacent to the Permit Holder's infrastructure and within the same bore alignment. Upon installation of the City conduit or infrastructure, the Permit Holder (or its contractor or subcontractor) shall mark the surface of the collocation area with temporary paint along the alignment of the City's conduit or infrastructure and shall contact the City so that it may verify and record the location of its conduit or infrastructure. Permit Holder shall maintain the markings in a visible and accessible condition until the City has indicated it has no further need for the markings. The City will bear all costs associated with the collocation, including the cost of City conduit or infrastructure, fiber, pull boxes, and other materials to be installed, as well as the incremental cost to the Permit Holder (or its contractor or subcontractor) to accomplish the collocation. The Designated Representative may waive any of the right-of-way use fees set forth in the Fee Schedule for any Construction Activities associated with a City collocation project. A Permit Holder may appeal a collocation condition imposed by the City in accordance with the appeals procedure set forth in Section 4.2.1.b. of these Regulations.

b. Appeals Procedure for Collocation Condition.

1. Timely Appeal. An Entity or Permit Holder may appeal to the City Manager or his Designee the City's decision to require collocation as a condition of any Permit. All appeals must be in writing and shall be delivered to the City Manager or his Designee by the close of business of the fifteenth day after the City has imposed the collocation condition on the issuance of a Permit or continued validity of a Permit, and such collocation condition has been communicated to the Entity or Permit Holder by the City in writing.
2. Hearing Officer Appointed. If an appeal is timely filed, the City Manager or his Designee shall, within seven (7) days of the filing of the appeal, refer the matter to the City Attorney in writing. The City Attorney shall appoint a hearing officer within thirty (30) days following receipt of the City Manager or his Designee's written referral of the appeal. The hearing officer shall be knowledgeable regarding technical, regulatory, and other substantive requirements concerning the installation of utilities within Public Rights-of-Way, including those practices that are reasonable and customary within the utilities industry and the municipal regulation thereof. The hearing officer shall set a hearing on the matter, which hearing shall take place within sixty (60) calendar days of the day the appeal was filed with the City Manager or his Designee.
3. Conduct of Hearing. The hearing officer shall ensure that the City makes a record of the hearing and that all testimony is under oath. The hearing officer shall also perform those duties and functions necessary to determining the matter, including but not limited to, issuing subpoenas to compel testimony and document production, hearing all testimony, examining relevant documentary evidence, including the permit application materials and the estimated incremental costs associated with the collocation of the City conduit, and ruling on evidentiary questions. The hearing officer shall not be bound by the Colorado Rules of Civil Procedure or the Colorado Rules of Evidence and may consider any evidence reasonably calculated to assist in deciding the matter. The hearing officer shall issue a written order

supported by findings of fact and conclusions of law within fifteen (15) days after the hearing concludes unless additional time is necessary to consider all relevant information.

4. District Court Review. The hearing officer's decision shall be final and is only subject to review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure in an action filed in Teller County District Court no later than twenty-eight (28) days after the date that the hearing officer issues the order, findings of fact, and conclusions of law.

4.2.2 Planned Construction Activity

The Permit Holder is responsible for ensuring that the Designated Representative is notified a minimum of two (2) Working Days prior to initiating planned (non-emergency) Construction Activities and within one Working Day in advance of each required inspection. Contact the Public Works Department at 719-687-5293 for notifications.

4.2.3 Planned Maintenance Activity

The Permit Holder is responsible for ensuring that the Designated Representative is notified no later than 4:00 pm on the Work Day preceding the scheduled commencement of planned (non-emergency) Maintenance Activities. Contact the Right of Way Team at 719-687-5293 for notifications. For Maintenance Activities involving a multiple day period, or multiple locations, a work and/or project schedule may be provided to the Designated Representative in lieu of prior Work Day notifications. The work and/or project schedule shall contain the specific location(s) of the Maintenance Activities, start date(s) and the estimated duration of the work to be performed at each site. A Notice of Violation may be issued if the Permit Holder does not contact the City prior to initiating work.

