

**Burlington County
Board of Commissioners**

Policy, Procedures and Specifications Manual for:

Road Occupancy

Road Opening

Driveway Access

Charitable Solicitation

Municipal Events



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Preface

Many types of activities and work are routinely performed within County Roads and Rights of Way. Pursuant to N.J.S.A. 27:16-31 the Burlington County Board of Commissioners have adopted the following policy, procedures and specifications manual to safeguard the Public's primary interest in the County roads for safe and convenient travel. In addition, these regulations are designed to protect County Roads from damage and to ensure the County's ability to maintain its roads and to construct future road improvements without undue burden on the County and its taxpayers.

The following is a non-exclusive list of activities and work which require compliance with the following "Policy, Procedures & Specifications Manual for: Road Occupancy Permit, Road Opening Permit, Charitable Solicitation Permit and Municipal Event Permit":

- a. To dig up, excavate, tunnel, undermine or in any manner break up or damage any road, right-of-way or other County property.
- b. To make or cause to be made any excavation in or under the surface of any road, to install any road improvements, or for any purpose construct, remove or alter improvements which are located within a County right-of-way.
- c. To perform any operation within County right-of-way which in any manner interferes with the free flow of traffic or the safety of the traveling public, both vehicular and pedestrian.
- d. To place and/or relocate any type of building structure including towers and billboards along a County road.
- e. To install or replace, signs or overhead banners within the County right-of-way.
- f. To install aerial or underground telephone, cable television, fiber optic or other communications cable and associated equipment.
- g. To install any aerial or underground electric wire, cable, signal, digital data and fiber optic associated equipment.
- h. To install and/or replace utility poles. Install any equipment and devices for relay mobile signal on utility poles.
- i. To install water, sewer, natural gas and any other underground conduits and/or piping and all appurtenant structures.
- j. To occupy County right-of-way to perform any and all construction and/or maintenance work.
- k. To occupy the County right-of-way for the purposes of charitable solicitation.
- l. To occupy, use or cross the County right-of-way for a municipal event.
- m. Closure of any County road, highway, street, alley or right-of-way.

- n. Any activity not referenced above within the clear zone and/or right-of-way to be determined by the County Engineer, at his sole discretion, on a case-by-case basis.

SECTION 1: Definitions

For the purposes of this Policy, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. **Applicant** – is generally the owner and/or any person making written application to the County Engineer for a permit hereunder. If the applicant is a contractor who will be performing the work on behalf of another party, the contractor shall be co-applicant, and the party on whose behalf the work is being performed shall be the applicant.

The applicant and co-applicant shall be directly responsible for the performance of the work, construction and adherence of the work to the specifications. The applicant and co-applicant shall also be responsible for providing sufficient maintenance and protection of traffic and for the safety of the public.

2. **Co-Applicant** – is a contractor or subcontractor who will be performing work on behalf of the applicant and who is jointly and severally responsible and liable along with the applicant, for compliance with all terms and conditions of this Policy and any penalty of claim filed by the County as a result of any violation of this Policy.
3. **Business Day** – every official working day of Burlington County. Business days do not include weekends, County holidays, or when County offices are closed. If not specified, days shall mean Business Days.
4. **Calendar Day** – is any day of the week, including weekends and County holidays.
5. **Charitable Event** – is any event during which a charitable organization occupies County right-of-way for the purposes of soliciting monies for their organization and/or cause.
6. **Charitable Organization** – is (1) any person or entity determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501c (3) of the Internal Revenue Code of 1986; or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare or public health purpose, or for the benefit of law enforcement personnel, firefighters or other persona who protect the public safety.
7. **Clear Zone** – is the total roadside border area, starting at the edge of traveled way, available for use by errant vehicles as defined by the AASHTO Roadside Design Guide and the New Jersey Department of Transportation Roadway Design Manual.
8. **County** – shall mean the County of Burlington, New Jersey
9. **County Engineer** – is the person appointed to the position of County Engineer, or any person authorized to act as his or her designee.
10. **County Road Working Hours** – are from 9:00 A.M. to 3:00 P.M. during County Business Days.
11. **Designated Inspector** – in cases where permit occupancies and/or openings require specific oversight or openings of over 50 SY and/or at the sole discretion of the County Engineer any applicant shall be required to pay a fee for a Designated Inspector. The Designated Inspector

may be an employee of Burlington County, or a consultant contracted by Burlington County. The Designated Inspector(s) may be assigned to a specific permit work full- or part-time, at the discretion of the County Engineer. The specific selection of a Designated Inspector(s) for each permit will be made by the County. The Designated Inspector will be present onsite to ensure compliance to issued permits and to this Policy. Written daily reports will be given to the County Engineer by each Designated Inspector, as well as weekly time sheets.

12. **Director of Public Works** – is the person appointed to the position of Director of Public Works or any person authorized to act as his or her designee.
13. **Driveway** – is any access, permanent or temporary, from private/public property or other public right-of-way to the County right-of-way and/or County roadway.
14. **Excavation** – is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved street, sidewalk, curb, gutter, roadside or other public property in any right-of-way owned or controlled by the County of Burlington.
15. **Equipment** – is any machinery and/or tools, both motorized and non-motorized, used for the purposes of constructing, excavating, maintaining or performing any other type of work. Equipment shall also include dumpsters, PODs, etc.
16. **ITS** – Intelligent Transportation System, is the network of fiber optic cable, underground conduit, junction boxes and other facilities, cameras, message boards and other equipment and facilities connected to the Burlington County Advanced Transportation Management System.
17. **Linear Foot** – common unit of English measurement used to determine distance on County Roads. One Linear Foot is equal to twelve (12) inches.
18. **Maintenance Guarantee** – is security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any road opening for a period of at least two (2) years after final acceptance.
19. **Municipality** – is any one of the forty (40) local governmental entities recognized by the Burlington County Board of Commissioners as existing within the County.
20. **Municipal Event** – is any event hosted by a municipality or municipal-sponsored organization which takes place within, crosses or otherwise impacts traffic on a County road or right-of-way. The term Municipal Event shall not be construed to mean construction, maintenance, utility or other work being performed by or for a municipality.
21. **Municipal Utility Authority** – is any one of the local authorities recognized by the Burlington County Board of Commissioners as existing within the County.
22. **MUTCD** – Manual on Uniform Traffic Control Devices, and amendments thereto, issued by the U.S. Department of Transportation, Federal Highway Administration, latest revision.
23. **Maintenance Period** – permit holder is responsible for maintenance of the excavation for a period of minimum of two (2) years after the County's final acceptance of the work.

24. **NJDOT Specifications** – the New Jersey Department of Transportation “Standard Specifications for Road & Bridge Construction”, most recent edition and/or amendment.
25. **O.S.H.A.** – Occupational Safety and Health Administration, part of the U.S. Department of Labor.
26. **Performance Guarantee** – is security in the form of either a bond or a certified check posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the road opening until the maintenance period is over.
27. **Permit Holder** – is any person, firm, partnership, association, corporation, company, authority, municipality or organization of any kind that has been issued a permit for work under this Policy.
28. **Person** – is any person, firm, partnership, association, corporation, company, authority, municipality or organization of any kind.
29. **Property** – is any land, piece of land, parcel, facility, structure, equipment, vehicle or other owned by the Burlington County Board of Commissioners.
30. **Residential Driveway** – is an access to a single-family dwelling, duplex or common driveway, which serves residential properties in accordance with a subdivision approval requirement of the County Planning Board.
31. **Right-of-way** – is any land, easement, or property owned or controlled by the Burlington County Board of Commissioners reserved for the primary purpose of transportation of the public.
32. **Road** – is any street, highway, road, roadway, sidewalk, alley, avenue, boulevard, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures, all other appurtenant structures, trees and landscaping or any other public right-of-way or public ground in the County of Burlington, and under control of the Burlington County Board of Commissioners.
33. **Square Yard** – shall mean the surface area of the opening made in the County right-of-way or property by the permit holder. It shall be the product of the length and width of opening measured in yards, in cases of irregular opening the County may at its sole discretion choose to average the length and/or width.
34. **Traffic Control Plan (TCP)** – is a drawing, plan, typical figure and associated narrative describing measures to be used for safely facilitating road users (vehicles & pedestrians) through a work zone in accordance with the criteria established in Chapter 6 of the MUTCD.
35. **Traffic Engineer** – is the person appointed to the position of Traffic Engineer, or any person authorized to act as his or her designee.
36. **Traffic Interference Report (TIR)** – is the document permit holders shall, as further detailed in Section 10 of this Policy, complete & submit for review after a permit has been issued and before work is to begin. No work shall begin until an approved TIR has been issued to the permit holder.

37. **Traffic Operations Center (TOC)** – is the Burlington County Traffic Operations Center, a section of the Engineering Division, responsible for operations & maintenance of all County-owned traffic control infrastructure.
38. **Utility Company** – shall include but not be limited to the following: telephone, cellular, communications, fiber optic, cable, water, sewer, gas and electric; private or public.

