



Washington County, Maryland Policy Manual

Policy Title: Utility Construction within the County Public Right-of-way

Policy Number: DPW-2 (formerly known as S-4 Policy)

Adoption Date: February 20, 1973; Amended

PURPOSE:

To establish a county policy to provide administrative and procedural guidance needed to accommodate utility construction within the County Public Right-of-way. To establish specifications to facilitate increased safety and convenience for the traveling public; preserve the County's infrastructure; mitigate the impact of utilities on the structural integrity, durability and aesthetic quality of the County's roadways; provide for the accommodation of utility facilities within the right-of-way, and establish procedures and controls for the issuance of permits.

The permit system established herein makes known the intent of the utility company and/or contractor to carry out work within the public right-of-way by requiring advanced submission of a written application; provides that the nature of the work and extent of any utility work within the public right-of-way shall be clearly defined by the Applicant and agreed to by the County. The policy also establishes an administrative procedure for the Division of Plan Review & Permitting (DPRP) and the Division of Public Works (DPW) to coordinate the use of space within the public right-of-way and hold the Applicant responsible for such authorized work and provides a means for authorizing said work.

POLICY:

Washington County must approve the location, design, maintenance of traffic (MOT) and any unique requirements and issue a permit for utility construction within the public right-of-way owned and/or maintained by the Board of County Commissioners for Washington County, MD. A utility permit is required for any modification or new utility installation or connection including, but not necessarily limited to water, sanitary sewer, natural gas, electrical, cable television, telephone, fiber optics and related utility.

Control of utility construction within the public right-of-way is a key component to protect the public investment in the County's pavements, highways and roadways.

Consistent with the Maryland Department of Transportation (MDOT), State Highway Administration's (SHA) policy for utility cuts, a moratorium period of five (5) years from the date of construction completion is established on newly constructed roadways. Similarly, a moratorium period of three (3) years from the date of pavement overlay is established existing highways/roads resurfaced or reconstructed. If repair to a utility or connection to a utility is necessary during this moratorium period the Applicant/Permitee shall mill and overlay a

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minimum of twenty-five (25') feet beyond the affected area across the full width of the pavement (edge to edge) For exemption from this portion of the policy, the Applicant shall submit three (3) alternative designs for realignment or reconfiguration of the utility construction with construction cost estimates to the DPRP. The DPRP may select any of the submitted alternatives over the proposal to disturb the existing pavement. The intent for the moratorium is an attempt to maintain the integrity and pavement serviceability rating of these newly constructed or refurbished roadways. Mainline or longitudinal utility installations during the moratorium period for any highway/roadway, is not acceptable.

Utility companies are urged to assure their mainline work is designed in order to accommodate future extension without disturbing existing pavement. Only when no other alternative is available will utility cuts be permitted on newly constructed or refurbished roadways.

REGULATORY AUTHORITY AND POLICY:

The Code of Public Local Laws of Washington County bestows authority to the Board of County Commissioners to adopt regulations regarding the construction of new highways, roads, bridges, drainage systems, and other incidental structures (Code of Public Local Laws, Chapter 7-301). Furthermore, the statute authorizes the Director of Public Works to develop Standards, Policies, Details and Specifications affecting the design and construction of public works in the County (Code of Public Local Laws, Chapter 7-308).

More specifically, Chapter 7-310 of The Code of Public Local Laws of Washington County prohibits a person from installing, maintaining, repairing, relocating or removing a pipe, wire, cable, fiber optics, performing an excavation within the public right-of-way or other materials without first obtaining a permit from the County. The chapter grants authority to require and exercise surety against incomplete or unsatisfactory work.

This policy does not apply to incorporated areas of Washington County, MD except where roadways owned and/or maintained by the Board of County Commissioners for Washington County, MD pass through the incorporated area.

The Board of County Commissioners may from time to time, establish a fee structure for utility permits.

DEFINITIONS:

Acceptable notification: telephone conversation, letter, electronic email to a designated email address, request using the online permitting system (when available).