4.2.4 Emergency Repairs

The Permit Holder is responsible for ensuring that the Right of Way Team at 719-687-5293 is notified upon beginning any work or operations related to emergency repairs in the Public Right-of-Way. A Notice of Violation may be issued if the Permit Holder does not call the City Engineer (or City Police Department on the next business day after the emergency occurs.

4.2.5 Work Limits

- a. For trenching or boring operations, the working limit of a Permit is limited to cumulative distance not to exceed 5,000 linear feet (lengths of which shall be accurately shown on the construction plans or detailed sketch plan (see Section 3.6.2.b).

- b. For all other work, the Permits shall be limited to a single, discrete location or address.

4.2.6 Preconstruction Meeting

Permits may require a preconstruction meeting to be scheduled with the Designated Representative. The Designated Representative may require attendance by any or all of the following Entities: Permit Holder, Permit Holder's contractor, any subcontractors, project design engineer, and project design traffic engineer. The preconstruction meeting may be required to be rescheduled if any required representative fails to appear at the meeting. Starting work prior to a required preconstruction meeting is justification for a Notice of Violation.

4.2.7 Work Schedule

The key schedule dates below shall be provided to the Designated Representative when the two-day notice is given prior to starting work, as required by Section 4.2.2 of these Regulations. Failure to inform the Designated Representative of changes to the schedule or inspection dates is justification for a Notice of Violation.

- a. Project start date.
- b. Estimated date of completion of subgrade preparation for paving or patching.
- c. Estimated start date of paving or patching restoration.
- d. Estimated project completion date.

4.2.8 Permit Posting

- a. Construction Activities: When the work involves Construction Activities, a copy of the Permit with reviewed and accepted traffic control plans shall be available at the site at all times when work is being performed.
- b. Maintenance Activities: When work involves Maintenance Activities, the Entity performing the work shall have a copy of the Permit or the permit number available for the Designated Representative to verify.

4.2.9 Conflicts In Standards

All work must conform to the construction plans and profiles, sketches, and traffic control plans submitted to the City as part of the Permit application. In the event of a conflict between the approved Permit and the Administrative Regulations, the Administrative Regulations will govern unless it is noted otherwise on the Permit and approved by the Designated Representative.

4.2.10 Water Pumped or Discharged onto the Street

Sediment and/or debris shall be contained within the work area and removed from the street. No sediment or discharges from contractor operations shall flow to the gutter or ditch without providing inlet protection and/or sediment control devices for containment. The contractor shall remove any sediment or discharge caused by contractor's operations from the street, gutters, storm sewer system, ditches and culverts. Failure to provide sediment control when sediment is discharged outside of the work area, including onto private property, is justification for a Notice of Violation.

4.2.11 General Permit Holder Responsibilities

The Permit Holder shall be responsible for providing a 24-hour contact person in the event the City becomes aware of an unsafe condition related to the project that warrants immediate attention. If the contact person cannot be reached or refuses to agree to undertake corrective action in a timely manner, the City will proceed to perform the necessary work to remedy the unsafe condition in order to protect the public's safety. The Permit Holder shall be responsible for reimbursing the City for all of the City's reasonable expenses incurred for repairs, active traffic control, and/or other work that is necessary to remedy the unsafe condition. Failure to fully reimburse the City within ten (10) Work Days following the date on which the City provides the Permit Holder with an itemized invoice setting forth such costs is justification for a Notice of Violation.

The Permit Holder is responsible for coordinating with all Utilities and other contractors working in the same or adjacent areas.

The Permit Holder shall be responsible to ensure that all of its contractors and its contractor's subcontractors comply with the terms, and conditions of the Permit and these Administrative Regulations.