SECTION 2: Application(s) and Permit(s) Required

1. It shall be **UNLAWFUL**, except in an emergency as set forth in Section 6 hereunder, for any person to occupy County right-of-way or County Property (including County airspace and waterways) unless such person shall first have obtained a permit(s) therefore from the County Engineer as herein provided.
2. **ALL** applicants shall submit an **Application for Road Occupancy**; this application is required for any and all occupancy of and work or events occurring within the County right-of-way. In addition, the applicant may be required to apply for additional permit(s) as necessary for the work to be performed. The County Engineer shall decide what additional permits are necessary for a given application, and the County Engineer's decision shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation. These additional permits are:
 - a. **Road Opening Permit** – required for any and all excavation occurring **within** the County right-of-way
 - b. **Driveway Access Permit** – required for any **new** driveway access, **alteration** to existing driveway access, or any **change** in use of an existing driveway access
 - c. **Charitable Solicitation Permit** – required for any and all solicitation within the County right-of-way
 - d. **Municipal Event Permit** – required for any municipal or public event which occurs within County right-of-way and/or may impact traffic on a County road

SECTION 3: Written Application

1. All applications must be made in writing and shall be submitted to the Land Development Section, Engineering Division, Department of Public Works of the County of Burlington. Applications may be sent via mail or in person at the Burlington County Engineering Division office between the hours of 8:00 AM and 4:30 PM, Monday through Friday (excluding County holidays). Applications sent via US Mail **MUST** be sent to the mailing address listed below.

Mailing Address:

P.O. Box 6000
Mount Holly, NJ 08060

UPS/FedEx/Overnight/Physical Address:

1900 Briggs Road
Mount Laurel, NJ 08054

2. All applications must include all necessary information on the application forms. **Incomplete applications will not be processed.** The applicant shall certify to the truthfulness of all information on the application. It is the responsibility of the applicant to ensure completeness and accuracy of all information in the applications. The County will not be responsible for any errors, omissions or misinformation given in the application and/or accompanying plans and other information.
3. The applicant shall provide two (2) twenty four (24) hour emergency telephone numbers and names of responsible persons for immediate response to maintenance and/or traffic control

problems and/or emergencies. Answering machines are not acceptable valid emergency telephone numbers.

4. The applicant shall also state the name of any and all subcontractors being used for the work along with telephone numbers of the contractor, all subcontractors and the applicant. These numbers provided must include emergency contact numbers at which each of the above can be reached twenty four (24) hours per day, seven (7) days per week.
5. **ALL** Road Occupancy Permit Applications shall include a detailed, site-specific Traffic Control Plan (TCP) in accordance with Section 10 of this Policy. Failure to submit adequate TCP plans will result in the permit application being deemed insufficient and the application will not be processed. When the Road Occupancy involves a traffic control plan which has been pre-approved by the Burlington County Planning Board, a copy of the pre-approved traffic control plan shall be submitted with the application and the Site Plan number shall be noted on the application.
6. **ALL** Road Opening Permit Applications and Driveway Access Permit Applications shall also include detailed, scale plans that clearly show the proposed work to be constructed and detail the methods of construction. Plans shall show all utilities and structures within fifty feet (50') of the proposed work. The County requires the applicant to submit Traffic Control Plan (TCP) and TCP certification signed & sealed by a Professional Engineer licensed in the State of New Jersey. The County Engineer's decision shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation. When the Road Opening or Access involves a Site Plan approved by the Burlington County Planning Board, a copy of the approved Site Plan or Subdivision Plan and approved Traffic Control Plan and Certification shall be submitted with the application.
7. The County Engineer may require that the plans depict existing conditions including right-of-way limits as prepared by a Professional Land Surveyor licensed in the State of New Jersey. The County Engineer shall decide when such plans, including right-of-way limits, are required for a given application, and the County Engineer's decision shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation.
8. The County assumes no responsibility for identifying the location or condition of any existing utility lines, cables or other facilities not owned by Burlington County for the review of plans or issuance of a permit(s). At the time of the application, it shall be the responsibility of the applicant to verify the locations of underground utility lines, cables and other facilities and to determine the appropriate scope of work and safety requirements.
9. **ALL** applicants shall contact the New Jersey One Call Center by dialing 811 or 1-800-272-1000 or online at <http://www.nj1-call.org> and, if facilities of utilities are located in the vicinity of the proposed excavation the applicant shall comply with any statutes or regulations pertaining thereto. **The applicant must provide the New Jersey One Call confirmation number when submitting a TIR for approval prior to starting work.**
10. The applicant shall agree as a condition of the permit that any pipes, conduits, poles, signs or any other facility installed within the County right-of-way under the permit, shall be promptly

relocated at the applicant's expense to accommodate the installation of County-owned facilities existing or future.

11. Applicants shall be considered to be in good standing with the County at the time of application, or permits will not be issued. Good standing shall mean the applicant has no unpaid fees and/or fines, has no outstanding deficiencies to be corrected on other permit work, no violations, and shall have completed all prior and/or current permit work within permitted time periods.
12. Separate applications and permits are required for proposed work located on multiple County roads, within multiple municipalities, or on differing segments of County roads. The County Engineer, at his sole discretion, will determine the need for separate applications and permits.
13. The applicant must provide details on construction staging, means and methods, and an estimate of the amount of work to be completed in one working day within regular County road working hours of 9:00 AM to 3:00 PM. At the discretion of the County Engineer, the County may require the applicant to submit detailed staging plans signed & sealed by a Professional Engineer licensed in the State of New Jersey. The County Engineer shall decide when such plans are required for a given application, and the County Engineer's decision shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation. The County will not be responsible for any errors, omissions or misinformation given in the application and/or the accompanying staging plans.

SECTION 4: Permit Issuance

1. All permits issued by the County are non-transferrable.
2. The County Engineer, the Traffic Engineer, Engineering Division staff and Traffic Operations Center staff shall review and approve all applications for County permits. Upon submission of the applications and payment of the fees and deposits for which provision is hereinafter made, the County Engineer, at his discretion, may approve an application for occupancy of and/or work within the County right-of-way.
3. Any applicant may request an expedited application review and approval for non-emergent permit applications. Should the County Engineer grant the applicant's request, the applicant shall be responsible for all costs. The applicant shall make appropriate arrangements with the Burlington County Finance Department and the County Engineer to set up an escrow account for expedited review.
4. If the application for a permit is denied, the County Engineer shall send the applicant a written notification of the denial and shall state the reason for the denial. All application fees are nonrefundable.
5. The County Engineer and/or the Board of Commissioners, at their discretion, may deny an application for a permit and/or revoke an issued permit in the interest of public safety.
6. Any permit issued under this Policy may be revoked at any time by the County Engineer for failure to comply with this Policy. The County Engineer also reserves the right to stop work for failure to comply with this Policy and/or to order the completion of sufficient work to ensure the safety of vehicular and pedestrian traffic.

7. It is not anticipated to take longer than thirty (30) calendar days for the County Engineer to review permit applications, commencing upon the date that the County Engineer has received a completed application(s), adequate plan(s), fee(s), insurance certificate(s), bonding information and any other information required and has deemed the application complete.
8. Upon approval of an application, the County will notify the applicant, who shall complete and return the permit with appropriate permit fee(s) to the County Engineer. Upon receipt of a completed permit and fee(s) the Permit shall be considered issued and become valid and the permit holder shall now be eligible to submit a TIR for approval.
9. The permit holder shall submit for approval a Traffic Interference Report (TIR) to the Burlington County Traffic Operations Center (TOC) before any work or occupancy occurs. The TIR shall be submitted no less than five (5) business days before the work is scheduled to begin. It is the responsibility of the permit holder to submit a TIR for approval as a condition of permit issuance. For all work requiring ground disturbance and/or excavation, the permit holder must provide the New Jersey One Call confirmation number on the TIR. No work shall begin before the TIR is approved. The TOC reserves the right to approve or deny a TIR at its sole discretion, and may require a change in date for the work to be completed.
10. The County Engineer may require an applicant to record video or photograph all the areas of proposed occupancy, work, construction or event for extensive operations to protect the interests of the County and all adjoining properties to the area. The recorded video(s) and/or photographs shall be provided to the County Engineer before any work begins and shall become property of Burlington County.
11. It is the sole responsibility of the permit holder to immediately notify the County Engineer of any damage to any structure within the County right-of-way. Any damage to a County-owned facility shall be replaced immediately as directed by the County. All costs and expenses are the responsibility of the permit holder.
12. The County Engineer may require a preconstruction meeting to be held at the Engineer's Office or at the project site. At the discretion of the County Engineer, representatives from, but not limited to, the following may be required to be present at the preconstruction meeting: permit holder, owner, contractor(s), subcontractor(s), utility companies with facilities in the area, County Engineer, Engineering Division, Traffic Engineering Section, Division of Roads & Bridges, local municipal officials, local and/or State Police, fire and/or EMS officials, Emergency Management officials and affected property owners.
13. If during the course of work differing site conditions are found that necessitate altering the permitted work, procedures, excavation, traffic control or other permitted activities, the permit shall be deemed invalid and shall be revoked. The permit holder shall immediately notify the County Engineer and all work shall immediately cease and the site shall be restored to a safe condition as directed by the County Engineer.
14. All non-protected open excavations must be backfilled immediately and temporarily plated or paved the same day as the opening is made. At no time shall the applicant utilize dirt, gravel, millings, stone or any other construction debris as a temporary road surface. Additionally, all traffic markings (crosswalks, centerlines, edge lines, lane lines, etc.) must be restored in kind in a manner satisfactory to the County Engineer and in accordance with the MUTCD. Excavations in excess of what can be restored and/or protected by the end of a working day are prohibited.

