



RIGHT-OF-WAY EXCAVATION PERMIT INSTRUCTIONS

Permit Process: Process for seeking an excavation permit on a city right-of-way is governed by city ordinance, Chapter 33, Article III. A permit application form is attached.

Standards: In general, street cut edges must be saw-cut and true; opening symmetrical, sub-base adequately prepared with mechanical compaction. Backfill compaction shall be greater than or equal to 98% maximum dry density of material. Base layer shall be 6” compacted graded aggregate base (GAB) or equal. Surface layer 2” thick finished to grade with 9.5 mm to 12.5 mm asphalt plant mix. All sidewalks, driveways, curbs, and other concrete structures must be saw-cut and replaced with equal or greater quality. Minimum thickness for sidewalks is 4 inches; 6 inches for driveways and curbs. Redi-mix concrete shall be 3000 psi or greater. For specific standard details, including traffic control, please reference *GDOT Utility Accommodation Policy and Standards*, available upon request.

Liability: Unless otherwise governed by a standing franchise agreement, permittee will execute attached Indemnification Agreement. At discretion of City Engineer, applicant may be required to furnish proof of liability insurance.

Bonding: Bond amount, if any, to be determined by City Engineer. Unless otherwise advised, applicant will leave bond amount blank when submitting initial application.

If so advised, the person requesting the permit shall post a bond or certified check, to the City to secure completion of repairs to the street in a timely manner. The amount of the bond shall be determined by the City Engineer, or his designee, and shall be an amount equal to the reasonably estimated costs of back-filling, compacting, and repaving of any area disturbed by the permittee. The bond or other security posted by the applicant shall not be released, until such time as the city engineer certifies in writing that such restoration work has been fully completed by applicant in accordance with the standards established by the city engineer pursuant to the permit provisions and city ordinances.

Attachments:

- Permit Application Form
- Indemnification Agreement
- Surety Bond Form
- City Ordinance Section 33 (Streets & Sidewalks) Article III (Excavations)

Jessica King Deal, P.E.
City Engineer



RIGHT-OF-WAY EXCAVATION PERMIT

Application Date: _____ Permit Number: _____

Applicant Information

Applicant/Co. Name	_____	Phone	_____
Address	_____	Fax	_____

Contact Name	_____	Mobile	_____
Title	_____	E-mail	_____

Excavation Information (Attach drawing or sketch with dimensions)

Description / Extent _____

 Location _____

 Type Surface _____
 State Date _____ Completion Date _____

Surface must be restored to original quality or higher within 14 days of completion date.

Fees / Surety / Liability / Warranty

Permit Fee	_____	Indemnification Agreement Attached	_____
Proof of Liability Insurance Attached	_____	Bond Amount	_____

(If required by City Engineer)

(As determined by City Engineer – may be waived if company has franchise agreement)

Warranty of Work

Applicant shall, for a period of one year thereafter, be fully liable for all defects in materials and workmanship relating to permitted excavation and shall promptly repair or replace the same upon notice of the City Engineer and to the satisfaction thereof. All right-of-way excavation repair warranty periods shall begin on the date the permanent surface repair is approved by the city.

Applicant acknowledges all work shall conform to City of Waycross Code Section 33. Applicant shall notify the City Engineering Department a minimum of 24 hours before work is to begin to facilitate inspection. Inspection will also be performed upon completion of work and after permanent restoration of surface.

Applicant Signature	_____	Date	_____
City of Waycross	_____	Date	_____



INDEMNIFICATION AGREEMENT

FOR VALUE RECEIVED, including the right to excavate or encroach upon a right-of-way belonging to the City of Waycross, Georgia, the undersigned jointly and severally agree to indemnify and hold harmless the City of Waycross, Georgia and its successors and assigns from any claim, action, liability, loss, damage or suit, arising from the action requested on permit application dated _____ .

In the event of any asserted claim, the City of Waycross shall provide the undersigned written notice of same, and thereafter the undersigned shall at its own expense defend, protect and hold harmless the City of Waycross, Georgia against the asserted claim or any loss or liability thereunder.

If the undersigned shall fail to so defend and/or indemnify and hold harmless, then in such circumstance, the City shall have full rights to defend, pay or settle said claim on their own behalf without notice to undersigned and with full rights to recourse against the undersigned for all fees, costs, expenses and payments made or agreed to be paid to discharge said claim.