4.2.12 Daily Cleanup, Damage and Safety

- a. Daily cleanup: Upon completion of each day's work, the permit holder is responsible for ensuring that all litter, construction debris or other materials resulting from the work is removed from the site and the site is left in a neat and orderly appearance. The street pavement and sidewalk shall be swept daily, if necessary, as determined by the Designated Representative for dust control and to remove mud or loose material resulting from the work.
- b. Property damage: Any damage to public or private facilities as a result of the permitted work shall be the responsibility of the Permit Holder.
- c. Safety: The Permit Holder assumes full and complete responsibility for job site conditions and the safety of all persons and property within the job site during the course of the permitted activity.

4.2.13 Permanent Patching

Weather permitting, placement of the permanent patch or surface course shall be completed within seven (7) calendar days following the installation of cold patching material, unless an extended date is submitted and approved by the Designated Representative.

4.2.14 Site Restoration

All repairs shall cause the street and other property to be returned to a condition equal to or better than the condition prior to the work. Site restoration, to include final street and sidewalk sweeping, vegetation and landscape restoration, pavement striping, and flag removal and removal of erosion and sediment controls, shall be completed within seven (7) calendar days after the work is substantially complete, unless the Permit Holder receives written approval for an extended date from the Designated Representative. The work is substantially complete when the major items of work on a Permit such as the repair or installation of a structure or Utility or Other Infrastructure are complete as evidenced by opening the street to traffic and removing materials, equipment and/or traffic controls.

4.3 Work Hours

4.3.1 Work hours are limited to 7:00 a.m. to 9:00 p.m.

4.3.2 Except in the case of damage to existing utilities, no work is permitted on Saturday, Sunday or City designated Holiday without approval of the Designated Representative.

4.3.3 Traffic control set-up and removal shall be performed within the specified working hours, unless approved otherwise on the Permit traffic control plan. Preparations are allowed that do not interfere with vehicular or pedestrian movement.

4.3.4 For work requiring a lane closure outside of the specified hours, written approval must be provided by the Designated Representative.

4.3.5 If work occurs outside of the above referenced working hours without written approval, a Notice of Violation will be issued.

5.0 PERMIT STANDARDS

5.1 Grading, Erosion and Sediment Control (GESC)

5.1.1 City Permit Requirements

Erosion and sediment control shall be provided for work where sediment could be discharged outside of the work limits or into a storm drain system. Erosion and sediment controls shall be required, but not limited to, the following work:

- a. Trenching or excavation

- b. Grading
- c. Boring or tunneling
- d. Utility plowing
- e. Sediment pumped from manholes and vaults that will enter a storm drain
- f. Stockpiling excavated or backfill materials

5.2 Construction

The most current edition of the Woodland Park Engineering Specifications shall apply to construction within the City of Woodland Park rights-of-way except as modified in this section.

5.2.1 Pavement Cutting

- a. All pavement cuts shall be in straight lines parallel or perpendicular to the street centerline. Irregular shaped cuts with more than four sides will not be allowed. Cuts within existing patched areas must be extended to the edge of the existing patched area if the proposed cut is within four (4) feet of the edge of the existing patch.
- b. All asphalt pavements shall be cut by wheel-cutting, saw-cutting, rotomilling or other method approved in advance by the Designated Representative which assures a straight, uniform, vertical edge for the required depth of the cut. Saw cuts extending beyond the patch limits by more than the depth of the cut may require crack sealing.
- c. All cuts in concrete pavement require saw cutting. Saw cuts through curb and gutter sections must be continuous through the base of the curb head.
- d. The minimum size of an asphalt pavement cut, excluding test holes shall be three (3) feet by three (3) feet unless approved by the Designated Representative. Pavement cuts that are potholes or test holes less than three (3) square feet in area do not require approval by the Designated Representative.
- e. The Entity may initially remove less pavement than the required replacement area. The final limits of pavement removal for any pavement patch shall comply with the Regulations.
- f. Any pavement cut edge that is damaged by Construction Activities shall be cut back beyond the damage for the entire length of the cut to provide a continuously straight and vertical edge prior to patching. Damage to exposed concrete faces may require the removal and replacement of additional concrete pavement sections.
- g. Any sloughing of the excavation wall that causes undermining of the pavement cut shall require cutting the pavement back beyond the

limits of undermining for the entire length of the cut prior to backfill and patching.