Applicant: Any person, as herein defined, who has applied for a permit to perform any construction regulated by the Code of Public Local Laws of Washington County.

County: The Board of County Commissioners for Washington County, MD or their duly designated agent, Division or Department.

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Directional boring: A grade and alignment controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium and road surface.

Emergency Utility Construction: A repair necessary to restore a pre-existing service when a service interruption occurs or a repair is necessary to prevent the loss of life, damage to property or restore essential service for livability factors.

Highway system: The series of existing and proposed County roadways not within a planned or developed residential, commercial or industrial subdivision.

Maintenance of Traffic (MOT): An engineered plan to manage and ensure pedestrian and vehicular traffic through or around the area influenced by the proposed utility construction.

Major repair: New utility cut or repair requiring construction activity for more than five days; longitudinal cuts 500 feet or greater in length and any cut, transverse or longitudinal deeper than ten feet.

Method of Construction: Either tunneling/directional boring or open trench construction for utility work.

Miss Utility: A one-call notification center (1-800-257-7777) that identifies the location of utility facilities within the public right-of-way and notifies subscribing underground utility owners of proposed excavation plans.

Moratorium Period: a period of five (5) years from the date of construction completion for newly constructed roadways; a period of three (3) years from the date of pavement overlay completion for existing highways/roads resurfaced or reconstructed.

Permittee: an individual or corporation who has applied for and has been issued a utility permit in accordance with the provisions of this policy.

Right-of-way: Any land area that has been dedicated to public use for road or transportation purposes by a plat of subdivision or other instrument recorded in the land records office; any land area deeded to or acquired by the County for road or transportation purposes; any land area which has been conveyed to a public agency by easement for public use for road or transportation purposes; any land area which has been declared by competent authority to be public right-of-way through use or through prescriptive usage in accordance with Maryland Law; any land area along a County-maintained road which falls within the traveled way or actively maintained shoulders and side ditches of the County-maintained road. Public right-of-way does not include state roads, federal roads, municipal roads, park roads, private roads, or public utility easements.

Road classification: A hierarchical system of roadways, classified by function, used to determine the appropriate level of access management. County roadways shall be classified as principal arterial, minor arterial, collector, minor collector or local.

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Settlement: vertical consolidation and lowering of the pavement repair area where the vertical deflection created exceeds three-eighths inch (3/8") or causes water to pond within the repair area or change the flow path directions.

Spot patch: a square or rectangular excavation/cut into existing pavement to provide access to an existing utility within the paved roadway surface that is not specifically oriented in a longitudinal or transverse direction.

Stop work order: An act, order or certificate issued by a representative from the authority having jurisdiction suspending authorization to perform any work within the public right-of-way or other areas under the jurisdictional control of the Board of County Commissioners.

Subdivision street system: The series of existing and proposed County roadways within a planned or developed residential, commercial or industrial subdivision.

Surety: Valuable consideration pledged or deposited for the purpose of assuring performance of the obligations imposed under this and other County policies in a form acceptable to the County Attorney, including an irrevocable standby letter of credit, performance bond, or certified check. Sureties must be of AM Best rating, listed as U.S. Treasury approved, licensed and certified to conduct business in the state of Maryland. The County may also require the surety to produce a Summary balance Sheet prior to acceptance of a bond. Letters of Credit shall be drawn on a Maryland bank branch, having a local branch office in Washington County, MD, and subject to automatic renewal. Performance bonds shall also be subject to automatic renewal.

Utility Permit: An official document or certificate issued by the DPRP authorizing performance of construction within the public right-of-way and within a specified time, as further provided and detailed in the supporting documents, agreements, conditions, plans, and specifications relating thereto.

UTILITY PERMIT:

Public utility companies, government political entities, private property owners and developers proposing utility construction within a public right-of-way owned and/or maintained by the Board of County Commissioners for Washington County, MD shall submit an application for a utility permit to the DPRP.