Upon default, the undersigned further agree(s) to pay all reasonable attorney’s fees necessary to enforce this agreement. This agreement shall be unlimited as to amount or duration.

This agreement shall be binding upon and inure to the benefit of the parties, their successors, assigns, and/or personal representatives.

This _____ day of _____, 20_____ .

Applicant / Company Name

Title:

Title:

Printed names, address, and telephone numbers of person(s) signing the agreement.



CITY OF WAYCROSS, GEORGIA
ENGINEERING DEPARTMENT
 P. O. Drawer 99 – 417 Pendleton Street – Waycross, GA 31502-0099
 Tele (912) 287-2945 – Fax (912) 287-2948 – www.waycrossga.com

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____
 _____ (hereinafter called the Principal), and
 _____ (hereinafter called the Surety), a
 corporation chartered and existing under the laws of the State of _____ with its
 principal offices in the City of _____ and authorized to do business in the
 State of, in the full and just sum of _____ dollars
 (\$ _____) good and lawful money of the United States of America, to be paid upon
 demand of the City of Waycross to which payment well and truly to be made we bind ourselves, our
 heirs, executors, administrators, and assigns, jointly and severally and firmly by these presents.

WHEREAS, the Principal is about to submit, or has submitted to the City of Waycross, a Permit
 Application for excavation within City of Waycross Right-of-Way located at _____,
 _____; and,

WHEREAS, the Principal desires to file this bond in accordance with the law, in lieu of a
 certified check otherwise required to accompany this Permit Application.

NOW, THEREFORE: The conditions of this obligation are such that if the Principal within
 fourteen (14) days after completion of permitted excavation, restores the right-of-way surface to original
 quality or higher in accordance with the standards established by the city engineer pursuant to the permit
 provisions and city ordinances, then this obligation to be void; otherwise, to be and remain in full force
 and virtue in law; and the Surety shall, upon failure of the Principal to comply with any or all of the
 foregoing requirements within the time specified above, immediately pay to the City of Waycross, upon
 demand, the amount hereof in good and lawful money of the United States of America, not as a penalty,
 but as liquidated damages.

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed
 and sealed this _____ day of _____ 20_____.

_____	_____
Principal Surety`	Surety
By _____(Seal)	_____ (Seal)

ARTICLE III. EXCAVATIONS*

***Editor's note:** Ord. No. 84-16, §§ 1, 2, adopted May 8, 1984 repealed Art. III, §§ 33-33--33-36, and enacted in lieu thereof a new Art. III, the provisions of which the editor has designated §§ 33-33--33-47. Prior to repeal, former Art. III pertained to excavation and tunneling, and was derived from 1952 Code, Ch. 21, §§ 7, 8.

Sec. 33-33. Jurisdiction and application.

The jurisdiction of this article shall apply to all roads, streets, alleys and highways in the corporate limits of the City of Waycross except private roads and those roads, streets or highways which are a part of the state highway system.

(Ord. No. 84-16, § 2(Art. I), 5-8-84)

Sec. 33-34. Definitions.

For the purpose of this article, certain words or terms used herein shall be defined as follows:

- (1) *City streets:* The public roads within the City of Waycross which are a part of the city streets and highways on the effective date of this article and any subsequent additions to the street system made by the City of Waycross.
- (2) *City:* City of Waycross or any division, department, agency, authority or branch thereof, or the city commission of the City of Waycross or other city officer having charge of the streets of the city.
- (3) *Dedication:* The donation by the owner, either expressly or impliedly, and acceptance by the commission of the City of Waycross.
- (4) *Person:* Any individual, partnership, corporation, association or private organization of any character.
- (5) *Private road:* A privately owned road or way, which is only open for the benefit of one (1) or more individuals and not dedicated to the use of the general public, or a road which lies on privately owned land.
- (6) *Public road:* The highway, road, street, alley, avenue, detour or other way dedicated to the public and intended or used for its enjoyment and for the passage of vehicles in the City of Waycross (except state highway system roads) including but not limited to sidewalks, bike paths, road surfaces, shoulders, bridges, drainage ditches, canals, culverts.
- (7) *Right-of-way:* A general term donating land, property or interest therein, usually but not required to be a strip, acquired for or devoted to a city street.
- (8) *Interpretation of words:* Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular.

(Ord. No. 84-16, § 2(Art. II), 5-8-84)

Sec. 33-35. Obstruction, excavation or alteration; permit required.