Use of steel plate(s) to cover excavations are permitted unless disapproved by the Designated Representative. The Designated Representative may deny use of steel plate(s) or require alternatives as the Designated Representative determines based on safety conditions. Unless approved by the Designated Representative, all trenches or other excavations must be backfilled and a temporary cold mix asphalt paving surface provided at the end of each workday. The use of asphalt millings or other aggregates is not permitted. The use of hot mix asphalt paving for temporary patching is acceptable.

5.2.1.1. Depth

All Utilities and Other Infrastructure shall be buried in accordance with the Engineering Specifications, except that individual telecommunication service lines shall be buried at a depth not less than six inches (6"). Telecommunication service lines are allowed to be initially surface-laid on a temporary basis, not to exceed three (3) months, weather permitting. Any Entity burying an individual telecommunication service line at a depth less than thirty inches (30") shall be responsible for all damage to the service line due solely or in part to its burial depth being less than thirty inches (30") regardless of whether the Entity locates such service line pursuant to state law.

5.2.2 Backfill and Compaction

- a. Backfill: Backfill for excavations shall be suitable excavated material, CDOT Class 6 base course material or flowable fill such as flowfill or flashfill. Excavated material shall be approved by the Designated Representative in writing prior to backfill.
- b. Flowable fill: Flowable fill shall be "flow fill" or "flash fill" type material with a design compressive strength between 50 and 150 psi at 28 days when tested in accordance with ASTM D4832.
- c. Compaction testing requirements: Compaction of backfill, except flowable fill, shall be provided by the permittee or their designated subcontractor. When testing is required, compaction test results shall be certified by a Colorado licensed Professional Engineer and provided to the Designated Representative. Unless approved by the Designated Representative, backfill material shall be compacted according to the requirements contained in the Title 7 of the Engineering Specifications.
- d. Compaction testing frequency: When compaction testing is required, trench backfill shall be tested at maximum depth intervals in accordance with the Engineering Specifications. Testing frequency may be increased or decreased when directed by the Designated Representative in writing. Compaction test results shall be certified by a Colorado licensed Professional Engineer and provided to the Designated Representative prior to acceptance of

the work and completion of the Permit. If no test results are received or test results are received that are unsatisfactory, the Entity shall be required to remove and recompact the entire excavation upon written notice by the Designated Representative. All removal and recompaction activities shall be completed within fourteen (14) calendar days following the date of the Designated Representative's written notice issued pursuant to this Section 5.2.2(d).

- e. Test holes: Test holes, potholes for utilities or core borings less than three (3) square feet in area shall be backfilled with flowable fill or squeegee to the bottom of the pavement or six (6) inches from the pavement surface, whichever provides greater pavement patching thickness.

5.2.3 Permanent Patching

The City Engineer may modify the following patching standards and in such cases will provide information about the necessary modifications prior to the time of patching.

- a. Patch depth: The hot mix asphalt patching depth shall be equal to a minimum of four (4) inches, or the existing asphalt thickness plus one (1) inch or whichever is greater.
- b. Tack: Tack coat shall be applied to the vertical face of all pavement cuts edges and milled surfaces prior to patching or placement of any asphaltic surface or base course materials.
- c. Types and limits of patching: Street Cuts with an area of 250 square feet or less and patch-back areas (see 5.2.3.d) may be patched within the limits of the pavement cut. The limits shall be approved by the Designated Representative prior to patching. Street Cuts in any street or when the patch area is greater than 250 square feet shall be Infrared Patched or milled and overlaid to a depth of two (2) inches below the existing pavement surface and in parallel lines at a minimum distance of one (1) foot beyond the pavement cuts. When any asphalt overlay or patch edge is within two (2) feet of the lip of a cross-pan, gutter or other concrete edge, the limits of required patching or trench overlay shall be extended to the concrete edge.
- d. Patch-back: Asphalt patching (patch-back) along curb, gutter, sidewalk, crosspans, aprons or other concrete that is removed for replacement shall have a minimum width of 18 inches from the edge of the concrete for the entire length of the new concrete. CDOT grading SX aggregate with the proper asphalt grade (see 5.2.5) may be used for the full depth of the patch with a maximum compacted lift thickness of three (3) inches.
- e. New pavement: See Section 3.4.1.