The following activities require the issuance of a utility permit:

- Any residential, commercial or industrial utility service connection(s) within the public right-of-way (new or modified);
- Any utility trenching, tunneling, directional boring or cutting of existing pavements within the public right-of-way;
- Temporary construction of the above examples.
- Adjustment or replacement of manhole frame(s) and cover(s) and valve boxes;
- Routine maintenance of existing utility infrastructure;
- Repairs to existing utility facility infrastructure;

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- Underground utility facility construction within the public right-of-way;
- Modifications to utility facilities which are required to be made as part of a capital improvement program project; and
- Testing and inspection of utility facilities which impede the flow of traffic on the public roadway.

Utility Permits shall expire one (1) year from the date of permit issuance unless the DPRP's Director or the DPW Director stipulates a shorter or longer term when the permit is initially issued. Failure to complete the work within the specified time frame will be just cause to require the Applicant to reapply.

UTILITY PERMIT REVIEW AND APPROVAL PROCESS:

Utility Permit (Non-emergency situations):

1. Upon receiving an application and the supporting documentation for a Utility Permit; the DPRP representative will investigate the proposed work to determine its acceptability for open trench construction, tunneling, directional boring, overall safety, MOT and other factors. When the MOSH/OSHA regulations require the creation of an excavation safety plan, the plan shall be submitted with and form a part of the supporting documentation for the application.
2. After affirming a favorable recommendation, establishing the acceptable method of construction and posting of the appropriate surety; the DPRP will issue a Utility Permit at the approved location.
3. The DPW will hold, manage, exercise and release utility permit held sureties.
4. The DPW shall assign a construction inspector to monitor the work progress and serve as the point of contact for the Permittee.
5. Forty-eight (48) hours prior to beginning construction, the Permittee must notify the DPW, Department of Engineering & Construction of the intent to begin the proposed work. This notification is necessary to allow that office time to schedule an inspection. Failure to make the appropriate notification shall be just cause to issue a "stop work order" until the appropriate inspections can be arranged. The DPW may establish an electronic mail box for notification or establish a voice mail box to aid in Permittee notification. A DPW inspector will be assigned to become the Permittee's point of contact relating to the respective utility permit.
6. For major repair work, a pre-construction conference shall be held before commencing with the work unless it satisfies the requirements for emergency utility construction.
7. The DPW Inspector shall periodically inspect the work site for conformance with the policy and approved drawings. Inspections may be made upon Washington County's receipt of a complaint relating to the work.
8. After all work is completed, the DPW Inspector must be informed that all construction has been completed within the County's right-of-way. The Inspector will conduct a final inspection, establish a punch list or attest to satisfactory completion.
9. Assuming all work is completed to the satisfaction of the DPW Inspector; the one-year maintenance period will commence. After which, provided the utility patch work and effected pavements remain acceptable, the surety will be released. Unless authorized by

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the Director of Public Works, in no case will the surety be released in less than 12 months from the completion of the utility pavement repair. If some component of the work is unsatisfactory, the Permittee will be notified and corrective action required. The surety shall not be released until all work is completed to the DPW satisfaction.

SUSPENSION OR REVOCATION:

The DPW Director, or his agent/representative, may suspend or revoke any permit when the work is deemed to present a safety risk to the public; work is incomplete and the Permittee refuses to take appropriate corrective action; the Permittee fails to complete the work within the stipulated time frame or any other just cause in conflict with the provisions of this policy.

Suspending or revoking the permit shall not waive any right to exercise the surety posted for the respective utility construction work.

PERMITTEE'S RESPONSIBILITY UNDER THE UTILITY PERMIT:

The Permittee has legal obligations and administrative requirements upon receipt of a utility permit. The permit constitutes a binding contract between the Permittee, his/her heirs, successors, and assigns, and the Board of County Commissioners for Washington County, MD. It is important for Applicants to be aware of and understand the key responsibilities under the permit. This information is provided for illustrative purposes only and shall in no way be interpreted to supersede, contradict or substitute for the terms and conditions of an actual granted utility permit.