From and after the adoption of this article, no person shall obstruct, excavate or alter the surface or location of any public road, or materially injure any part of any public road, without first obtaining a permit from the City of Waycross.

(Ord. No. 84-16, § 2(301), 5-8-84)

Sec. 33-36. Application for permit.

As a condition precedent to the granting of such permit, such applicant shall file an application in writing with the city engineer specifically describing the nature, extent, location and time of proposed obstruction, excavation or alteration and such other information as the city through its designated official, may require.

(Ord. No. 84-16, § 2(302), 5-8-84)

Sec. 33-37. Inspection prior to issuance of permit.

An inspection of the location of work in the area where the permit is requested shall be made by the city engineer or other city official prior to the issuance of a permit.

(Ord. No. 84-16, § 2(303), 5-8-84)

Sec. 33-38. Time.

Except in case of emergency, a permit to excavate, obstruct, or alter a public road, shall be made ten (10) days prior to the issuance of a permit.

(Ord. No. 84-16, § 2(304), 5-8-84)

Sec. 33-39. Fee.

In order to defray the administrative cost involved in the administration and enforcement of this article, the city manager may establish a reasonable fee not to exceed twenty-five dollars (\$25.00) for each mile or fraction thereof of encroachment as measured parallel to the roadway center line, which fee when established, shall be payable to the order of City of Waycross and paid prior to the issuance of the desired permit.

(Ord. No. 84-16, § 2(305), 5-8-84)

Sec. 33-40. Permit to be displayed.

The permit issued pursuant to the provisions of this article, shall be available for inspection by city officials and prominently displayed at the site of any excavation, obstruction or alteration of a public road.

(Ord. No. 84-16, § 2(306), 5-8-84)

Sec. 33-41. Indemnity bond.

At any time that applicant proposes to penetrate the paved surface of any public road and a portion thereof is to be removed, the application for a permit shall be accompanied by an indemnity bond, certified check or bonded contract, in such amount as the city engineer may establish and which is available to the city to assure the applicant or applicant's contractor after the excavation or alteration is

completed will restore the paved road surface to same condition as it previously existed, prior to such alteration or excavation.

(Ord. No. 84-16, § 2(401), 5-8-84)

Sec. 33-42. Bonds and other security.

The indemnity bond or other security posted by the applicant shall not be released, until such time as the city engineer certifies in writing that such restoration work has been fully completed by applicant in accordance with the standards established by the city engineer pursuant to the provisions of this article.

(Ord. No. 84-16, § 2(402), 5-8-84)

Sec. 33-43. Insurance.

The city, as a condition to issuing a permit under the provisions of this article, may require proof that applicant or applicant's contractor carries liability insurance to pay any damages to any member of the public caused by the work performed under the authority of said permit.

(Ord. No. 84-16, § 2(403), 5-8-84)

Sec. 33-44. Standards.

The policy and procedure for accommodations of utilities as adopted June 30, 1970 by Georgia DOT, and "Rules and regulations for driveway and encroachment control," effective February 17, 1977, including current revisions, as applicable and modified by the city engineer shall govern all work or installations in, on, along, over or under public streets of the City of Waycross. The interpretation of the requirements of these regulations shall be made by the city engineer which shall be final. Copies of the regulations including all amendments and modifications shall be on file in the building inspector's office.

(Ord. No. 84-16, § 2(501), 5-8-84)

Sec. 33-45. Installation of traffic control and safety devices on site.

Traffic controls and safety devices shall be installed at applicant's expense and used at excavation, alteration or obstruction sites as specified in the Georgia Manual on Uniform Traffic Control Devices for Streets and Highways as now in force or hereafter amended.

(Ord. No. 84-16, § 2(601), 5-8-84)

Sec. 33-46. Violation a misdemeanor; penalties.

- (a) Any person violating any provision of this article shall, upon conviction, be punished as provided in section 1-6 of the Code of the City of Waycross, Georgia.
- (b) Any person violating any provision of this article may be ordered by the commission of the City of Waycross to remove any equipment, facilities, and appliances from and discontinue its use of the public roads.

(Ord. No. 84-16, § 2(701, 702), 5-8-84)

Sec. 33-47. Enforcement.

The city engineer is hereby authorized to request the city attorney, in the event of violation of this article, to petition for an injunction to enforce the performance of any duty or act imposed by this article or for an order to restrain the breach of any duty or the commission of any act, imposed or prohibited or unauthorized by the provisions of this article..

(Ord. No. 84-16, § 2(703), 5-8-84)