



Right of Way Permit Application

All Pages Must be Completed with Applicant's Signature and Date before Permit will be Approved.
Questions regarding Permits Please Call 903 583-7555 ext. 122

Owner Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Contractor (bonded) Info: _____ Phone: _____

Mailing Address: _____

Contact Name: _____ Phone: _____ Email: _____

Work To Be Performed(Check all that apply)

- ☐ Street Pavement Cut (construction plans required) ☐ Grading in Right of Way
- ☐ Utility Installation or Repair (construction plans required) ☐ Other: _____
- ☐ Street or Pavement Bore (construction plans required)

Contractor must have a copy of permit and specifications on the site at all times

Worksite Information

Address of Work: _____

Purpose of Work: _____

- ☐ Construction Plans Attached ☐ No Construction Plans

Excavation Information

Width: _____ Length: _____ Depth: : _____ Distance from Curb: : _____

Road Closure (Traffic Control Plan Required) ☐ Yes ☐ No

If Yes, What is being closed ☐ Street ☐ Sidewalk ☐ Other: _____

☐ Full Closure ☐ Partial Closure

Required Documents For Permit submittal (email these to permits@cityofbonham.org):

1. Completed ROWS Permit application signed and dated.
2. Current Certificate of Insurance naming City of Bonham as additional insured.
3. Site drawings.

Required Items Prior to Construction:

1. Contractor shall notify the City that the approach is ready for inspection. (The City has 24 hours to perform the inspection) Public Works Office 903-583-7555 ext. 122.
2. Copy of legible site-specific traffic control plan "LINE DRAWING ONLY, NO AERIAL PHOTO."
Plan must include: North arrow, Street name, and area of construction. All approaches must meet the City of Bonham Engineering design standards.

3. 3ft X 3ft information sign stating the identity of the person doing the work, a local telephone number and owners' identity shall be placed at the location where construction is to occur 48 hours prior to the beginning of work in the Right-of-Way and shall continue to be posted at the location during the entire time the work is occurring. The informational sign will be posted on the public Right-of-Way 100 feet before the construction location commences, unless other posting arrangements are approved by the Director
4. When projects last more than seven calendar days, the Owner shall also provide written notification to all adjacent property occupants 48 hours prior to the beginning of construction. Information fliers shall include the person doing the work, a local telephone number, Owner's identity, and proposed schedule.
5. The owner shall provide the notice above to record and occupants (if applicable) of all properties abutting the same Public Right-of-Way within 300 linear feet of any area where facilities are to be relocated or removed prior to initiating work.
6. A copy of legible site-specific traffic control plan "LINE DRAWING ONLY, NO AREIAL PHOTO." Plan must include: North arrow, street name & area of construction.

Notes:

- Call in utility locates prior to starting work. For franchise utilities call 811. For City of Bonham utilities call the Utility Department at 903-583-7555.
- Proposed work within state owned right of way shall be permitted through TxDOT.
- This permit will become null and void if construction does not commence within 30 days of issuance.
- All utility locate markings shall be removed prior to the completion of the project.
- All street crossings shall be by bore. No open cut of streets without prior approval by City staff.
- This construction permit must remain on the project site when work is being performed.

*****All approaches, sidewalks or concrete work done in the Right-of-Way without meeting these requirements is subject to removal at the owner's expense.*****

Emergency Contacts:

- For all incidents involving damage the City of Bonham's Public Works Department must be notified at 903-583-7555 ext. 122.
- For accidents involving injuries or affection public safety call 911.
- For incidents affecting Atmos Gas call 1-800-460-3030
- For incidents affecting Oncor Electric call 1-888-313-4747
- For incidents affecting Fannin County Electric call 903-583-2117
- AT&T Customer service Bureau Manager on Duty 1-800-286-8313

Notice: I certify that I have read this application and understand the City of Bonham Standards for Right-of-Way Construction. I agree to comply with all city ordinances and state laws relating to construction and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. This permit becomes null and void if work or construction authorized is not commenced within 30 days, extension request must be made in writing, before expiration of permit. All permits require final inspection.

Applicant Printed Name: _____

Applicant Signature: _____ **Date:** _____

City Approval: _____ **Date:** _____

City Comments: _____

Liability and Responsibility as to Damage to Public Right-of-Way

The facility owner, contractor and sub-contractor acknowledge by their signatures below that they have read and understood the Public Right-of-Way Management Policy and insurance and bond requirements below which concern construction in the rights-of-way or if they are a Public Utility Commission Certificated Telecommunication Provide, they acknowledge and agree to be bound by the indemnity provision of the Local Government Code, 283.057. The facility owner acknowledges that it is responsible and liable for its agents, contractors and sub-contractors.

