

APPLICATION FOR TOWNSHIP HIGHWAY OCCUPANCY PERMIT

Ephrata Township, Lancaster County

Township Contact Information
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CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES
3 WORKING DAYS NOTICE FOR
CONSTRUCTION PHASE
STOP CALL 811
Pennsylvania One Call System, Inc.

Any work performed within the right-of-way of a Township road requires submission of two copies of this form along with three copies of plans showing the location and details of the proposed work.
The prescribed permit fee shall be calculated and paid by the applicant when the permit is issued.

APPLICANT INFORMATION

Name: _____

Address: _____

City: _____ State: ___ Zip Code _____

Applicant is an (circle response): Individual Partnership Corporation

Anticipated Start Date: _____

LOCATION WHERE WORK IS TO BE COMPLETED

Street Address: _____

Applicant Phone No. _____

Applicant Email Address _____

Anticipated Completion Date: _____

Required Data: The road surface is improved to a width of _____ ft. Distance from center of line to roadway or gutter or ditch: _____ ft. Distance from center of road to right-of-way line: _____ ft.

Number of poles to be erected _____. Nearest distance from center of road to structure _____ ft.

The improved surface on the road (will) (will not) be opened. Approximate area of openings in improved surface: _____ sq.ft. Length of trench along road: _____ ft. Depth of trench below surface: _____ in.

DESCRIPTION AND PURPOSE OF WORK (Attach additional sheets as necessary)

Applicant Signature: _____

Date: _____

FOR TOWNSHIP USE ONLY:

DENIED

APPROVED

Permit Issue Date: _____

Permit Number: _____

General conditions. The following conditions apply to all permits issued under the Ordinance:

1. The permit is binding upon the permittee, its agents, contractors, successors and assigns.
2. The permittee is responsible for causing compliance with the terms and conditions of the permit by its employees, agents and contractors.
3. A copy of the application, plans, attachments, supplements and permit shall be available at the work site at all times and be available for inspection by representatives of the Township or the Police Department.
4. The permit shall be maintained by the permittee as a permanent record and remain in effect, subject to the permit conditions and this Ordinance, as long as the permittee's facilities authorized by the permit occupy the right-of-way.
5. Responsibility for compliance with the terms of the permit may not be assigned or transferred by the permittee without first obtaining approval from the Township in writing. A facility installed under the authority of the permit shall be subject to removal or relocation at the sole expense of the permittee.
6. The permittee is liable to the Township for failure to comply with the permit and this Ordinance. The liability of the permittee to the Township does not preclude the permittee or the Township from bringing an action against the permittee's contractor, subcontractor, engineer, architect, assignee, agent, workers, employees or other persons.
7. Work authorized by the permit is subject to:
 - Applicable laws, rules and regulations, including but not limited to:
 - a. The act of December 10, 1974 (P.L. 852, No.287), concerning protection of the public health and safety by preventing excavation or demolition work from damaging underground utilities.
 - b. The Clean Streams Law (Act of June 22, 1937, P.L.1987, No.394).
 - c. O.S.H.A. construction safety and health regulations at 29 CFR 1926.11926.1051.
 - d. Title VI, Civil Rights Act of 1964 (23 U.S.C. §§ 140 and 315) and implementing regulations.
 - e. The Federal Highway Program Manual- Volume 6, Chapter 6, section 3.
 - f. 66 Pa.C.S. §§ 2701 - 2706 (relating to railroads), in instances where the Pennsylvania Public Utility Commission has taken jurisdiction of a public rail- street crossing.
 - The rights of any person.
 - The conditions, restrictions and provisions of the permit.
8. All work shall be completed in conformance with the plans, attachments, supplements and permit and all applicable Township standards.
9. The permittee shall notify the Township at least 3 full workdays prior to the start of work.
10. The permittee shall pay the costs and expenses incident to or arising from the project, including, but not limited to, the application, inspection and degradation fees, temporary traffic control, all cost for temporary and permanent restoration of all disturbed areas, and all inspection costs and professional fees incurred by the Township. All outstanding obligations shall be paid in full by the permittee within 30 days after receipt of the Township's invoice.
11. In the event of failure or neglect by the permittee to perform and comply with the permit or this Ordinance, the Township may immediately revoke and annul the permit and order and direct the permittee to remove structures, equipment or property belonging to the permittee or its contractors, or both, from the legal limits of the right-of-way and to repair or recast the street to its former condition.
12. At the end of a workday, all excavations in the right-of-way shall be covered, backfilled or protected to the satisfaction of the Township. If work is stopped on a project, other than at the end of a normal workday, the permittee shall promptly backfill the excavation and repair or recast the street. Work may not be resumed until the permittee is prepared to proceed with the work to its completion. If the permittee fails to backfill the excavation or proceed until completion of the work, the Township reserves the right to do the work upon written notice to the permittee. The permittee shall reimburse the Township for the costs incurred by the Township within 30 days after receipt of the Township's invoice.
13. If the permittee, after making an excavation in the surface to place or repair a facility or for another purpose, fails to restore any portion of the right-of-way in accordance with the plans, attachments, supplements and permit, the Township reserves the right to do the work and the permittee shall reimburse the Township for the costs incurred by the Township within 30 days after receipt of the Township's invoice.