The basic responsibilities are summarized as follows:

- Obtain any other necessary permits that may be required by local, state or federal agencies;
- Contact Miss-Utility at 1-800-257-7777, a minimum of forty-eight (48) hours prior to beginning any work.
- Complete the construction as described on the approved construction drawings;
- Construct the proposed improvements in accordance with the Washington County Standards and Specifications for Public Works Construction and any applicable policies and procedures of Washington County;
- Make any individual or corporation contracted to perform the work under this permit aware of the conditions of this permit;
- Determine the location, relocate and adjustments of public and private utilities affected by the proposed construction/connection;
- Maintain appropriate clearances from other utilities in the vicinity of the proposed work;
- Mitigate any adverse impact(s) of drainage by the construction contemplated;
- Protect the construction area from sediment entering the surface water runoff;
- Provide for MOT during construction in accordance with federal, state and county requirements;
- Replace/Install or compensate the County for any permanent traffic control markings damaged by the work and/or repairs to traffic signals/detection systems;

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- Maintain accessibility to any fire hydrants in the vicinity of the work area during construction;
- Maintain accessibility to any driveway commercial or private in the vicinity of the work area;
- Keep the adjacent and adjoining roadways clean and free of soil, dirt and other debris at all times during the construction;
- Indemnify and save harmless the Board of County Commissioners for Washington County, and all of its agents and employees from suits, actions, or claims of any character brought on account of any injuries or damages to person or property occurring as a result of any act or omission by the Permittee or their agent, servant, consultant or independent contractor employed by the Permittee for the performance of the work; and
- Maintain sidewalk, mailboxes, pavement and drainage systems associated with the work;

UTILITY CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY STANDARDS:

Tunneling/Directional Boring:

To minimize disruption and damage to existing pavements, the first method of construction contemplated for any project shall be to tunnel or directional bore under the existing pavement. When tunneling or directional boring under the existing pavement is not feasible nor will it accomplish the intended action, the DPRP may authorize open trench method of construction.

Tunneling/directional bores shall be at least thirty-six (36) inches beneath the base course of the pavement section. Pneumatic punching is acceptable; however, this may be rescinded at any time by the DPW Inspector if there is evidence of pavement damage or heaving of pavements as a result of this operation.

Open Cut/Trenching:

Open cut trenching is acceptable for longitudinal or transverse openings where tunneling/directional boring is deemed impractical by DPRP and the DPW.

The minimum trench width shall be 24". The trench width is not to be confused with the minimum pavement repair width, which is five (5) feet (trench width plus three (3) feet).

The existing pavement edge limits of the open cut trench shall be saw cut to sharp/uniform lines.

All materials used for utility construction within the public right-of-way shall conform to the Standards and Specifications, MDOT - SHA, latest edition and the Standards and Specifications for Public Works Construction, Washington County, MD, latest edition. Where discrepancies exist between these standards and specifications, the Washington County edition will prevail. Backfill material within roadways shall be graded aggregate meeting MDOT - SHA Specifications and AASHTO D-2940.

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The motoring public and pedestrians shall be protected against hazards associated with open utility trenches and excavations. The DPRP and/or the DPW may require the submission, review and approval of a plan for MOT (vehicular and pedestrian) prior to issuance of a utility permit.

All open cut trenches and excavations in the paved section of roadway must be backfilled and capped with bituminous concrete cold mix or steel-plated at the end of the work day. When prolonged work makes this impractical, roadway open cut trenches shall be completed as soon as possible to minimize exposure and occurrence of unfortunate events. If an open cut area is intended to be open for five (5) or more calendar days, the open cut trench shall be separated for moving traffic by concrete barriers or filled to within two (2) inches of the adjacent pavement surface throughout its entire length. Whenever concrete barriers are used to protect a work area, an approved MOT plan shall be approved by the DPRP.