15. The permit shall be issued for the designated purpose(s) only. Any alterations to the permitted work and/or additional work shall be in violation of this Policy and the permit shall be revoked. Violators shall be subject to enforcement and penalties as described in Section 15 herein.
16. The storage and/or stockpiling of equipment and/or materials at any location within the County right-of-way or on County property outside of working hours is strictly prohibited. Upon receipt of a request from an applicant, the County Engineer may, in his discretion, decide when that prohibition can be waived. The County Engineer's decision to waive that prohibition shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation.
17. The permit holder shall abide by all conditions as stated on the issued permit. The County Engineer reserves the right to impose additional special conditions at his discretion at the time of permit issuance. Any special conditions shall be included with the issued permit.
18. **The permit holder shall not close a County road to traffic at any time.**
19. The permit holder shall possess on site copies of the following at all times: approved permit(s), approved plan(s), approved traffic control plan(s) and the approved TIR.

SECTION 5: Time Limitations

1. All work as outlined on any permit(s) must commence within ninety (90) calendar days from the issue date on the permit, thereafter the permit shall become null and void. Permit work shall be continuous and diligently pursued until completed or the permit shall become null and void. For any stoppage of work exceeding three (3) business days without prior approval from the County Engineer, the permit shall become null and void. The permit may be extended for an additional thirty (30) days for good cause shown only if the permit holder requests such extension in writing setting forth legitimate and valid reasons for such request. Additional extensions may be granted at the discretion of the County Engineer. All extension requests must be made within ninety (90) days of permit issuance.
2. Upon approval of an application and notification to the applicant, the applicant shall return the completed permit with appropriate fee(s) to the County within one (1) year of the date of notification, or the application shall become null and void and the application fee forfeited to the County.
3. If a permit is revoked or becomes null and void due to the passage of time, the applicant shall forfeit all application fees and apply for a new permit. The new permit applications shall be revised to include any changes in the work or conditions of the work site, and shall be accompanied by a new fee.
4. The applicant shall submit a completed Traffic Interference Report (TIR) to the Burlington County Traffic Operations Center not less than five (5) business days before starting work. No work shall begin until the TIR is approved.
5. **No work shall occur on weekends, County holidays or outside normal County road working hours (9:00 AM to 3:00 PM) without the prior written permission of the County Engineer.**

6. The applicant is responsible for notifying the County Engineer when all work is completed and is ready for final inspection. All inspections shall be performed during the County's normal business hours. The maintenance of the project shall begin only when the County Engineer has accepted the permanent restoration and the applicant has posted a satisfactory maintenance guarantee with the County.
7. No work under any Road Opening Permit and/or Driveway Access Permit shall occur from December 1st through March 31st or when weather conditions exist due to frost, freezing, snow or severe weather without the written permission of the County Engineer.
8. Occupancy of any part or portion of the County right-of-way and/or impacting or in any manner interfering with the normal flow of traffic on a County road for any reason shall be forbidden when conditions exist such as snow, rain, or severe weather.

SECTION 6: Emergency Work

1. In the event of an emergency in which any utility in, above or under any County right-of-way breaks, ruptures, bursts, or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such utility, without first applying for and obtaining a permit hereunder, shall immediately notify the County Engineer of the emergency and take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals.
2. Traffic control for an emergency shall be carried out in accordance with the MUTCD and Section 10 of this Policy and shall be the sole responsibility of the person or entity responsible for rectifying the emergency. **The County is not responsible for providing traffic control for any emergency.**
3. In the event of an emergency, the application review period may be waived by the County Engineer. Verbal notification must be given to the County Engineer before commencement of any emergency work within the County right-of-way unless emergent circumstances make such notification impossible. Verbal approval for emergencies can be obtained by calling (856) 642-3700 during business hours and (609) 726-7300 after hours, weekends and holidays. **In addition, all emergencies shall be immediately reported to the police and Burlington County Central Communications at (609) 265-7113.**
4. In the event of an emergency, the responsible person or entity shall submit a permit application within twenty four (24) hours or by the end of the next County business day. Payment must be made within five (5) business days from the applicant's notification to the County. Failure to submit application and/or payment within the time limit(s) prescribed will result in a fine in an amount not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both.
5. If in the interest of public safety, a County road and/or intersection must be closed due to an emergency, uniformed police officers shall be stationed at each end of the road closure in addition to the necessary traffic control signs, barricades and other equipment. The uniformed police officers shall remain onsite until the emergency is mitigated and made safe and the County road is re-opened.
6. Work required to mitigate an emergency shall be completed with all reasonable haste and diligence. The County Engineer shall have full power to order a crew of men and adequate

facilities be deployed by the responsible person or entity twenty-four (24) hours a day until the emergency is rectified and conditions are made safe.

SECTION 7: Fees, Deposits & Bonding Requirements

See Appendix A for fee schedules and Appendix B for deposits and bonding requirements.

SECTION 8: Hold Harmless Clause

Upon receipt of the permit, the permit holder agrees that it shall defend and save the County and its agencies, departments, divisions, boards, officials and employees harmless from any and all claims of any nature arising out of the road occupancy, road opening, driveway access, charitable solicitation, municipal event and any other work covered by the permit(s), and also agrees that the County of Burlington is issuing the permit(s) and shall not assume liability in connection therewith. In the event of any suit or claim against the County due to the negligence or default of the permit holder, the County shall give written notice to the permit holder of such suit or claim. Any final judgment requiring the County to pay for such damage shall be conclusive upon the permit holder and the permit holder shall be liable to repay the County for all costs in connection with such suit.

SECTION 9: Insurance

1. The applicant shall provide, with the application, a certificate of insurance naming the Burlington County Board of Commissioners as additional insured which indicates the following insurance:
 - a. Comprehensive, all risks, general liability insurance with personal injury liability and property damage liability coverage of not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, TWO MILLION DOLLARS (\$2,000,000.00) aggregate.
 - b. Automobile bodily injury liability insurance of not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) each person, ONE MILLION DOLLARS (\$1,000,000.00) each occurrence.
 - c. Statutory workers compensation and employers liability insurance.
 - d. Certain work may necessitate, at the discretion of the Burlington County Risk Manager & the County Engineer, that additional insurance coverage be required including but not limited to air pollution, hazardous materials and environmentally sensitive areas.
2. In the event that a subcontractor is retained, by the contractor or owner, either:
 - a. Subcontractor shall maintain the same limits of insurance/liability policy(s)/bonding capacity as listed above, or
 - b. Subcontractor shall be indemnified under the contractor's insurance/liability policy(s)/bonding capacity and documentation to that effect shall be provided at the time the application is made.
3. The applicant shall be solely responsible for and shall keep, save, and hold harmless and indemnify the Board of Commissioners of the County of Burlington and its servants, employees and agents from and against any and all claims, demands, suits, actions, recoveries, judgments, costs and expenses in connections therewith on account of personal injury, loss of life and damage and loss of real and personal property of any person, agency, corporations or governmental entity arising out of or in consequence of any act or omissions of the applicant, its employees, servants, agents or subcontractors in the performance of the work/operations performed under the Road Occupancy Permit, any additional permits, or the failure to comply with the terms and conditions of the permit(s).
4. For residential applicants only, proof of homeowner's insurance which is in force at the time work is being done and indicates the following insurance may be provided in lieu of the insurance requirements of this section.
 - a. Minimum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) general liability.
 - b. Certain work may necessitate, at the discretion of the Burlington County Risk Manager & the County Engineer, that additional insurance coverage be required including but not limited to air pollution, hazardous materials and environmentally sensitive areas.

