

CURB CUT AND EXCAVATION ORDINANCE

TOWN OF RANDOLPH

APPROVED December 2, 1997

WARNED December 15, 1997

ADOPTED February 2, 1998

TOWN OF RANDOLPH, VERMONT
CURB CUT AND EXCAVATION ORDINANCE

I. PURPOSE

- A. To regulate the installation of curb cuts that access highways in the Town of Randolph. Control of access to Randolph highways is enacted to insure the safety of traffic on the Town road. Considerations that will be taken into account to make this determination are existing traffic levels, the design of the curb cut, existing curb cuts, and any other relevant factors.
- B. To regulate the installation and maintenance of culverts that are installed within the rights-of-way of the Town of Randolph. Control of culvert installation and maintenance is enacted to insure that the drainage of water off the roads in Randolph is managed in such a way so to insure the safety and integrity of the road.
- C. To regulate all excavation work performed within the rights-of-way of the Town of Randolph. Control of excavation within the right-of-way of Randolph highways is enacted to insure that damage to existing utilities is prevented, and that the road is returned to its original condition after excavation is complete.

II. DEFINITIONS

Access: A way or means of approach to provide physical entrance to a property.

AOT Standards: Standards for curb cuts, culverts, ingress and egress to public highways, and other related issues that are established by the Vermont Agency of Transportation.

Culvert: A covered drain, ditch, or conduit not incorporated into a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way. All culverts must meet current AOT standards. In no case shall a culvert be less than 15" in diameter.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway or paved area.

Ditch: The channels along either side of a right-of-way that allow water to drain away from the road, and prevent washouts.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, land, or other structure.

Driveway Permit: The permit required from the Public Works Director and the Town Manager before a driveway can be installed into any public way in the Town of Randolph.

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land or road surface, whether exposed or submerged.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, cross-pipeline, railroad, transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. A right-of-way is also the right of one to pass over the property of another.

Underground Services: Services for utilities that are installed under the surface. Utilities include but are not limited to drainage systems, electric lines, water lines, and sewer lines.

III. APPLICABILITY

Driveways installed before the effective date of this ordinance will not be subject to the regulations. If modifications are made to existing driveways that increase traffic, or otherwise increase the potential for negative impacts on Town Highways, existing driveways may be required to make reasonable modifications to mitigate public safety hazards.

IV. DESIGN STANDARDS FOR CURB CUTS

- A. Access shall be constructed to Vermont Agency of Transportation Standard Specifications B-71 (attached) and the exact location shall be shown on a sketch or map submitted with the application for approval of access.
- B. Visibility in either direction from the entrance of the curb cut to the highway shall be a minimum of 150 feet without obstruction of visibility. If trees, brush, posts, etc., are removed to obtain adequate sight distance, appropriate vegetation shall be planted in the area where the removal has occurred so that the sight distance is maintained. Measures to ensure sight distance shall be maintained by the property owner.
- C. The applicant must construct the driveway so that the entrance to the town road is at an elevation that is not higher than that of the shoulder of the road. For the first twenty feet, the driveway entrance shall not exceed 5% grade per twenty feet from the edge of the traveled portion of the road. For the first eight feet of the driveway, the driveway must drop away from the road at a 1% grade. In no cases shall the driveway allow water to runoff from the driveway into the road.
- D. The angle that the driveway enters the road, and the exact location of the driveway curb cut in relation to other features of the roadway, shall be determined by the Town of Randolph, which shall be guided by safe and practical ingress and egress to the Town highway. Where practical, all access roads shall enter the town road so that they are perpendicular to the town road.
- E. Underground services will require a sleeve and markers to locate them and will be referenced on a map submitted with the permit or before the use of the driveway. The minimum depth to the top of the sleeve shall be 24".
- F. Construction and maintenance of the driveway will be accomplished in a manner which does not affect the grade of the highway, or obstruct the ditch, culvert, or drainage course that drains the highway. Winter maintenance of the driveway shall never leave snow or ice in the roadway.