Traffic control devices, such as traffic signal loop detectors and pavement markings damaged during utility construction shall be repaired to the satisfaction of the DPW. If these devices are anticipated to be effected, a traffic signal timing and sequencing plan must be established prior to commencing with any work. The Permittee may agree to compensate the DPW for the cost to replace/repair the traffic control devices. Failure to pay for replacement or repair of these devices shall be just cause to exercise a claim against the posted surety.

Open cut trenches shall be constructed in accordance with all local, state and federal safety regulations, specifically OSHA§ 1926.650.

Daily inspection of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, loss of life or damage to adjacent pavements and structures. Where MOT plans have been approved, the Permittee shall designate an MOT Manager to monitor the correct application of traffic control devices and order corrections to the MOT implementation where necessary.

Mill and Overlay Requirements:

A mill and overlay shall be required should the patch not meet the specifications as set forth in the Standards and Specifications for Public Works Construction and/or the Standards and/or Specifications for Construction and Materials, MOOT - SHA.

If pavement cuts are necessary on newly constructed or rehabilitated roadways within the moratorium period and no alternative is available, such cuts will be permitted and require a mill and overlay a minimum of twenty-five (25) feet beyond the affected area across the full width of the pavement (edge to edge).

A 2" deep mill and overlay is required for all utility patches as shown on the standard detail.

Mill and overlay limits may be extended at the direction of the DPW based on the following guidelines:

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Transverse or Spot Patches:

Whenever two or more transverse or spot patches are within fifty (50) feet of each other; the mill and overlay shall extend the full width of the pavement, a minimum of twenty-five (25) feet longitudinally beyond the two or more transverse or spot utility patches.

Longitudinal Patches:

Diagonal utility cuts shall be considered longitudinal cuts and shall meet the requirements set forth herein.

When the distance from the edge of existing pavement to the edge of new asphalt patch base material is three (3) feet or less, the existing pavement between the edge and new base shall be removed and replaced with new HMA material.

When the area designated as "mill and overlay" on the Detail titled "Utility Patch in Flexible Asphalt Pavement" exceeds fifty (50) percent of the existing total roadway width; the entire roadway width shall be milled and overlaid.

Whenever longitudinal, transverse or spot cuts/patches are coincidental, the entire width of the roadway shall be milled and overlaid, to a distance not less than twenty-five (25) feet each side of the transverse cut/patch, measured in a longitudinal direction.

Longitudinal patches in excess of 100 feet in length shall require an engineered plan for review and approval by the DPRP. A cost estimate for repairs shall be included and the surety adjusted to cover the cost of the repairs, plus a 15% administrative fee.

General:

Work on holidays and weekends shall not occur unless an exception is granted in writing by the DPW. The DPW must be notified whenever work is planned for holidays and weekends to determine if inspection services are necessary. This restriction does not apply to emergency work as defined herein.

The Board of County Commissioners will not encumber a public or private utility easement across right-of-way owned by them for a public roadway. The Permittee shall not assume that by way of constructing, modifying, repairing and/or reconstructing any part of a utility system, such act can be considered as granting authorization for a public, temporary or perpetual easement(s) for the said utility. The Permittee understands that any utility placed within the roadway right-of-way under a utility permit must be relocated, at the Permittee's expense, should the County propose a roadway reconstruction or improvement project where the utility is in conflict with the work proposed by the County. This includes horizontal and vertical position as well as service connections to properties served.

Use of explosives shall be permitted only where necessary and as such, a minimum charge shall be used. All applicable federal, state and local regulations shall apply. When explosives are

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contemplated; special inspections shall be performed by the DPW Inspector to observe any heaving or movement of the existing pavements. If any pavement heaving or movement is created by the blasting operation, the affected area shall be removed and reconstructed in accordance with the Standards and Specifications for Public Works Construction.

Material may not be stockpiled on the public road, such that it creates a safety hazard for the motoring public or pedestrians, without prior approval by the DPW.

All mud and debris tracked and/or spilled onto the County road shall be promptly removed to eliminate potential contamination to surface waters.