SECTION 10: Traffic Control

1. The permit holder shall take appropriate measures to ensure that during the performance of work both vehicular & pedestrian traffic shall be maintained nearly as normal and safe as practicable. The permit holder shall plan and carry out his work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. The permit holder shall notify the owners of adjoining properties in writing, at least forty-eight (48) hours prior to the time he proposes to begin any work which will interfere with their normal passage and must provide the County Engineer with such notice. Closures of County roads are prohibited.
2. The applicant shall include a detailed, site-specific Traffic Control Plan (TCP) drawn to scale, clearly showing the maintenance and protection of traffic with the application, to be reviewed by the County Engineer and approved as part of the permit application. The TCP must conform to the latest "Manual on Uniform Traffic Control Devices" (MUTCD) standards, the current "New Jersey Department of Transportation Safety Set-Up Guide" and any additional requirements detailed in this Policy. The TCP must be prepared by persons knowledgeable (for example, trained and/or certified) about the fundamental principles of work zone traffic control and work activities to be performed. County requires the applicant to submit TCP plans and TCP certification signed & sealed by a Professional Engineer licensed in the State of New Jersey. The County will not be responsible for any errors, omissions or misinformation given in the application and/or the accompanying TCP plans.
3. No road occupancy or other related work will be permitted outside of normal County road working hours. Normal County road working hours are weekdays from 9:00 AM to 3:00 PM. No road occupancy or other related work will be permitted outside of these hours, on weekends or on any County holidays. At the discretion of the County Engineer, work hours may be changed or otherwise further limited as necessary.
4. It shall be the responsibility of the permit holder to notify the appropriate police department, fire and emergency services, public and school bus transporters, the Burlington County Office of Emergency Management and Burlington County Central Communications of its plans to occupy the County right-of-way. Notification shall be made forthwith after receipt of an approved TIR.
5. The permit holder shall carry out all maintenance and protection of traffic in accordance with the approved road occupancy permit, no exceptions. If significantly differing site and/or work conditions exist which necessitate a change in the approved TCP, the permit shall be deemed invalid and shall be revoked. A copy of the approved TCP issued with the permit must be kept on site while work is occurring.
6. The permit holder is required to employ uniformed police officers as traffic directors when occupying the County right-of-way within three hundred feet (300') of a traffic signal, roundabout or STOP controlled intersection; or whenever any work affects the normal operation of a County owned traffic signal, roundabout or STOP controlled intersection. At all other locations the permit holder may be required to employ uniformed police officers as traffic directors at the discretion of the County Engineer. If the use of uniformed police officers is deemed necessary, the cost for same shall be the responsibility of the permit holder.
7. The use of certified traffic directors is encouraged for all road occupancies and is required for one-lane alternating traffic. Traffic director personnel must be certified and meet the minimum standards as prescribed in the MUTCD and by NJ DOT. Permit holders shall comply with any

local ordinance requiring the use of uniformed police officers as traffic directors. If the use of traffic directors is deemed necessary the cost for same shall be the responsibility of the permit holder. At a minimum, two (2) traffic directors are required for one lane alternating traffic. All traffic directors and/or uniformed police officers shall have proper safety attire, shall have STOP/SLOW paddles and shall be trained and familiar with flagging and traffic control procedures as outlined in the MUTCD Section 6. Such operations shall be carried out in accordance with the MUTCD and NJ DOT safety guidelines.

8. The use of arrow boards is required on all County roads with speed limits of forty (40) miles per hour (mph) and above. Arrow boards shall conform to the MUTCD Section 6 and must be included in the TCP with the permit application. Arrow boards may be required in other cases at the discretion of the County Engineer.
9. The use of truck-mounted attenuators (TMAs) is required on all County roads with speed limits of forty five (45) miles per hour (mph) and above. TMAs shall conform to the MUTCD Section 6 and must be included in the TCP with the permit application. TMAs may be required in other cases at the discretion of the County Engineer.
10. At the discretion of the County Engineer, the permit holder may be required to install advanced warning signs notifying the traveling public before work is to begin. Advanced warning signs shall be installed a minimum of fourteen (14) calendar days before work is scheduled to begin. Advanced warning shall consist of portable variable message signs and/or work zone signs as directed by the County Engineer. An approved TIR must be issued before advanced warning signs are installed.
11. The permit holder shall occupy and/or open no greater part of the County right-of-way than shall be reasonably necessary as determined by the County Engineer. The County Engineer's decision concerning the limits of County right-of-way that may be occupied or opened by a permit holder shall be consistent with the requirements of the Roadside Design Guide published by the American Association of State Highway Transportation Officials ("AASHTO") and with the Uniform Specifications for Road and Bridge Construction published by the New Jersey Department of Transportation.
12. Concurrent work zones on County roads within a municipality or between adjacent municipalities shall not be permitted unless approved by the County Engineer after reviewing potential regional traffic impacts.
13. The permit holder shall be required, at a minimum, to maintain a single lane of traffic at all times.
14. The permit holder shall maintain access to all driveways, streets, roads, lanes, access roads, and public rights-of-way adjacent to the County road at all times. No exceptions.
15. The maintenance and protection of traffic and work shall be performed and conducted so as not to interfere with the safe and efficient passage of emergency vehicles and so as not to interfere with access to emergency facilities (i.e. fire stations, police stations, EMS stations, hospitals, etc.) and fire hydrants. Materials and obstructions shall not be placed within twenty five feet (25') of fire hydrants or as directed by the Burlington County Fire Marshal or local fire marshal. Passageways leading to fire escapes, fire equipment and emergency access ways shall be kept free of obstructions.

16. The permit holder shall comply with and refer to the MUTCD / NJ DOT guidelines for work zones, latest edition. Please refer to the sign sizes for conventional roads for work on Burlington County roads.
17. Temporary traffic control devices shall be installed and/or displayed during working hours only. It is prohibited to install / display temporary traffic control devices during any and all non-working hours. If temporary traffic control devices are installed / displayed at an inactive work zone, the Department of Public Works shall remove said temporary traffic control devices and store them at a County facility. The permit holder will then be charged five hundred dollars (\$500.00) for each such instance plus labor and equipment use costs.

SECTION 11: Safety Protection

It shall be the sole responsibility of the permit holder to ensure the continuing safety and protection of the public and the permit holder's workers.

1. Absolutely no road occupancy, construction activity, or other work shall begin on any day until all traffic control and safety protection devices are properly deployed.
2. The permit holder shall be required to have an individual onsite who is responsible for compliance with the approved TCP and any other applicable safety regulations.
3. If the nature of the work requires leaving an excavation unfinished overnight or for an extended period of time, the permit holder shall note such on the permit application(s). The permit holder shall place safety barriers with appropriate lighting around the unfinished excavation area. The barriers and lighting devices shall conform to all applicable specifications and safety regulations including but not limited to the following: AASHTO, MUTCD, NJ DOT, OSHA and local ordinances. Additionally, the permit holder must place his name and emergency phone number on these barriers. The permit holder shall also notify local municipal authority(s) and police department(s) in writing of the condition of the unfinished excavation and furnish the above with his name and emergency phone number.
4. Any portions of work areas not closed to traffic shall be brought to the existing grade as specified in Sections 17 and 18 of this Policy.
5. The permit holder shall construct and maintain adequate and safe crossings over excavations and across roadways to accommodate vehicular and/or pedestrian traffic. The applicant shall submit all plans, design calculations, and specifications to the County Engineer at the time the application is made.
6. Storage and/or stockpiling of equipment and/or materials within the County right-of-way outside of normal road working hours shall be prohibited.
7. It shall be the responsibility of the permit holder to secure information regarding underground utilities by contacting the New Jersey One Call service and to undertake such measures as may be required to ensure the safety and protection of underground utilities within the work area.
8. Permit holder and contractor(s) shall comply with the OSHA trench sheeting regulations and all other OSHA regulations, and with any other applicable laws, in the performance of the work.

9. Temporary restoration must be smooth with no ruts or bumps. All temporary pavement over openings must be rolled or mechanically tamped the same day as the opening is made. Hand raking of temporary pavement is prohibited.
10. In the event of an emergency, if the permit holder cannot be reached or if their response time is in excess of one hour, the Department of Public Works may attend to the emergency. The permit holder will then be charged one thousand dollars (\$1,000.00) for each such instance plus labor, materials and equipment use costs.

SECTION 12: Municipal Events

1. All scheduled Municipal Events which may require the closing of or otherwise the impacting of traffic on any County road and/or right-of-way will require a separate Municipal Event Permit in addition to the required Road Occupancy Permit. All approved road closures and/or traffic impacts for Municipal Events shall be enforced by the local police department, the New Jersey State Police, Burlington County Sheriff and/or Burlington County Division of Traffic Operations.
2. Motorized (gas or electric) vehicles shall be prohibited on the closed portion of the County roadway in order to maintain the safety of pedestrians and other individuals who have a reasonable expectation that the closed roadway for any event is free of any and all motor vehicle traffic after the Burlington County roadway has been closed in a safe and proper manner.
3. All Burlington County roadways shall be closed in accordance with the approved traffic control plan, the NJDOT work zone guidelines, the MUTCD Part 6 of the latest edition, and the written approval solely from the Traffic Operations/Traffic Engineering Division of the Burlington County Department of Public Works.
4. Use of Gas/Electric Powered Vehicles is Prohibited

In accordance with state statute, no gas and/or electric powered motorized vehicles such as motorcycles, mopeds, gators, trollies or gas powered golf carts or any other type of recreational gas powered vehicle shall be prohibited from being operated upon a closed Burlington County road for a Municipal Event. Should the need arise the local police authority shall enforce any and all laws of the New Jersey Motor Vehicle Code Title 39 during the course of the event.

5. Exceptions

Any gas/electric powered vehicle, which is assigned to the provide emergency services to the municipality and its citizens and are authorized by the Chief of Police for the municipality or the Station House Commander or his designee of the local NJSP Barracks to assist them in solely performing their duties, such as Office of Emergency Management, Fire / EMS and Police Department personnel are then authorized to operate upon the closed Burlington County road with due caution and in the performance of their duties.