- f. Patches less than 250 SF: Areas less than 250 square feet and patch back areas for concrete replacement may use hot mix asphalt with CDOT grading SX aggregate and the proper asphalt grade (see 5.2.5) for the full depth of the patch with a maximum compacted lift thickness of three (3) inches.
- g. Patches greater than 250 SF: Areas greater than 250 square feet shall be patched as follows:

Minimum compacted thickness of the surface course shall be two (2) inches of hot mix asphalt with grading SX aggregate and the proper asphalt grade (see 5.2.5). Maximum compacted thickness shall be three (3) inches.

Minimum compacted thickness of the asphalt base course shall be three (3) inches of hot mix asphalt with grading S aggregate and the proper asphalt grade (see 5.2.5). Maximum compacted thickness shall be four (4) inches.
- h. Total patch area greater than 1000 SF: If the total patching area within a one (1) linear mile section exceeds 1000 SF then a two (2) inch mill and overlay will be required for the entire lane width of the patch.
- i. Test holes: Potholes or test holes less than three (3) square feet in area for Utilities or Other Infrastructure, and core borings of less than twelve inches (12") in diameter shall be flow-filled and cold patched with a binder, or filled with squeegee, compacted and patched with an asphalt concrete patch material. Top surfaces of completed patch shall be seal coated with a seal coat material acceptable to the Designated Representative. Holes within 24 inches of each other shall be combined into one patch requiring milling, saw-cutting or Infrared Patching twelve inches (12") beyond the holes, unless specifically approved otherwise by the Designated Representative. Replacement of cut asphalt coupons is not allowed. (Cut square/cut core of asphalt = coupon.)
- j. Open seams: Patch seams that open in excess of 1/8" during the warranty period shall be crack sealed.
- k. Smoothness: All pavements shall be replaced to uniform lines and grades to match the longitudinal slope of the existing pavement. When checked with a ten-foot (10') straight edge, variations in the pavement surface shall not exceed plus or minus one-quarter ($\pm 1/4$) inch.

5.2.4 Temporary Patching

- a. Time limits: All pavement cuts open to traffic shall be temporarily patched until permanent patching is completed. The temporary patch shall be maintained to provide a level road surface until permanent hot mix asphalt is placed. Refer to section 4.2.13 for permanent patching requirements.

- b. **City Patching:** If a permanent patch is not placed within fourteen (14) calendar days after placement of the temporary patch, the City has the authority to hire and/or perform the permanent patching operations and assess the total cost to perform this work plus an administrative surcharge of five percent (5%) to the Permittee for reimbursement. Any costs not paid by the Permittee within thirty (30) days following the date on which the City has assessed the costs to the Permittee and delivered a written statement invoicing said costs, shall bear interest at the rate of eighteen percent (18%) per annum, until paid in full. Eligible cost associated with the City's permanent patching work may include but is not limited to traffic control, mobilization, materials, equipment and labor. If the Permit Holder does not fully reimburse the City for these costs within thirty (30) days of the City submitting an invoice to the Permit Holder, default interest shall accrue as set forth above and the City may withhold the approval of future permits or suspend existing permits for the Permit Holder or any other entity retained to perform work on behalf of the Permit Holder until full reimbursement of the City costs has been received by the City.
- c. **Materials:** Temporary patching materials shall be cold or hot mix asphalt or flowable fill material with a minimum two (2) inch depth. See Section 5.2.5 for asphalt material specifications.