No equipment with cleat wheels or tracks is permitted on the existing paved roadway surface. Any damage to existing pavements caused by cleats or tracks shall be repaired by the Permittee.

MAINTENANCE OF TRAFFIC:

Traffic, both vehicular and pedestrian must be maintained through all phases of the construction or rerouted in a method acceptable to the DPRP and DPW. All work activities within the public right-of-way requires appropriate MOT controls to protect the motorist, pedestrians and workers. The degree of controls required will be proportionate to the characteristics of the roadway, roadway classification, its traffic volumes and the type and extent of the work to be performed. All required signs shall be placed prior to construction or placement of any equipment or materials on site.

Construction personnel working within the public right of way shall donned appropriate personal protective clothing in accordance with the MUTCD, OSHA, MOSH, and ANSI requirements.

The Permittee shall submit a site specific traffic control plan for approval by the DPRP when either of the following conditions exists:

- Work is proposed on a roadway classified as a collector or higher functional classification; or
- Proposed work is located within an area deemed urbanized by the DPRP or DPW, with significant vehicular and/or pedestrian traffic.

The DPW may waive this requirement for a site specific MOT plan if it is determined the roadway is under-utilized or if the work activity would not seriously affect traffic. This waiver must be confirmed in written form from the DPW (letter, memo or electronic mail).

The site specific MOT plan shall correctly depict the name of the affected roadways, physical characteristics including the correct number of lanes, turn lanes, pavement markings, parking lanes, medians, traffic islands, posted speed limits as well as all intersecting roadways and affected sidewalks within the proposed MOT plan. The MOT plan shall identify the proposed work zone and staging areas. The MOT plan shall identify and provide specific locations for all traffic control devices (i.e. signs, drums, taper lengths, cones, arrow panels, flaggers, variable message boards, etc.), to protect the work zone. The MOT plan must conform to the provisions

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set forth in the most recent editions of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

Regardless of the level of traffic volume on the roadway, if a complete road closure is necessary to complete the work, the Permittee shall submit for approval a MOT plan. Failure to obtain an approved MOT plan is just cause for the DPW inspector to issue a "stop work order".

SURETY:

Surety is required to provide protection and insurance to the Board of County Commissioners that the roadway affected by the proposed work will be repaired and returned to acceptable condition meeting the satisfaction of the DPW and the repair will perform reasonably similar to the unaltered pavement (i.e. without reducing the pavement life expectancy and riding comfort).

All utility permits (both individual and/or blanket) shall become null and void upon failure of the Applicant/Permittee to maintain active surety (individual and/or blanket) for the work contemplated.

Individual Utility Permit:

A utility installation bond is required prior to issuance of the utility permit. The standard surety value shall be \$ 2,500.00 and is subject to increase depending on the scope and magnitude of the work as determined by the DPRP. The DPRP may require the submission of an engineer's estimate of construction costs to validate the value of the surety to be posted. The DPW may also request the value of the surety be increased to be commensurate with the work contemplated (i.e. longitudinal patches \geq 100 feet in length, special construction, etc.).

Surety for an individual utility permit shall remain in full effect for a period not less than one-year from the time the utility work is complete and accepted, as verified by the DPW inspector.

Public Utilities and Government Entities:

To avoid the posting of surety for individual utility permits, a blanket utility permit surety may be posted by a public utility company or a government entity that owns and operates a public utility service. Private property owners and private contractors may not post a blanket utility surety, but must post individual surety for every utility permit obtained. The blanket surety may be posted once and remain in effect to cover all work performed by that respective utility or government entity, subject to renewal once every twenty-four (24) months. Having filed a blanket utility permit surety will waive the requirement to post individual utility surety for each utility permit obtained. The blanket surety value shall be twenty-thousand dollars (\$20,000.00) and is subject to increase depending on the scope of work as determined by the DPRP. The DPRP may require the submission of an engineer's estimate of construction costs to validate the value of the surety to be posted. The DPW may also request the value of the surety be increased to be commensurate with the work contemplated. The surety must remain in continuous full effect.