Should the use of electric golf carts, horse drawn carriages or any other recreation vehicle have prior authorization from the municipality, such written authorization shall be provided and the municipality and operator shall both file certified insurance certificates and letters of indemnification holding the Burlington County Board of Commissioners harmless for any injuries or illnesses incurred during the municipal event, *no exceptions*.

However, should this provision be abused to the extent that a complaint is received by Burlington County then this exception shall be revoked to the particular municipality by the County Engineer or Traffic Engineer.

6. Consumption of Alcohol

Shall the municipality allow the consumption or dispensing of/sale of any type of alcoholic beverage such as beer, wine or any other type of alcohol then the municipality where the event is being held shall apply to the New Jersey Alcohol Beverage Control (ABC) board for a temporary permit that is issued to the responsible municipality or municipal organization that is holding the event.

The municipality or the municipal organization involved shall also submit a certified insurance certificate and a letter of indemnification holding the Burlington County Board of Commissioners harmless for any and all claims arising from the approved Municipal Event.

Should any type of alcoholic beverage, beer, wine or any other type of alcohol be served to the public, sold or consumed by the general public then the municipality shall provide, at their own expense, either concrete construction barrier curbs or “rhino barriers” filled with water prior to the start of the event and only emptied at the conclusion of the event. Proper placement of the barricades shall be included in the traffic control plan submitted with the Road Occupancy Permit. These barriers/barricades shall be placed at all the main entrances to the event areas so as to provide a more secure roadway area. These barricades/barriers shall be manned by uniformed law enforcement personnel until the conclusion of the event.

7. Maintenance of the Burlington County Roadway

Upon the immediate conclusion of the Municipal Event, the municipality shall clean up all debris and remove all barriers/barricades and all signs pertaining to the road closure, at the municipality’s expense and immediately following the event which was held. The municipality involved shall ensure that the Burlington County roadway is in a safe operational order prior to the reopening of the County roadway.

Shall any defects to the roadway be caused by the event or during the event the municipality shall file a report to the Supervisor at Central Communications at (609) 265-7113 to document it. The Supervisor at Central Communications shall then advise and create an incident report and notify the Division of Roads and Bridges.

Any damage that was incurred during or as a result of the Municipal Event shall become the responsibility of the municipality or the responsible organization who initially applied to hold the event for the repair of the damage incurred.

8. Not Exempt from other applicable permits

By completing an application for a Municipal Event Permit, the Municipality is not exempted from any other applicable permits as per this Policy. For example, the Municipality shall also complete & submit a Road Occupancy Permit.

SECTION 13: Charitable Solicitations

1. Any charitable organization seeking to solicit charitable contributions on a County road must **FIRST** obtain approval from the municipality in which that road is located.
2. A municipality may only sanction charitable contributions on that road if the municipality has an ordinance authorizing charitable organizations to solicit contributions in a roadway (pursuant to N.J.S.A. 39:4-60).
3. A municipality with a charitable contribution ordinance may then accept an organization's application, and must issue their approval by means of a resolution or permit.
4. An application that has been approved by issuance of a municipal resolution or permit shall then be submitted to the County Engineer. **The municipality, not the charitable organization**, must make the application to the County Engineer. County approval will be issued by the County Engineer.
5. The following are requirements of an application for soliciting contributions on Burlington County roadways:
 - a. The County Engineer shall determine that the soliciting of charitable contributions on that particular County road does not impact or impede the proper flow of traffic and that it shall not be construed as a "Coin Toss". In addition to the application & permit, each organization shall complete & submit for approval a TIR as detailed in Section 10 of this policy.
 - b. Solicitation shall be permitted only at signalized intersections or when the existing traffic control device causes a temporary interruption in the normal flow of traffic.
 - c. The municipality shall clearly indicate the number of people participating in said solicitation. Each person soliciting charitable contributions shall be at least 18 years old and shall have a Supervisor from the soliciting organization present on location while the solicitation is active and in operation.
 - d. All participants shall wear highly visible safety vests, Type II (minimum) ANSI Level 3. It remains the responsibility of the approved charitable organization to provide their own safety vests for each individual present to solicit contributions. It shall also be the responsibility of the charitable organization to establish and maintain proper traffic control for its members to utilize. Traffic control must be in accordance with the MUTCD, Section VI.
 - e. The charitable organization shall be responsible for any traffic control equipment including but not limited to traffic cones and signs to be utilized for the solicitation event. Signs with back letters with orange background, minimum size 30" X 30", diamond-shaped with retro-reflective sheeting shall be installed 350' – 500' in advance of the solicitation / collection / work area.
 - f. The name of the organization shall be clearly displayed to the traveling public.
 - g. The hours of solicitation shall be limited to daylight hours only on the approved date, and in no way shall exceed the hours of 9:00 AM – 3:00 PM.
 - h. Solicitations on County roads shall not be permitted on County holidays.

- i. Each charitable organization may only hold two events per calendar year.
- j. **No** solicitation event shall be conducted during any type of inclement weather.
- k. Participants shall only approach vehicles for purposes of solicitation when traffic is stopped for a red indication or a stop sign. No solicitations area allowed when the traffic signal has turned green or when traffic is in motion. Solicitation shall not stop or impede the flow of traffic nor harass the traveling public.
- l. The charitable organization shall be responsible for cleaning up any debris resulting from their occupancy and presence in the County right-of-way and/or on the County road.
- m. All County right-of-way shall remain clear and free of any chairs, tents, canopies or any obstructions.
- n. Those soliciting contributions shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when soliciting.
- o. Burlington County shall not be held liable in any civil action for damages to property or personal injury resulting from a motor vehicle accident or any other type of event arising out of or in the course of any solicitations conducted by the charitable organization.
- p. The charitable organization shall execute and indemnification/hold harmless letter protecting Burlington County.
- q. Any Charitable Solicitation permit issued under this Policy may be revoked at any time by the County Engineer for failure to comply with this policy. The County Engineer also reserves the right to terminate the solicitation for failure to comply with this policy and failure to install proper traffic control.
- r. Issuance of an approved Charitable Solicitation Permit does not grant the charitable organization a waiver of the requirements for any and all other applicable permits defined in this Policy. All Charitable Organizations shall also obtain a Road Occupancy Permit.

SECTION 14: Inspections

- 1. The County shall inspect any road occupancy, road opening, or any other work within the County right-of-way as deemed necessary, for the purpose of confirming compliance with issued permits and this Policy. When a permit holder is deemed to be in non-compliance by the County, the permit holder and his surety will be notified as to the deficiencies. Upon the recommendation of an authorized inspector or agent, the County Engineer may:
 - a. Order a temporary stop to any work within or occupancy of the County right-of-way until compliance with all requirements of issued permits and this Policy is achieved.
 - b. Order a stop to any work or occupancy and revoke a permit in which case the Department of Public Works shall, at the sole cost and expense of the permit holder, complete, or cause to be completed, any work necessary to restore the roadway.

- c. Correct, or cause to be corrected, any work after notification to the permit holder by the County Engineer and the neglect or refusal of the permit holder to make corrections as indicated, at the sole cost and expense of the permit holder.
 - d. Correct, or cause to be corrected, any work should the County Engineer and/or local police department be unable to contact the permit holder or any of the permit holder's representatives whose phone numbers appear on the permit, at the sole cost and expense of the permit holder.
 - e. Take whatever action necessary to ensure the safety of the public, make repairs (temporary or permanent) and move against the permit holder's surety bond and file a claim against same.
 - f. Take any other action the County Engineer deems to be reasonable under the circumstances.
2. For any permitted activity the County may, at the sole discretion of the County Engineer, post a Designated Inspector on the job. The permit holder shall be responsible for the cost of a Designated Inspector(s). The permit holder shall make appropriate arrangements with the Burlington County Finance Department and the County Engineer to set up an escrow account for inspection fees.
- a. The permit holder shall deposit with the Burlington County Treasurer an amount equal to five percent (5%) of the estimated cost of construction approved by the County Engineer for inspection fees relating to the permitted work. At the option of the permit holder, the deposit may be paid in four installments. The initial amount of the deposit shall be twenty five percent (25%) of the escrow amount. When the balance on the deposit drops to ten percent (10%) of the escrow amount because the amount deposited by the permit holder has been reduced by the amount paid to the County for inspection fees, the permit holder shall make additional deposits of twenty five percent (25%) of the escrow amount until the work has been accepted by the County. Fees for inspections shall be charged against the escrow amount in accordance with the hourly base or overtime salary plus benefits for each employee. Any money remaining in the escrow amount shall be returned to the permit holder when the work has been accepted by Burlington County.

SECTION 15: Violations and Penalties

1. The County Engineer may take all necessary steps to enforce the provisions of this policy and may request the assistance of State and Local law enforcement officials and the Burlington County Sheriff to enforce Stop Work Orders issued. Pursuant to N.J.S.A. 40:24-2, any person, firm, or corporation violating any of the provisions of this policy shall be treated as a disorderly person and shall be subject to a fine in an amount not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both. In the case of a continuing violation, each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
2. Failure to notify the County Engineer of any roadway occupancy and/or roadway opening regardless of date, time and / or emergency condition shall result in a penalty / fine of a minimum one thousand dollars (\$1,000.00) for each instance in addition to the required application and permit fees.