14. The permittee shall identify to the Township both its contractor and its inspector-in-charge who shall be assigned to monitor all excavation, installation, construction, backfill and temporary and permanent restoration work. The permittee's inspector-in-charge, as well as the permittee, is responsible for ensuring work is performed in compliance with the plans, attachments, supplements and permit and this Ordinance. 5. Altering any existing drainage pattern or drainage facility is prohibited unless authorized by the plans, attachments, supplements and permit.

15. Unless specifically authorized by the permit, the permittee shall not:

- a. Alter the existing drainage pattern or the existing flow of surface or subsurface drainage water.
- b. Direct additional drainage of surface water toward, onto, or into or in any way affect the street right-of-way or street facilities.

16. The permit does not authorize the permittee to direct, divert, or otherwise drain surface waters over the property of another property owner.

17. The permit does not relieve the permittee from acquiring the consent, permission or other authorization from a property owner who may be adversely affected by drainage alterations.

18. The permittee is responsible for damage caused to any property owners as a result of work done under the permit.

19. All streets and related appurtenances shall be protected in accordance with the following:

- a. To protect the pavement and shoulders, equipment shall have rubber wheels or runners and have rubber, wood or similar protective pads between the outriggers and the surface.
- b. If other than rubber equipped machinery or equipment is used, the pavement and shoulders shall be protected from equipment damage using matting or other suitable protective material. Failure of the permittee to protect the pavement and shoulders will require the permittee to repair or reconstruct the pavement and shoulder to the satisfaction of the Township.
- c. If the equipment damages the pavement or shoulders for any reason, the permittee shall repair or reconstruct the damaged pavement or shoulder, to the satisfaction of the Township.

20. The approved traffic control plan, prepared in accordance with PennDOT Publication 213, shall be fully implemented prior to the start of any work and shall be maintained throughout the duration of the project by the permittee.

21. All blasting operations shall be planned and implemented in accordance with PennDOT requirements.

22. The permittee is responsible to operate and maintain any structure or facilities, permitted and placed in, upon or along the right-of-way.

23. Damaged structure or facility to be repaired. If a structure or facility becomes damaged, the permittee shall promptly have it repaired, removed, or otherwise made safe. The permittee shall repair or reconstruct any portion of the street damaged by the repair or removal of any structure or facility to the satisfaction of the Township.

24. Damage to street. Responsibility of the permittee for restoration of the street includes the following:

- a. The permittee shall repair or reconstruct any street damaged by any construction activity authorized by the permit to the satisfaction of the Township.
- b. All repair or reconstruction work shall be completed within forty-five (45) days of the installation or construction of the work authorized by the permit.
- c. If there is a failure of a street, including a slope or other appurtenance thereto, in the area of the permitted work within two (2) years after the completion of the permitted work the permittee shall repair or reconstruct the street to the satisfaction of the Township.
- d. The Township has the ability, but not the obligation, to repair or reconstruct any street damaged by any construction activity authorized by the permit if the permittee fails to complete the repair or reconstruction of any damaged street to the satisfaction of the Township within forty five (45) days of the construction of any structure or facility. The permittee shall reimburse the Township for the costs within 30 days after receipt of the Township's invoice.