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The surety must remain in full effect for a period not less than one-year following the most recent utility work completed and accepted, as verified by the DPW Inspector. Nothing in this policy prevents a public utility or government utility from converting a blanket surety to an individual surety.

CAUSES TO REJECT THE WORK AND EXERCISE THE POSTED SURETY:

The DPW and/or the DPRP may, upon failure on the Applicant/Permittee to comply with this policy/permit, exercise the posted surety. Typical examples where the surety may be exercised or called upon include, but may not be limited to:

- Applicant's failure to complete the work.
- Applicant's use of a construction method not authorized under the Permit.
- Applicant causing pavement damage beyond the approved limits.
- Applicant's failure to correct any disruption to the adjoining drainage system(s).
- Applicant's failure to correct any damage of adjacent sidewalks.
- Failure upon the Applicant to implement, maintain and/or correct any deficiencies associated with the approved MOT measures.
- Settlement of the utility patch area.
- Poor quality pavement workmanship (waving, rumbled, shoved pavements, etc.).
- Ponding of water in and in the general vicinity of the utility pavement repair.

RESOLUTION OF PROBLEMS DISCOVERED DURING CONSTRUCTION:

The DPW is committed to seeing every project through completion in accordance with the Permit. The Permittee shall confer with the DPW Inspector on a regular basis to clarify the County's requirements or resolve any problems or disputes during construction. If the matter cannot be resolved at this level, then the Chief of Construction, within the Department of Engineering & Construction will intervene.

Problems with the approved plans, or disputes over the requirements will typically be handled by the DPW but may be referred back to the DPRP for additional engineering design and services.

- Problems encountered during construction with the design or progress of the project, for whatever reason, must be addressed to the satisfaction of the DPW in a manner that does not compromise the functionality or integrity of the final product. Problems caused by negligent design practices, incomplete plans, and the like will not be considered "hardships". A functionally equivalent design, at the Permittee's effort and expense, is expected to be implemented.
- If there is a discrepancy between the actual elevations and the elevations shown on the plans, the grade of the proposed curbing and paving shall be established by using the actual elevations of the road edge. If, in the DPW's judgment, the discrepancy is substantial enough to warrant formal plan revisions, such revisions shall be made by the Permittee and submitted to the DPRP for approval. The DPW Inspector shall have the option of suspending the work in the affected portions of the permitted work until the revisions have been approved.

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EMERGENCY UTILITY CONSTRUCTION:

Public utility companies and/or government owned utilities, who have active surety posted with the County, are authorized to proceed with work meeting the definition of emergency utility construction provided the following procedure is followed:

1. Project emerges, is evaluated and is believed to meet the Emergency Utility Construction definition contained herein.
2. If during the regular County working hours, appear to the Offices of the DPRP to apply for a utility permit and follow modified procedures outlined above and below (emergency utility construction will be given the highest priority).
3. If during County non-working hours, a representative from the public utility company or government owned utility shall notify the DPW and leave a message on the designated voice mail system providing the following information:
 - a. Agency making the notification and performing the work
 - b. Date and time planned to commence with the emergency utility construction.
 - c. Estimated duration of time to complete the work.
 - d. The specific location; i.e. road name and address.
 - e. Type of utility being repaired.
 - f. Point of contact for field operations: Name and mobile telephone number.
4. The public utility company or government owned utility shall notify the DPW via electronic mail. Provide the same information listed in item 2 above.
5. Following the emergency procedures for miss-utility notification.
6. Establish traffic control measures as appropriate for the work contemplated.
7. Establish excavation safety plan in conformance with OSHA/MOSH requirements.
8. Commence with the work and complete the work. Emergency Utility Construction trenches shall be opened and closed in one single operation without interruption.
9. Notify the DPW and leave a message on the Emergency Utility Construction voice mail system and email that the work is complete.

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