V. CULVERT AND DRAINAGE INSTALLATION AND MAINTENANCE

- A. If the Town determines it is needed the applicant must install, at the applicant's expense, a culvert with a minimum diameter of 15", meeting AOT standards B-71, Detail H, in Appendix A, upon review and approval by the Town. The town may require the applicant to provide a hydraulic analysis if there are circumstances that, in the Town's opinion, could require a larger culvert to be installed.
- B. The maintenance of the ditch and the ditch line is the responsibility of the Town, and the Town will replace the culvert when in the Town's determination the culvert needs to be replaced. The cost of the new replacement culvert and its installation will be the responsibility of the Town.

VI. UTILITY CUT REQUIREMENTS

- A. Prior to the issuance of a permit for a utility cut in a Town of Randolph highway, a performance bond shall be required from the applicant. This bond shall be of sufficient value to cover the cost for the Town to complete or correct the work if the applicant's work is deficient or incomplete. This bond shall remain in force for three years after the date the work is done. An insurance policy naming the Town as the insured may be substituted for a bond, if necessary.
- B. Prior to the issuance of a permit for a utility cut in a Town of Randolph highway, the applicant shall provide the Town with insurance certificates for comprehensive public liability and property damage insurance that name the Town of Randolph as additional insured. Minimum coverage requirements for liability and property damage insurance shall be \$500,000.
- C. The applicant shall submit a plan that describes the specifications for the work to be done. This plan shall include, at a minimum, the location of the excavation, the width and length of the utility cut, and the ways in which the applicant will meet the Town's specifications for cutting and backfilling trenches, repairing pavement, and controlling traffic as the work is underway. The applicant shall also provide the town with a statement ensuring compliance with all applicable state and federal safety codes.
- D. An inspection of the work will be done on behalf of the Town at the applicant's expense. This inspection does not relieve the applicant of their responsibility to comply with this or other regulations or ordinances. The inspector shall have the authority to suspend work if they find that it does not adhere to all appropriate codes, ordinances, regulations, policies, or laws.
- E. Water lines shall be a minimum of five feet, five inches from final surface grade to the top of the pipe. Sewer lines shall be a minimum of four feet, five inches from final surface grade to the top of the pipe.
- F. **Utility Cut Procedures**
 - 1) Jacking or boring of utilities under roads, streets and sidewalks must meet AOT Standard D-20, attached in Appendix B. Open cut utility installation shall only be performed with specific authorization from the Town Manager.
 - 2) The trenches that are created for the utility cut should be as narrow as possible to minimize the size of the patch when the work is complete. The trenches, however, should be wide enough so that workers can safely repair the utility and backfill the trench in proper steps and with proper compaction.
 - 3) Bituminous pavement can be removed by saw or by a air spade, depending on the desired final results for the patch. The objective is to insure a straight sided cut which can be firmly patched. Contractors are not to use backhoe buckets to remove pavement, as this creates jagged edges which weaken the surrounding pavement and form a poor seal with a repair patch.
 - 4) Once the pavement is removed, the excavated soils must be piled in such a way so as not to make the trench sides unstable. It may be necessary to remove the spoils from the site completely to insure safety and traffic flow around the excavation. When the utility work is completed, backfilling should begin immediately with the required materials.
 - 5) All backfill material shall be placed in lifts not to exceed 12" before compaction, unless authorized by the Town due to the character of the material and the compacting equipment. Each lift shall be mechanically compacted to the required density prior to

placing succeeding lifts of backfill material. Compaction of backfill material shall not begin until the depth of the backfill material is two feet above the top of the pipes or utilities. Where possible the material that was excavated from the site shall be used for backfill to help avoid differential heaving of soils during the freeze-thaw cycles. In some circumstances, clean sand or clear pit run material may be substituted for unsuitable native soils.