3. Any action authorized by this policy to be taken by the County Engineer may be performed and taken by any duly designated agent thereon.

SECTION 16: Moratorium

1. No permit shall be issued for any road opening for any road which has been constructed or re-constructed for a five (5) year period after completion of said construction.
2. No permit shall be issued for any road opening for any road which has been overlaid within three (3) years after completion of said overlay.
3. Hardship relief from a moratorium may be given at the sole discretion of the County Engineer, upon receipt of sufficient written information to determine hardship and the applicant's written acceptance of extraordinary restoration conditions.

SECTION 17: Excavation and Reconstruction

1. The New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (Latest Edition) with all amendments and supplements by N.J.D.O.T., shall govern all work performed under permits issued by Burlington County except as supplemented and outlined below and elsewhere in this Policy.
2. All installations which involve transmission mains or service laterals made of plastic or non-ferrous materials shall have a tone wire or detection device to accurately identify the exact location after the installation so as to facilitate other proposed utilities or County installations.
3. The paved roadway shall be saw cut vertically on a straight line before any excavating is allowed.
4. The excavated material from the trench opening shall not be used for backfill unless the material is approved by the County Engineer.
5. Flowable backfill material shall be required for backfilling of all road openings in the pavement area, or other areas at the discretion of the County Engineer. Flowable backfill, also known as Controlled Low Strength Material (CLSM) shall conform to and be constructed according to NJDOT Specifications. All trenches shall be filled to within ten (10") inches of final grade. The remaining ten inches (10") shall be filled with stabilized base course placed in three layers to the existing grade. After a ninety (90) day settling period, the top two inches (2") of the base course shall be milled and final paved with top course as directed by the County Engineer. **Alternate backfill materials such as 15:1 dry mix are prohibited without prior written approval from the County Engineer.**
6. Backfill material when placed in the trench outside the limits of paving shall be deposited in layers and compacted in such a manner and by such methods as to achieve ninety five (95%) percent standard proctor density throughout the entire area to be back filled. The maximum thickness of each layer shall not exceed eight inches (8") loose measurement unless it can be demonstrated that lifts exceeding eight inches (8") meet the minimum 95% compaction requirement. The County Engineer may require the permit holder to perform in-place density testing to ensure the backfill meets specified requirements.

7. Pavement restoration will require that a tack coat be applied to all vertical and horizontal surfaces of the opening for the stabilized base. A tack coat shall also be applied to the horizontal joints after the final two (2") inches of top course material is placed.
8. Where manholes are placed in unpaved shoulder areas, a minimum of two (2") inches of asphalt shall be placed over six (6") inches of dense graded aggregate for eight (8') feet on all sides and shall abut the existing roadway. The width of the paving shall be the same width as the existing shoulder unless otherwise directed by the County Engineer.
9. No greater area shall be excavated than can be back filled and completed including pavement restoration in a normal County road working day (9:00 AM – 3:00 PM).
10. Paved roadway surfaces shall be saw cut vertically to the full depth of the existing pavement on a straight line before excavating. The surfaces shall be cut in such a manner that lifting of pavement adjacent to the trench will not occur during excavating. Any concrete encountered shall be saw cut and all bars cut flush with the edges of the concrete. Roadway surfaces beyond the limits of the trench cuts shall not be disturbed. All trench excavation must be in accordance with O.S.H.A.

Prior to paving, the applicant shall be responsible for the adjusting or for arranging for the adjustment of all facilities such as manholes, inlets, utility boxes, etc. so that they will conform to the cross slope of the restored surface of the roadway.

11. The County Engineer, at his sole discretion, may require that any portion of a trench be re-excavated and restored in accordance with provisions contained herein until the expiration of the period of maintenance.
12. For openings in concrete pavements or in concrete pavements overlaid with bituminous concrete, the trench backfill shall be compacted to a level three (3) inches below the level of the adjacent paved surfaces. All adjacent surfaces of the trench shall be tack coated. A three (3) inch compacted depth of Bituminous Stabilized Base Course shall be constructed. After a minimum of six (6) months, or at the discretion of the County Engineer, a saw shall be used to cut the bituminous pavement in neat straight lines a minimum of six (6) inches beyond the perimeter of the existing trench. In the case of a concrete road that has not been overlaid, re-cutting the concrete will not be required if the original cut is satisfactory and remains undamaged during the course of the work. The trench shall then be excavated to a depth of nine (9) inches and all adjacent surfaces of said trench shall be tack coated. A seven (7) inch (two lifts) compacted thickness of Bituminous Stabilized Base Course and a two (2) inch compacted thickness of surface paving material as specified by the County Engineer shall then be constructed level with the adjacent paved surfaces.
13. All openings beyond the shoulder areas shall be brought to grade with compacted backfill. After a minimum of six months a minimum thickness of four (4) inches of topsoil shall be constructed in the trench area and seeded, fertilized, and mulched or sodded. Should a proper growth not be achieved after one (1) month, the area shall be re-fertilized, reseeded and re-mulched or re-sodded as necessary.
14. Tunneling, drilling, boring and/or jacking may be permitted along or crossing County road at the discretion of the County Engineer. All voids created by tunneling shall be filled with concrete by an approved method. Any surface areas displaced by these construction methods shall be fully reconstructed to the satisfaction of the County at the permit holder's expense.

15. Repair of County facilities other than pavements, shoulders, or lawn areas, which are disturbed as a result of work performed under the permit, shall be required by the County Engineer or his authorized designee. When work is to be completed on a County road or intersection that impacts the existing signing, striping, raised pavement markers or traffic signal system, it is the applicant's responsibility to contact the Burlington County Division of Traffic Operations for mark out of existing facility in the roadway. Any damage to these facilities must be repaired to the satisfaction of the County Engineer. In the event that the one or both of the centerline markings of the roadway are disturbed or damaged, both centerline markings shall be replaced. All restoration required by this section shall be done in conformance to the current County standards. Any excavations or openings within the County right-of-way must be restored to as good or better condition as existed prior to the commencement of work.
16. In accordance with Section 6 of this Policy, in the event of an emergency or hardship, the roadway shall be restored in accordance with the provisions herein and including a full curb to curb 2" depth milling and overlay at a minimum of one hundred feet (100') beyond the opening, or by using the infrared pavement restoration process, or as specified by the County Engineer.
17. Mill & Overlay Requirements:
 - a. The County Engineer may direct the milling & overlay of newly trenched areas, full width of the road, if the trench is irregular in shape, and/or multiple openings are within close proximity to one another. The limits of the mill and overlay shall be from the beginning of the first opening to the end of the last opening.
 - b. Mill & overlay of the width of the entire lane is required if the trench is longitudinal along the travel lane. Full width mill and overlay of the entire road is required along longitudinal trenches with non-uniform width and/or with multiple crossings to prevent erratic travel of motor vehicles.
18. Construction Standards for Approved Appeals

When an application for a County permit is denied and through the appeal process as outlined in Section 22 of this Policy a permit is issued by the County, the required restoration shall be as designated on the issued permit.

SECTION 18: Final Restoration

For all openings in a paved roadway, either of the following re-construction methods may be used:

1. The Flowable fill backfill material shall be placed to within fourteen inches (14") of the existing grade. A subbase of six inches (6") of Dense-Graded Aggregate shall be placed and compacted, and then a layer of six inches (6") of stabilized base shall be placed in two (2), three inch (3") thick layers and compacted. The remaining two inches (2") shall be filled with a cold patch material. After a minimum settling period of ninety (90) days, the cold patch material shall be removed and replaced with the final paving as directed by the County Engineer. All vertical and horizontal joints shall be tack coated.
2. In lieu of the six inches (6") of dense graded aggregate, nine inches (9") of stabilized base course, placed in three (3) lifts and compacted may be used, and the two inches (2") of cold patch placed there-on. After the ninety (90) day settlement period, the temporary material shall be removed

and replaced with the permanent paving at the direction of the County Engineer. All vertical and horizontal joints shall be tack coated.

3. Traffic stripes or markings such as edge lines, stop lines, center lines, crosswalks, arrows or word messages, etc. shall be replaced immediately after the temporary pavement is placed. Latex paint may be used for temporary striping. Alkyd base thermoplastic shall be used as the final striping material. Thermoplastic shall be installed at 125 mil thickness. Glass beads shall be applied on the top of the thermoplastic traffic stripes and/or markings. Installation methods and thermoplastic materials shall be in accordance with the Burlington County Traffic Engineering specifications. The specifications can be obtained from the County Engineer. When the final pavement restoration is complete, the final pavement markings shall be placed at the direction and approval of the County Engineer and/or Traffic Engineer.

SECTION 19: Driveway Standards

All driveways and/or other means of access, temporary or permanent from private/public property or from another public right-of-way to the County right-of-way shall conform to the standards set forth hereunder in this Policy. A Driveway Access Permit must be obtained, in addition to all other relevant permits (i.e. Road Occupancy Permit and Road Opening Permit). All driveways and any other accesses must conform to the technical standards of the Burlington County Land Development Review Resolution (LDRR). In addition, all driveways and other accesses must conform to the *AASHTO Policy on Geometric Design of Highways and Streets*, latest edition.

