

City of Valparaiso, Indiana

CITY OF VALPARAISO, INDIANA

A MANUAL ON PROPER RIGHT OF WAY CUTS

Prepared by the Office of the City Engineer

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OFFICE OF

David A. Butterfeld

INDIANA 46383

VALPARAISO, INDIANA 46383 (219) 462-1161

Dear Contractors and Utilities:

The condition of our City's streets is of increasing interest to the motoring public. The use of their tax dollars is a continual concern to residents. Additionally, rough-riding surfaces cause the motoring and bicycling public to spend thousands of dollars each year on front end alignments and other repair work on automobiles, trucks and bikes. The public looks to the City for answers about road surface conditions.

One area of concern to officials is street cut repair control. In an effort to improve the City's procedures of administering and inspecting street cut repairs, as well as setting out standards and guidelines for construction, this booklet is being published for use by contractors and utilities.

We are very hopeful that conditions will be improved as a result of these procedures and look forward to your cooperation and support in this most important area.

If, after reviewing the enclosed materials, you have any questions or need additional information, please feel free to contact my office or the City Engineer, John Hardwick.

N. 1/1 A

bavid A. Butterfield

Mayor

AUTHORITY

Indiana State Law provides for cities to regulate digging into streets and public places and establishes the powers of the Board of Public Works regarding excavations. According to $\underline{\text{IC}}$ 36-9-6-14.Excavations:

"The works board may license the making of excavations from the surface or underneath the surface of a street, alley, or public place in the city. The works board may require bond to pay for damages caused by excavations and to secure the proper repair of the street, alley, or public place.

The Municipal Code of the City of Valparaiso, under Chapter 92. Excavations, establishes the City's authority regarding excavations within any City owned Right of Way or public grounds. Following is a copy of the ordinance in its entirity:

- 92.01. Excavations of Streets Restricted. No person shall excavate or dig in any of the streets, highways, alleys, or public grounds of the City without first obtaining a permit from the City.
- 92.02. Permit Application. Any person desiring to make any openings in any of the streets, highways, alleys, or public grounds of the City, or to excavate or dig therein, shall file four copies of the application provided by the City in the office of the City Engineer.
- 92.03. Performance and Damage Bond Required. The applicant shall file a bond in the penal sum of not less than \$5,000 conditioned for the performance of the work and the maintenance of said work for a period of one year from the completion of such work, all in accordance with the terms of this Chapter.
- 92.04. Insurance Required. The applicant shall further furnish to the City at the time of making application proof of the fact that he is covered by liability insurance in an amount not less than \$250,000 for property damage and \$250,000 for injury to any one person, and \$1,000,000 for any one occurance. Said applicant shall prove to the satisfaction of the City the payment of a premium for said insurance so that the City will be protected for a period of one year from the date of the commencement of the work.

The applicant agrees to indemnify, defend, exculpate, and hold harmless the City of Valparaiso, Indiana, its

officials and employees from any liability due to loss. damage, injuries, or other casualties of whatsoever kind, or by whomsoever caused, to the person or property of anyone on or off the Right of Way arising out of, or resulting from the issuance of this permit or the work connected therewith, or from the installation, existence, use, maintenance, condition, repairs, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions of (1) the City, its officials, agents, or employees: or (2) the applicant, his agents or employees, or other persons engaged in the performance of the work, or (3) the joint negligence of any of them; including any claims arising out of the workmen's compensation act or any other law, ordinance, order, or decree for a period of two (2) years. The applicant also agrees to pay all reasonable expenses and attorneys fees incurred by or imposed on the City in connection herewith in the event that the applicant shall default under the provisions of this paragraph.

- 92.05. Separate Permits Required. A separate permit shall be obtained for the making of separate openings and excavations. However, a person may file one bond to cover and apply to all work to be done under several permits.
- 92.06. Permit Approval and Issuance. Upon the filing of the application and bond, the City Engineer shall notify the Street Commissioner. If said application is satisfactory and the bond is sufficient as to form and surety, the Street Commissioner and City Engineer shall approve the application by endorsing their approval thereon. The application shall be forwarded to the Clerk-Treasurer who shall issue the permit only upon receipt of approval of the application by the City Engineer and Street Commissioner, or their representative.
- 92.07. Permit Fee. The applicant shall pay to the Clerk-Treasurer, upon filing, a charge as provided on Form No. 5501 Rev, 1987 (Exhibit "A"). This charge shall become part of the MVH fund of the City. In the event the application and bond of the applicant is not approved, a portion of the fee paid at time of filing shall be returned to the applicant as determined by the City Engineer.
- 92.08. Excavation Time Limit. No opening in any street, highway, alley, or public grounds of the City shall remain open for a period of more than 10 consecutive days. If the opening is made within the paved areas, the opening shall not remain open for more than 24 hours. The Board of Public Works and Safety may grant an extension of time on excavation openings upon presentation by the permit holder of good and sufficient reason for such extension.
- 92.09. Obstructions Prohibited. No person shall erect any