- 6) The trench patch shall be 8" crushed stone base course gradation #2 overlaid with bituminous surface course equal in thickness to the existing bituminous pavement, but in no cases less than a 3" thickness. The pavement along the patch shall be sawcut to a minimum of 3" deep. The edges of the existing bituminous pavement shall be free of loose stones or pavement material. The crushed stone base course shall be installed in two lifts. The lower lift shall be thoroughly mechanically compacted prior to placing the upper lift. The bituminous surface course shall be laid in two lifts. The bituminous surface course shall be machine laid where directed by the engineer. Where the bituminous surface course is machine laid and is not more than 3" in thickness, the bituminous surface course may be in one lift. Prior to placing the bituminous surface course, the edges of the patch and the surface of the crushed stone base shall be tacked and primed with liquid asphalt.

VII. APPLICATION PROCEDURE

- A. An application for a Road Access Permit can be picked up at the Randolph Town Office. An application fee of \$25 is due upon submission. Projects that involve town supervision must also pay a deposit of \$100 for the time involved in overseeing the installation of the project. If the cost of oversight is less than \$100, the remainder will be refunded. If it is more than \$100, the applicant will be billed after the project is completed. The applicant must submit plans for review to the Zoning Administrator, the Fire Advisory Board, and the Director of Public Works prior to the application being approved. The Town Manager and the Director of Public Works may approve the application with conditions that address the concerns about adequate construction, sight distances, and safety.
- B. Permits under this ordinance, unless otherwise stated, shall expire one year from the date of approval.
- C. Violation of any conditions established in a granted permit shall result in a revocation of the permit, with penalties assessed as described in Section IX.
- D. The applicant shall notify the town no later than two days prior to commencing any work permitted under this ordinance.

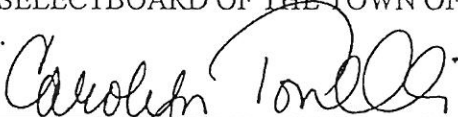
VIII. VALIDITY/SEVERABILITY

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- C. These rules may be amended at any time by the Randolph Selectboard as provided by law.


IX. PENALTIES, ENFORCEMENT, AND APPEALS

- A. **Penalty:** This ordinance is a civil ordinance, in conformance with 24 V.S.A. §1971 (b). A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974 (a) and § 1977 et. seq.. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$100.00 for the first offense, and \$250.00 for the second offense, and \$400.00 for all subsequent offenses within a six month period. Persons found in violation of this ordinance may, within ten days from the date of such violation, admit the violation and voluntarily pay the Town the waiver fee listed above. The penalty after the expiration of the said ten-day period, but within 30 days from the date of such violation, shall be an additional \$50.00, or by satisfying other conditions as may be imposed.
- B. **Enforcement:** The Custodial Official for this ordinance will be the Town Manager. The Issuing Officials for this ordinance will be the Public Works Director, the Randolph Police Department and the Town Manager. The Appearing Officials for the Town of Randolph include the Public Works Director, the Town Manager, and the members of the Randolph Police Department.
- C. **Appeals:** A party who wishes to appeal the decision of the Issuing Official may appeal the decision to the Traffic and Municipal Ordinance Bureau within twenty days of the alleged violation by checking the appropriate box in the ticket issued. The Traffic and Municipal Ordinance Bureau will schedule a hearing for the defendant after having notified the Custodial Official, Issuing Official, and Appearing Officials. A party who wishes to appeal a decision of the Traffic and Municipal Ordinance Bureau must file their appeal within 30 days of the final judgment of the Bureau. A Party wishing to cross-appeal has an additional fourteen days after the date of the original notice of appeal is filed. The party that appeals will have to pay an applicable filing fee to the district court

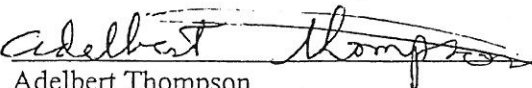
PASSED AND ADOPTED BY THE SELECTBOARD OF THE TOWN OF RANDOLPH, VERMONT
THIS 2 DAY OF Dec, 1997.



Carolyn Tonelli, Chair



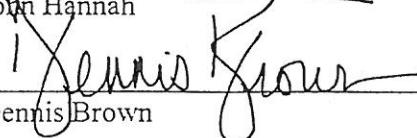
Larry Richburg



Adelbert Thompson



John Hannah



Dennis Brown