SECTION 20: Other Requirements

1. Proximity to Traffic Signals and ITS Facilities:
 - a. Prior to any road occupancy or road opening in a public right-of-way within 1,000' of a traffic signal or ITS equipment owned by Burlington County, the applicant must first contact the Burlington County Traffic Operations Center (TOC) to discuss the impact the occupancy or opening may have on the operation of the traffic signal and to determine the location of loop detectors, conduits, junction boxes and any other traffic signal equipment.
 - b. Any damage to loop detectors or any other parts of traffic signal or ITS equipment caused by road occupancy or construction must be immediately replaced as directed by the TOC and/or County Engineer. Under no circumstance will splicing of loop detectors or other wiring be permitted. Traffic signal installation methods and materials shall be in accordance with Burlington County specifications. The specifications may be obtained from the Engineering Division. Shop drawings of all electrical material and equipment shall be furnished to the TOC for approval prior to permit issuance.
2. Bridges and Culverts:
 - a. Prior to any road occupancy, road opening or driveway access in a public right-of-way within five hundred feet (500') of a bridge, culvert or drainage structure owned by Burlington County, the applicant must first contact the County Engineer to discuss the impact the occupancy or opening may have on the structure.
 - b. No utilities may be placed above, below or adjacent to any bridge, culvert or drainage structure, attached to any bridge, culvert or drainage structure or placed within five

hundred feet (500') of any bridge, culvert or drainage structure without prior written approval from the County Engineer. Such required written approval must be obtained prior to and attached to all applicable permit applications. Permit applications will be deemed incomplete and returned to the applicant if such written approval is not included. In general, the County Engineer will not permit the placement of utilities beneath bridges, culverts or drainage structures. If approval is granted to attach a utility to a County-owned bridge, the owner of the utility will be required to execute an easement and agreement with Burlington County prior to installing the utility. The conditions for any utility installation within five hundred feet (500') of any bridge or culvert shall be at the sole discretion and direction of the County Engineer.

- c. The owner of any utility installed within five hundred feet (500') of a County-owned bridge, culvert or drainage structure will be required to relocate or modify said utility at the owner's sole cost and expense as necessary or required for the maintenance, repair or replacement of the County owned bridge, culvert, drainage structure and appurtenances (including guiderail). The County Engineer shall determine, at his sole discretion, if and when a utility must be modified and/or relocated.
 - d. The issuance of any permits by the County shall bind the owner to the requirements listed in this Policy without enumerating such requirements explicitly within the permit.
3. Utility Installations:
- a. The engineering, design, construction plans and location/placement of all utilities shall be as directed by the County Engineer and conform to N.J.A.C. 16:25-2 thru 5, and the American Association of State Highway and Transportation Officials' *Guide for Accommodating Utilities within Highway Right-of-Way*, and any other requirements deemed applicable by the County Engineer.
 - b. The installation of above ground equipment / appurtenances (excluding utility poles) within County right-of-way is strictly prohibited and the installation of any such structure requires separate written approval from the County Engineer. The provisions of the *AASHTO Roadside Design Guide*, latest edition, shall apply.
 - c. At the completion of the installation and/or construction of new utility infrastructure, both underground and aerial, the abandoned utility infrastructure shall be removed in its entirety and the area properly restored in accordance with this Policy. It is prohibited to abandon-in-place any utility infrastructure, material or equipment within the County right-of-way without the prior written approval of the County Engineer.

SECTION 21: Applicability to County Work and NJ One Call

- 1. The provisions of this policy shall not be applicable to any work under the direction of County authorities by employees of the County or by any contractor to the County performing work for and on behalf of the County. All utility companies performing relocation work at the direction of the County shall be exempt from the fees required by this policy.
- 2. The provisions of this policy shall not be applicable to any person or entity with a valid NJ One Call ticket working to mark out underground utilities. All persons performing NJ One Call mark outs within County right-of-way shall wear highly visible safety vests, Type II (minimum) ANSI Level 3 and adhere to all applicable laws and regulations governing worker safety.

SECTION 22: Permit Appeal

1. Any applicant who is denied a permit in accordance with the provisions of this Policy may appeal in writing to the office of the County Engineer.
2. Appeals must be made within five (5) business days of the permit denial. The written appeal and any written documentation in support thereof shall be sent to the office of the County Engineer. The County Engineer shall provide the Permit Appeal Committee with a copy of the following: permit application(s), plans, a copy of the notification of permit denial stating the reasons for the denial and a copy of the written appeal.
3. The Burlington County Permit Appeal Committee shall meet within ten (10) business days following receipt of the appeal.
4. The Permit Appeal Committee shall consist of two (2) designated representatives from the Engineering Division, as appointed by the County Engineer and one (1) representative from the Legal Department as appointed by the County Solicitor.
5. The Permit Appeal Committee shall review the material submitted by the applicant and may consult with the Burlington County Board of Commissioners, municipal officials & police departments regarding the matter. The Committee's decision shall be final and binding. The committee shall send the applicant written notification of this decision within forty five (45) *calendar days* of receipt of the appeal request.
6. **The closure of County roads is not permitted. Therefore, all requests for closure of a County road shall be made as an appeal and go through the appeal process. As part of the process for a road closure, the Board of Commissioners may pass a Resolution authorizing the road closure, if it is permitted.**

SECTION 23: Savings Clause

Should any section, clause, sentence, phrase or provision of this Policy be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Policy.

APPENDIX A: Fee Requirements

1. An application fee shall be charged by the County Engineer for each application received, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. Application fee(s) are separate from permit fees and must be paid in addition to any permit fee(s). Application fees should be in the form of a check or money order. Cash will not be accepted. Application fees are non-refundable. Application fees are as follows:
 - a. Road Occupancy Application Fees
 - i. Residential/Farmer Applicants No Fee
 - ii. Municipal Event/Charitable Solicitation No Fee
 - iii. All Other Applicants \$300.00
 - b. Road Opening and Driveway Access Application Fees
 - i. Residential/Farmer Applicants No Fee
 - ii. All Other Applicants \$60.00
 - c. There shall be no fee charged for Charitable Solicitation Applications and Municipal Event Applications.
2. A permit fee shall be charged by the County Engineer for the issuance of a permit for work within the County right-of-way, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. Permit fee(s) are separate from application fees and must be paid in addition to any application fee(s). Permit fees should be in the form of a check or money order. Cash will not be accepted. The permit fee as calculated by the County Engineer for the Road Opening Permit and Access Permit shall be in an amount varying with the size of the excavation. Permit fees are as follows:
 - a. Road Occupancy Permit Fees
 - i. Residential/Farmer Applicants \$60.00
 - ii. Municipal Event/Charitable Solicitation No Fee
 - iii. All Other Applicants \$200.00
 - b. Road Opening and Driveway Access Permit Fees
 - i. Residential/Farmer Applicants No Fee
 - ii. All Other Applicants
 1. Excavation (within right-of-way)
 - a. < 3 SY \$60.00
 - b. ≥ 3 SY +\$12.00 / SY
 2. Curb, Sidewalk & Path Installation \$1.20 / LF
 3. Drilling, Tunneling, Jacking, Boring (within right-of-way)
 - a. < 8" diameter \$6.00 / LF
 - b. ≥ 8" diameter \$35.00 / LF
 4. Utility Poles/Monitoring Wells/Soil Borings \$100.00 each unit

(Revised 3/1/2021)

- c. There shall be no fee charged for Charitable Solicitation Permits and Municipal Event Permits.
 - d. Road Opening permit fees will be doubled for work within roads and right-of-way that are under moratorium, but have been approved for opening by the County Engineer.
- 3. Non-profit entities shall not be exempt from Application and Permit Fees and Bonding requirements.
- 4. The County Engineer reserves the right to amend the fees listed above.