- building, fence or other obstruction upon any street, alley, sidewalk or public grounds in the City.
- 92.10. Each Day a Separate Offense. Each day any portion of this Chapter is violated shall constitute a separate offense.
- 92.11. Manual. The City shall publish for distrubution to interested persons a manual entitled "A MANUAL ON PROPER RIGHT OF WAY CUTS" which is attached hereto and incorporated herein by reference. (Exhibit "B").

The Municipal Code of the City of Valparaiso, under Chapter 1.10 Penalty, establishes the City's recourse if violated:

"Unless otherwise provided in this Code, every person convicted of a violation of any provision of this Code shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) and in no event shall any person convicted of a violation of this Code be imprisoned."

WHO NEEDS A PERMIT?

SIDEWALKS ?

Anyone replacing or installing any sidewalk on City Right of Way must obtain a Right of Way Cut Permit before any construction work is started.

All sidewalks must have City inspections for correctness of forms and grade before any concrete can be poured. The City Inspector may be contacted by calling 462-4612 at least 24 hours before inspection is needed. (Monday through Friday)

The permit and fee requirements for sidewalks shall be waived if the sidewalk is reconstructed through the Valparaiso Street Department Sidewalk Reconstruction Program.

DRIVEWAY APPROACHES ?

Anyone replacing or installing a driveway approach on City Right of Way must obtain a Right of Way Cut Permit before any construction work is started.

All driveway approaches must have City inspections for correctness of forms and grade before any concrete can be poured. The City Inspector may be contacted by calling 462-4612 at least 24 hours before inspection is needed. (Monday through Friday)

STREET CUT, OR CUT INTO CITY RIGHT OF WAY ?

Anyone cutting into or tunneling under any portion of the City Right of Way, whether in a paved area or not, must obtain a Right of Way Cut Permit before any construction work is started.

All restoration must be inspected by the City. The City Inspector may be contacted by calling 462-4612 at least 24 hours before inspection is needed. (Monday through Friday)

All special provisions which are attached by the City Engineer or the Street Superintendent must be adhered to before any restoration will be accepted.

ABOVE GROUND UTILITY LOCATIONS ?

All utility pole placements, or other above ground utility facility placements, shall be regulated by the City. Utilities must obtain a Right of Way cut permit before any construction work

is started.

The utility shall be responsible for the design of the utility facility to be installed within the Right of Way. The City will be responsible only for the review and approval of the utility's proposal with respect to the location of the utility facilities to be installed and the manner of installation as related to the City's Standards and Specifications. Approval of the permit does not relieve the utility of responsibility for the design. The City does not alter current regulations or authority for installing utilities nor for determining financial responsibility for replacing or adjusting utilities. The City limits itself to matters which preserve the safe operation, maintenance and integrity of the City Rights of Way.

"BACK YARD" UTILITY OR DRAINAGE INSTALLATIONS ?

As specified in the Municipal Ordinance, (92.01) "No person shall excavate or dig in any of the streets, highways, alleys, or public grounds of the City without first obtaining a permit from the City".

By ordinance, back yard utility or drainage easements fall under the jurisdiction of the City and will require a Right of Way Cut permit before any construction work is started. The utility shall be responsible for the design of the utility facility to be installed within the Right of Way. The City will be responsible only for the review and approval of the utility's proposal with respect to the location of the utility facilities to be installed and the manner of installation as related to the City's Standards and Specifications. Approval of the permit does not relieve the utility of responsibility for the design. The City does not alter current regulations or authority for installing utilities nor for determining financial responsibility for replacing or adjusting utilities. The City limits itself to matters which preserve the safe operation, maintenance and integrity of the City Rights of Way.