Such liability generally includes, but is not limited to, reimbursement for all damage to City property, repair and replacement of City property to the same condition it was in prior to the construction in the right-of-way work being performed. Such reimbursement may also include, if applicable, additional cost to the City for City personnel responding to emergency situations where roadbeds, water lines, telecommunication lines, electric lines or other utilities have been damaged as a result of the construction work by the facility owner, contractor, or sub-contractor. Such additional cost may include any additional staff cost incurred by the City other than for routine staff duties.

Public Right of Way Management Policy

Restoration of Property

- a. Owners shall restore property affected by construction of facilities to a condition that is equal to or better than the conditions of the property prior to the performance of the work. Owners shall submit photographs and/or a video of the construction area at the time of the issuance of the permit. Restoration must be approved by the department.
- b. Restoration must be made within ten (10) working days of completion of trench backfill for a length of 300 feet, or within the limits of one city block, unless otherwise approved by the director. If restoration is not satisfactory and performed in a timely manner, after written notice, then all work in progress(except that related to the problem), including all work previously permitted but not complete, may be halted at city direction and a hold may be placed on any future permits until all restoration is complete.
- c. Upon failure of an owner to perform such restoration, and five days after written notice has been given to the owner by the city, and in the event restoration has not been initiated during such five-day period, the city may repair such portion of the public rights-of-way as may have been disturbed by the owner, its contractors or agents. Upon receipt of an invoice from the city, the owner will reimburse the city for the costs incurred within 30 calendar days from the date of the city invoice.
- d. If the city determines that the failure of an owner to properly repair or restore the public rights-of-ways constitutes a safety hazard to the public, the city may undertake emergency repairs and restoration efforts, after emergency notice has been provided, to the extent reasonable under the circumstances. Upon receipt of an invoice from the city, the owner shall promptly reimburse the city for the costs incurred by the city within 30 calendar days from the date of the city invoice. If payment is not received within the 30 calendar days, the city shall initiate a claim for compensation with the appropriate bonding company.
- e. Should the city reasonably determine, within two years from the date of the completion of the repair work, that the surface, base, irrigation system or landscape treatment requires additional restoration work to

meet the standards of subsection (a), an owner shall perform such additional restoration work to the satisfaction of the city, subject to all city remedies as provided herein or available at law or in equity.

f. Restoration must be to the reasonable satisfaction of the department. The restoration shall include but not be limited to”

1. Replacing all ground cover with the type of ground cover damaged during work to a condition equal to or better either by sodding or seeding, or as directed by the department.
2. Adjusting of all manholes and handles, as required.
3. Backfilling all bore pits, potholes, trenches or any other holes shall be completed daily, unless other safety requirements are approved they the department. Holes with only vertical walls shall be covered and secured to prevent entry, if bore pits, trenches or other holes a e left open for the continuation of work, they shall be fenced and barricaded to secure the work site as approved by the department.
4. Leveling of all trenches and backhoe lines
5. Restoration of the excavation site to city specifications.
6. Restoration of all paving, sidewalks, landscaping, ground cover, trees, shrubs and irrigations system.
7. Removal of all locate flags during the cleanup process by the owner or his/her contractor at the completion of the work.

Ownership of Facilities

No equipment, fixtures, or other personal property erected or placed in a public right-of-way by any person other than the city will become or be considered by the city as being affixed to, or a part of, the public right-of-way. All portions of said personal property constructed, modified, erected, or placed by a person other than the city on , across, over, or beneath the public rights-of-way will remain the property of its original owner unless and until an appropriate written dedication of property is delivered to the city and a corresponding written acceptance is issued. The owner of non-city property located in the public rights-of-way may direct the removal of the property at any time, subject to any prior notification requirements imposed by this article or other law and scheduling restriction relating to work taking place in the public rights-of-way.

Indemnity

a. Generally.