5.2.5 Asphalt Materials and Compaction

Asphalt materials and compaction shall be in accordance with the Engineering Specifications.

5.2.6 Concrete Pavement Replacement and Repair

- a. **Pavement removal area and replacement depth:** Entire jointed panels shall be replaced when a Street Cut is made within the panels. The concrete pavement shall be saw-cut to the full depth of the existing pavement. The joints shall be constructed in the same pattern as the existing pavement.
- b. **Manholes and structures:** When replacing concrete around a manhole, valve box or other structure that is not within an existing jointed section for the structure, the existing concrete pavement shall be cut to provide a minimum two-foot by two-foot square joint pattern that is approved by the Designated Representative. Replacement of the entire jointed section of the existing pavement, as stated in Section 5.2.6.a, is not required
- c. **Potholes:** Potholes, test holes and core borings less than one square foot in area shall be repaired for the full depth of the concrete by placing a Quikrete, Rapid Set or approved equal concrete repair product with a minimum 1-day compressive strength of 4,000 psi. More than one hole in a jointed section may

require replacement of the jointed section when directed by the Designated Representative in writing.

- d. Mix design: Concrete mix design for pavement sections shall meet or exceed the Engineering Specifications and have a minimum 28 day compressive strength with a psi in accordance with Engineering Specifications. Mix designs shall be approved by the City prior to placement.
- e. Panel joints at saw-cuts: Rebar doweling is required at the saw-cut joints for all concrete pavement repairs. Provide 5/8 inch diameter, Grade 40, epoxy coated rebar (#5 rebar) at 12 inches on centers for each side of the Street Cut. Rebar dowels shall be placed at half of the pavement depth. Rebar dowels shall be a minimum of 24 inches in length to allow for 12 inches drilled into the existing pavement and 12 inches of embedment into the new concrete pavement. Rebar dowels shall be set into the drilled holes with epoxy adhesive.
- f. Panel joints for new concrete: Provide contraction joint assemblies for panel joints in new concrete. 1-1/4 inch diameter, grade 60, epoxy coated steel dowels shall be used. Dowels shall be minimum 18 inches in length and placed at 12 inches on centers and at one half of the pavement thickness.
- g. Joint dimensions: After placement of concrete pavement, joints shall be saw-cut or tooled to a depth of 1/4 of the concrete slab thickness. Maximum joint width at the surface shall be 5/16".
- h. Joint Sealant: Joints shall be sealed with gray silicone concrete pavement sealant such as Dow 888 or Dow 888-SL, or approved equal.

5.2.7 Concrete Curb, Gutter and Sidewalk

- a. Standards: This section applies to concrete curb, gutter, sidewalk, crosspans, aprons, curb ramps and other types of flatwork. Construction shall be in accordance with Engineering Specifications unless specified otherwise in this section. Concrete pavements, cross pans, aprons and the like shall be replaced to the limits of the existing joint pattern.
- b. Saw-cutting: All concrete removal shall be saw-cut to the full depth of the concrete and continuous through the curb head.
- c. Mix design: Concrete mix design for curb, gutter and sidewalk shall meet or exceed the Engineering Specifications and have a minimum 28 day compressive strength of 4,000 psi.
- d. Basecourse: A minimum four (4) inch thick aggregate base course complying with CDOT Class 6 material is required. Compaction of subgrade and base course shall be inspected by the Designated Representative prior to placing concrete.

- e. Minimum concrete thickness:
Shall be in accordance with the Engineering Specifications.
- f. Contraction joints:
Shall be in accordance with the Engineering Specifications.
- g. Expansion joints:
Shall be in accordance with the Engineering Specifications.