**SCHEDULE OF FEES FOR
HIGHWAY OCCUPANCY PERMITS**

PERMIT ISSUANCE FEES

These fees are applied to the administrative costs incurred in reviewing the application and plan(s) and issuing and processing the permit, including the preliminary review of the site location identified in the application, whether or not a permit is issued and processed.

<u>Schedule</u>	<u>Unit</u>
<u>Item No.</u>	<u>Fee</u>
1) Application Fee	
a) Utility	\$50.00
b) Driveways	
(i) minimum use (e.g., single-family dwellings, apartments with five or fewer units)	5.00
(ii) low volume (e.g., office buildings, car washes)	30.00
(iii) medium volume (e.g., motels, fast food restaurants, service stations, small shopping plazas)	40.00
(iv) high volume (e.g., large shopping centers, multi-building apartment or office complexes)	50.00
c) Other (e.g., bank removal, sidewalk and curb)	20.00
2) Supplement Fee (each six-month time extension) (each submitted change)	10.00
3) Emergency Permit Card (each card)	5.00
4) Exemption (see below for list of exemptions)	

GENERAL PERMIT INSPECTION FEES

These fees are applied to the costs incurred in the preliminary review of the location covered by the permit, and/or spot inspection of the permitted work, and/or subsequent inspection after the permitted work has been completed to ensure compliance with PennDOT specifications and permit provisions.

5) Driveways	
a) Each minimum use driveway	10.00
b) Each low-volume driveway	20.00
c) Each medium-volume driveway	35.00
d) Each high-volume driveway	50.00
6) Surface Openings (These fees are calculated on the total linear feet of the opening being permitted within different areas of the right-of-way.)	
a) Total linear feet of opening each (100 foot increment or fraction thereof):	
(i) Opening in pavement	40.00
(ii) Opening in shoulder	20.00
(iii) Opening outside pavement and shoulder	10.00
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged. Linear distances shall be measured to the nearest foot.	
7) Surface Openings of Less Than 36 Square Feet (e.g., service connections performed independently of underground facility installation, pipe line repairs) (each opening)	
(i) Opening in pavement	30.00
(ii) Opening in shoulder	15.00
(iii) Opening outside pavement and shoulder	10.00
If an opening simultaneously occupies two or more highway areas identified in subparagraphs (i)-(iii), only the higher fee will be charged.	
8) Above-Ground Facilities (e.g., poles, guys and/or anchors if installed independently of poles)	
a) Up to 10 physically connected above-ground facilities (each continuous group)	20.00
b) Additional above-ground physically connected facilities (each pole with appurtenances)	2.00
9) Crossings (e.g., "overhead" tipples, conveyors or pedestrian walkways and "undergrade" subways or mines) ...	80.00
10) Selsmograph - Vibroseis Method (e.g., prospecting for oil, gas)	
a) First Mile	50.00
b) Each additional mile or fraction thereof	5.00
11) Non-Emergency Test Holes in Pavement or Shoulder (each hole)	5.00
12) Other (e.g., bank removal, sidewalk and curb)	20.00

EXEMPTIONS

Permit issuance fees and general permit inspection fees are not payable by any of the following:

- 1) The commonwealth.
- 2) Political subdivisions of the commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement. In that case, the application and inspection fees for pavement openings will be charged.
- 3) Governmental authorities organized under the laws of the commonwealth.
- 4) The federal government.
- 5) Charitable organizations that are in compliance with Act No. 337, approved August 9, 1963, P.L. 628, as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, non-profit organizations)
- 6) Utility facility owners for:
 - a) The installation of street lights at the request of PennDOT or the political subdivision..
 - b) The replacement or renewal of their facilities prior of a township resurfacing project after notice from the township.
 - c) Facilities moved at the request of PennDOT or the political subdivision.
 - d) The reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead and expenses incurred by each assigned inspector and the township.