APPENDIX B: Deposit and Bonding

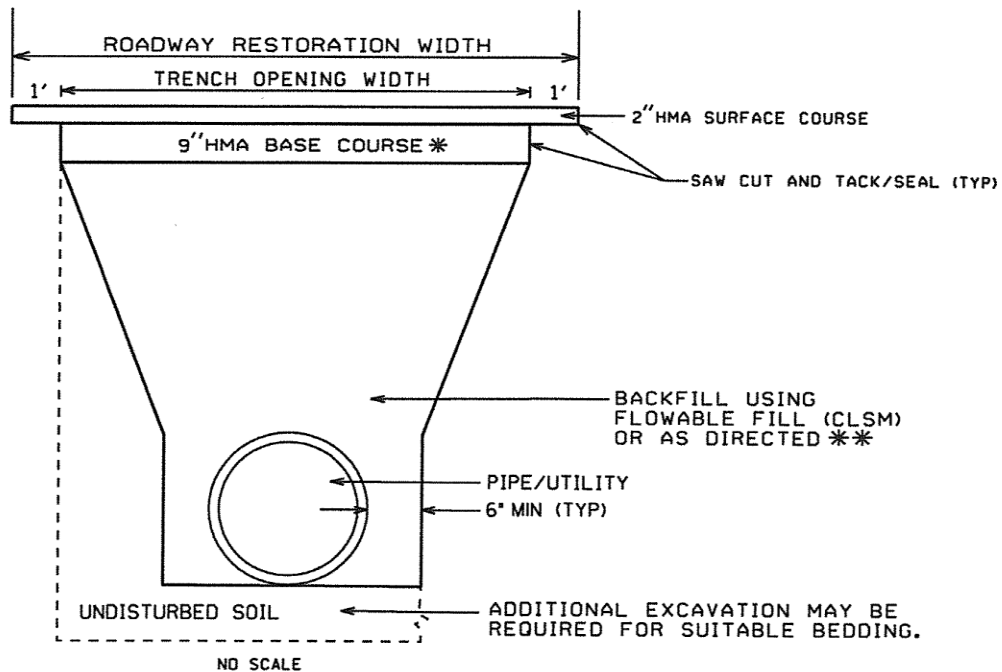
1. The permit holder shall provide deposits and/or bonds in a form acceptable to the County. No permits will be issued until applicable deposit or surety is in place. Such surety shall be in the form of a check made payable to the Burlington County Treasurer or a bond issued by a surety company authorized to do business in the State of New Jersey and acceptable to Burlington County. The full amount of the security deposit or bond shall be based on the deposit fee schedule of charges as provided herein. A separate bond will not be required for items already covered under the Burlington County Planning Board/Land Development Performance Guarantee. Bonds or surety issued to another agency will not be acceptable as surety for County issued permits.
2. The deposit amount shall be as follows:
 - a. \$200/SY for all roadway and handicap ramp work
 - b. \$75/SY for all roadside/grass work
 - c. \$15/LF for all directional boring and curb
 - d. \$1,500.00 minimum bond amount
3. Upon satisfactory completion of the work authorized under the permit, the County will refund the security deposit or release a surety bond after two (2) years for any road opening permits that are issued as a result of an appeal to the Permit Appeal Committee will be required
4. Individual homeowner applicants may apply for an exception to this requirement. The review of such an application lies solely in the purview of the County Engineer.

APPENDIX C: Trench Restoration Detail

APPENDIX C:

BURLINGTON COUNTY
DEPARTMENT OF PUBLIC WORKS

ROAD OPENING TRENCH RESTORATION DETAIL



NOTE

- * 9" THICK HOT MIX ASPHALT (HMA)
PLACED IN THREE LAYERS.
- ** TRENCH RESTORATION IN UNPAVED
AREA WITHIN RIGHT OF WAY SHALL BE
DONE AS DIRECTED BY COUNTY ENGINEER

APPENDIX D: Resolution

Board of Chosen Freeholders County of Burlington

OFFICE OF THE
BURLINGTON COUNTY FREEHOLDERS

Mary Ann C. O'Brien
Joseph B. Donnelly
Bruce D. Garganio
Joanne Schwartz

P.O. BOX 6000
MOUNT HOLLY, New Jersey
08060-6000



EVE A. CULLINAN
County Administrator

Gina M. Wheatley
Clerk of the Board
609-265-5020
Fax: 609-702-7000

AGENDA, REGULAR MEETING, BOARD OF CHOSEN FREEHOLDERS, COUNTY OF BURLINGTON

Date: Dec 28, 2015 - 9:00 AM
Location: County Administration Building
Freeholder's Board Room
49 Rancocas Road
Mt. Holly, NJ 08060

Agenda: APPROVAL OF THE REVISED POLICY, PROCEDURES & SPECIFICATION MANUAL FOR: ROAD OCCUPANCY PERMIT, ROAD OPENING PERMIT, DRIVEWAY ACCESS PERMIT, CHARITABLE SOLICITATION PERMIT AND MUNICIPAL EVENT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING

Official Resolution#		2015-00792						
Meeting Date		12/28/2015						
Introduced Date		12/28/2015						
Adopted Date		12/28/2015						
Agenda Item		h-21						
CAF #								
Purchase Req. #								
Result		Adopted						
FREEHOLDER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.	
O'Brien	✓				✓			
Donnelly	✓			✓	✓			
Garganio	✓		✓		✓			
Schwartz	✓				✓			

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE, COMPLETE AND ACCURATE COPY OF THIS RESOLUTION, ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, NJ AT THE MEETING REFERENCED THEREON

CLERK OF THE BOARD

Agenda Item# h.21-1

WHEREAS, the Board of Chosen Freeholders of the County of Burlington ("Board") is concerned with the health, safety, and welfare of the residents of Burlington County; and

WHEREAS, the Board is also concerned with other activities, including construction, development, and work which impact the County roadway system; and

WHEREAS, the Board is concerned, as a part of its overview of County functions, the supervision, maintenance, and control of the County roadway system; and

WHEREAS, the Board adopted a Resolution to regulate access or alterations within County Road Rights-of-Way on November 26, 1963; and

WHEREAS, the Board adopted a Resolution to regulate the excavation, maintenance and restoration of Burlington County Roads adopted November, 1997 with an effective date January 1, 1998; and

WHEREAS, there are many types of activities and types work performed within County Roads and Rights-of-Way on a constant basis by individuals, business entities, municipalities, corporations, public utilities and authorities; and

WHEREAS, it is necessary for the Board to protect the public's interest in the County Roads and Rights-of-Way to provide safe and convenient travel; and

WHEREAS, it is necessary to protect County Roads from damage and to protect the County's ability to maintain its roads and to construct future road improvements without placing undue burden on the taxpayers; and

WHEREAS, in order to defray such costs, it is advantageous to recoup some of the staffing expenditures made for applications, permits, inspections and other activities which impact County roads; and

WHEREAS, the Burlington County Director of Public Works/County Engineer has recommended revisions to the current permitting, specification and fee schedule to better regulate current activities, reflect current standards, specifications and address costs of such activity by requesting that the Board authorized a revised "Policy, Procedures, & Specifications Manual for: Road Occupancy Permit, Road Opening Permit, Driveway Access Permit, Charitable Solicitation Permit, and Municipal Event Permit" (hereafter "Policy") ; and

Introduced on: December 28, 2015
Adopted on: December 28, 2015
Official Resolution#: 2015-00792

Agenda Item# h.21-2

WHEREAS, the Burlington County Director of Public Works/County Engineer has recommended that revisions to the Policy be included to address the following types of permits for the various activities and work that occur within County Roads and Right-of-Way: including, but not limited to, Road Occupancy Permit, Road Opening Permit, Driveway Access Permit, Charitable Solicitation Permit and Municipal Event Permit; and

WHEREAS, it would be in the best interests of the residents of Burlington County that the Policy be approved; and

WHEREAS, it is advantageous for the County Engineering Department to adjust and amend the policy, from time to time, as needed; now therefore, be it

RESOLVED, by the Board of Chosen Freeholders of the County of Burlington, that said Board hereby adopts the "Policy, Procedures & Specifications Manual for: Road Occupancy Permit, Road Opening Permit, Driveway Access Permit, Charitable Solicitation Permit and Municipal Event Permit" dated December 1, 2015 and all provisions a part thereof; and, be it

FURTHER RESOLVED, by the Board that it authorizes and directs the County Engineer to make this Resolution a part of the "Policy, Procedures & Specifications Manual for: Road Occupancy Permit, Road Opening Permit, Driveway Access Permit, Charitable Solicitation Permit and Municipal Event Permit" dated December 1, 2015 and to arrange for same to be made available for download from the County website, to be supplied to known utilities and authorities, to also arrange for same to be printed in booklet form, to supply to applicants as needed, and to be forwarded to Municipal Managers, Chiefs of Police, Law Enforcement Supervisors, and other applicable individuals; and, be it

FURTHER RESOLVED, that a person, corporation, officer, board or other entity violating any Provision of the policy shall, for each violation, be subject to a fine or imprisonment for an applicable period as authorized by N.J.S.A. 40: 24-2, et. seq.; and, be it

FURTHER RESOLVED, that all resolutions, or parts of resolutions in conflict with the provisions of this resolution and the referenced Policy are hereby repealed; and, be it

FURTHER RESOLVED, that this resolution shall take effect January 1, 2016 or upon its passage, publication and approval according to law; and, be it

Introduced on: December 28, 2015
Adopted on: December 28, 2015
Official Resolution#: 2015-00792

Agenda Item# h.21-3

FURTHER RESOLVED, that the County Engineer, with authorization of the County Administrator and County Solicitor's Office be authorized to adjust, not more frequently than annually, the fee and cost schedule appended to this Policy; and, be it

FURTHER RESOLVED, that if any section or portion of this resolution or section or portion of the "Policy, Procedures & Specifications Manual for: Road Occupancy Permit, Road Opening Permit, Driveway Access Permit, Charitable Solicitation Permit and Municipal Event Permit" dated November, 2015, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof; and, be it

FURTHER RESOLVED, that a copy of this action shall be printed once in the Burlington County Times within ten (10) days of its passage as required by N.J.S.A. 40: 24-3 of the Local Public Contracts Law; and, be it

FURTHER RESOLVED, that this Policy is hereby adopted and approved in accordance with the rules of the Board.

Introduced on: December 28, 2015
Adopted on: December 28, 2015
Official Resolution#: 2015-00792

Agenda Item# h.21-4