1. For the repair, replacement, or restoration of city property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of the owner’s acts or omissions; and
2. From and against any and all claims, demands, suits, causes of action, and judgments for (i) damage to or loss of the property of any person or third party (including, but not limited to the city’s and owner’s respective agents, officers, employees and an third parties), and/or (ii) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to the agents) arising out of, incident to, concerning or resulting from the negligent or willful act or omissions of the owner, its agents, employees, and/or subcontractors, in the performance of activities governed under this article.
3. This indemnity provision shall not apply to any liability resulting from the negligent or willful acts of the city, its officers, employees, agents, contractors, or subcontractors.
4. The provisions of this indemnity are solely for the benefit of the city and are not intended to create or grant any rights, contractual or otherwise, to any other person.

A permit is automatically revoked if ownership of the facilities is transferred to any person under terms which do not subject the new owner(s) to the indemnity and hold harmless requirements of this article.

Insurance and Bond Requirements

a. Generally.

1. An owner must provide acceptable proof of insurance in the total amount required by this section for permits for construction within public rights-of-way or make other provisions acceptable to the director.
2. The coverage must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, and underground, explosion and collapse hazards.
3. The owner shall file the required original certificate of insurance prior to the issuance of a permit. The certificate shall state the policy number; name of the insurance company; name and address of the agent or authorized representative of the insurance company; name, address and telephone number of the insured; policy expiration date; and specific coverage amounts.
4. The owner shall file an annual surety bond, which will be valid for one full year, from a surety company authorized to do business in the state, in the amount equal to the estimated amount of the cost to restore the right-of-way for the work anticipated to be done in that year, in the event the owner leaves a job site in the right-of-way unfinished, incomplete or unsafe. The owner may make other provisions, in lieu of a bond, as acceptable to the director.
5. The owner shall file a maintenance bond for 25% of the cost of restoring the right-of-way for the preceding year. Said bond shall be in force for two years. The owner may make other provisions, in lieu of a bond, as acceptable to the director.
6. The above requirements in subsections 1 through 5 may be met by utilities with a current franchise, license or municipal authorization if their current franchise, license or municipal authorization adequately provides for insurance or bonds and provides an indemnity in favor of the city.
7. The city will accept certificates of self-insurance issued by the State of Texas or letters written by the agency in those instances where the state does not issue such certificates, which provide the same or better coverage as required herein. However, certificates of self-insurance must be approved in advance by the city attorney.
8. An insurer has no right of recovery against the city. The required insurance policies shall protect the agency or public infrastructure contractor and include the city as an additional insured. The insurance shall be primary coverage for losses covered by the policies.
9. Each policy must include a provision that requires the insurance company to notify the city in writing at least 30 days before canceling or failing to renew the policy or before reducing policy limits or coverages.

b. Specific insurance requirements.

1. **Owners.** Each owner applying for a permit shall obtain, maintain, and provide proof of each of the following types of insurance and coverage limits:
 - A. Commercial general liability on an occurrence form with minimum limits of \$5,000,000.00 per occurrence and \$10,000,000.00 aggregate. This coverage shall include the following:
 - i. Products/completed operations to be maintained for one year.
 - ii. Personal and advertising injury.
 - iii. Owners and contractors' protective liability; and
 - iv. Explosion, collapse, or underground (XCU) hazards.
 - B. Automobile liability coverage with a minimum policy limit of \$1,000,000.00 combined single limit. This coverage shall include all owned, hired and non-owned automobiles.

- C. Worker's compensation and employer's liability coverage. Statutory coverage limits for coverage A and \$500,000.00 coverage B employer's liability is required.
2. (2) Contractors and subcontractors. Each contractor and subcontractor applying for a permit shall obtain, maintain, and provide proof of insurance for the same types of insurance coverage outlined in subsection b.1. above, however, the policy limits under the general liability insurance shall be \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. All other coverage provisions outlined in subsection b.1. above shall apply.
 3. An owner or contractor that has registered and filed proof of insurance in accordance with this policy is not required to furnish separate proof of insurance under this section when obtaining a permit but must comply with all other requirements of this section.
 4. A permit is automatically revoked if any owner transfers ownership of any facilities to any person who does not have insurance coverage meeting or exceeding all of the requirements detailed above, including, without limitation, those relating to naming the city as an additional insured, without express prior written approval from the city.

Facility Owner Name: _____

Company Name: _____ Phone: _____

Authorized Representative: _____ Title: _____

Email: _____ Phone: _____

Contractor Name: _____ Phone: _____

Authorized Representative: _____ Title: _____

Email: _____ Phone: _____

Sub-Contractor Name: _____ Phone: _____

Authorized Representative: _____ Title: _____

Email: _____ Phone: _____