5.2.8 Directional Boring

- a. Permit Holder shall evaluate the pavement surface every 50 feet along a directional bore for displacement and stop operations when vertical displacement of the surface exceeds 0.5 inch.
- b. Except where specifically authorized by the Designated Representative, "missile" and "torpedo" type bores are not allowed when the bore will be crossing existing Utilities or Other Infrastructure.
- c. All boring machines shall be of the directional bore type unless otherwise specifically approved by the Designated Representative and authorized by the Right-of-Way Permit.
- d. Operations within 100 feet of any tributary, receiving water, roadway, or storm sewer inlet will require containment and disposal of all fluids and spoils, (including but not limited to all discharges, sediments and drilling muds) from drilling and boring activities. It is the Permit Holder's responsibility to control, contain and dispose of all fluids and spoils resulting from the work. No boring slurry, fluids or spoils shall be dumped in the curb, ditches, gutter or storm sewer system.
- e. The pressure used during potholing operations shall be monitored and regulated as necessary to prevent damage to underground Utilities and Other Infrastructure.

5.2.9 As-Builts

As-built plans/drawings shall be provided to the City upon the completion of work permitted under every Permit. The as-built information shall include as a minimum revised construction plan(s) or a detailed sketch plan that meets the specifications contained in Section 3.6.2.b.1 and 3.6.2.b.2 that:

- Shows every change or modification to the original construction plan(s) or sketch plan;
- Information with regard to construction stationing;
- Corresponding depth of the new underground infrastructure;

- All crossing Utilities or crossing Other Infrastructure, including but not limited to private sanitary sewer lines and sewer laterals;
- All conflicts;
- Located Utilities or Other Infrastructure that are not crossed, but are running parallel and are within three (3) feet of the newly installed underground pipe or conduit shall also be shown on the as-builts.
- Name, address and phone number of the contractor installing the underground infrastructure.

5.2.10 Damage to Sewer Lines/Laterals

The Permit Holder shall remedy, cure, correct and repair any damage it causes to sewer service lines and sewer service laterals, including private sewer lines and service laterals and drainage ditches. Failure to remedy and cure any damage to sewer service lines and sewer service laterals, including private sewer lines and service laterals may be cause for a Notice of Violation.

5.3 Traffic Control

5.3.1 General

Construction Activities or Maintenance Activities that involve vehicles, material or equipment which interfere with the movement of vehicular or pedestrian traffic on any public street must have appropriate traffic control during construction. Traffic control devices and standards shall be in accordance with the most recent version of the MUTCD. Traffic control plans shall be provided when applying for a Right-of-Way Permit for Construction Activities. Traffic control for Maintenance Activities shall be provided in accordance with the requirements of this section. The contractor shall modify the traffic control plan in the field, when required by the Designated Representative, in order to improve traffic flow or safety. Improper installation of traffic control may be cause for a Notice of Violation.

6.0 PAVEMENT RESTORATION [Reserved]

7.0 OPEN RECORDS

7.1 All documents in the City's possession, including documents submitted by any Entity are subject to the provisions of the Colorado Open Records Act §§ 24-72-101, *et seq.*, C.R.S. (the "Act"). The City abides by the Act, including honoring all proper public records requests made thereunder. The Entity shall be responsible for all costs incurred in connection with any determinations required to be made by a court, pursuant to the Act.

7.2 If any Entity deems any document(s) submitted to the City to be confidential, proprietary or otherwise protected from disclosure under the Act, then the Entity shall

appropriately label such document(s), and submit such document to the City together with a written statement describing the material which is requested to remain protected from disclosure and the justification for such request.

- 7.3** In the event of litigation concerning the disclosure of any document(s) submitted by any Entity to the City, the City's sole involvement will be as stakeholder retaining the document(s) until otherwise ordered by the court, and the Entity shall be fully responsible for otherwise prosecuting or defending any actions concerning the document(s) at its sole expense and risk.

FEE SCHEDULE [TO BE ATTACHED]