EXCEPTIONS:

- 1. Right of Way Cut Permits are required for excavation on public Rights of Way within the corporate city limits only on properties dedicated to, and accepted by the City of Valparaiso. Subdivisions under construction whose Rights of Way, easements or other public grounds have not yet been accepted are required to meet the Subdivision Regulations as spelled out in the City of Valparaiso Zoning Ordinance with approval by designated authorities, but are not required to apply for a Right of Way Cut Permit. Upon construction completion, and acceptance of said public grounds, any excavations thereafter will require a Right of Way Cut Permit as indicated above.
- Right of Way or public grounds dedicated to public agencies other than the City of Valparaiso, or to private agencies or individuals, do not fall under City jurisdiction regarding Right of Way Cut Permits, e.g. State Highway Right of Way or other

public grounds such as: U.S. 30 Right of Way, State Road 49 Right of Way, U.S. Post Office property, etc. Any excavation within said public or private grounds must be granted authorization by appropriate parties. It is the responsibility of the contractor/utility to obtain permits or authorizations.

PROCEDURE

To obtain a Right of Way Cut Permit, the following procedure shall be followed:

Days Step (1) la.

- 1a. All applications are received in the City Engineer's Office for Right of Way Cut Permits. The date shall be stamped on the application upon reciept. Information or documentation required is as follows:
 - a) Performance Bond
 - b) Insurance
 - c) Completed permit application
 - d) Plans (4 sets)
 - e) Traffic Control Plan
 - f) Construction Schedule

The City Engineer, or a representative of the City Engineer, is to review the plans and application for completeness and compliance with the standards.

The City Engineer shall determine the amount of the permit fee, and a check for that amount shall be received, made out to the City of Valparaiso. The payment for the permit fee shall be collected by the Clerk-Treasurer.

- (2) 1b. If the permit application involves grading and/or drainage work that will affect the City Right of Way, the City Engineer, or representative, will also require the following:
 - a) Drainage plan including all drainage structures and calculations.
 - b) Grading Site Plans.

A review shall be made of all information provided related to but not limited to:

- a) Effects of work site activity on drainage, erosion control, etc.
- b) Restoration of vegetation and fences.
- c) Miscellaneous items such as curb, sidewalk, etc.

Recommendations for any special provisions or requirements shall be made. When the permit application (including plans and/or proposals) fulfills all requirements, the City Engineer signs the permit form and it is forwarded to the Street Department with recommendations.

- (2)
 2a. The Street Superintendent, or a representative of the Street Superintendent, is to verify all pertinent field conditions as described by the application and plans.

 An Initial Permit Review of the existing site conditions is required.
- (1) 2b. The Street Superintendent, or a representative, shall review:
 - a) Traffic Control plans
 - b) Means and sequence of performing the work
 - Recommendations made by the City Engineer's Office
 - d) Effects on City maintenance equipment
 - e) Conflicts with future traffic construction projects

The Street Superintendent will write on or attach to the application any special provisions or requirements. Permit is forwarded to the Clerk-Treasurer's office for processing.

 3. Clerk-Treasurer shall distribute copies of application and plans as follows:

Applicant	1 set
Street Department	1 set
Engineer's Office	1 set
Clerk's Office	1 set

ALLOW 7 DAYS FOR APPLICATION REVIEW.

- Contractor or Utility shall notify Street Department Superintendent one (1) day prior to commencing work within the Right of Way.
- 5. Interim Inspection is made by a Street Department representative during construction to verify that all of the conditions of the permit are being met and work is in compliance with City standards. This inspection should be made at the time forms are in for concrete work.
- Contractor or Utility shall notify Street Department Superintendent when work is completed.
- Final Inspection is made by Street Department representative.
- 8. One year after date of Final Inspection and approval,

Contractor's Bond may be released provided that quality and workmanship of the excavation have been maintained and work remains in compliance with City standards.

SPECIFICATIONS

The following items 1 through 15 have been established as minimum requirements for Contractors/Utilities making improvements or doing maintenance within the City of Valparaiso:

1. Performance Bonds: (92.03)

A surety bond is required for excavation work within City Right of Way. The bond is to guarantee prompt and satisfactory replacement and repair of facilities damaged or disrupted by the Contractor's/Utility's operations.

A bond of \$5,000 is required of all contractors doing work on City Right of Way. Refer to IC 22-11-3.1-1 et seq. A copy of said bond shall be provided for the City's records. The bond shall remain in force until the work complies with City standards, and all permit matters are complete to the satisfaction of the inspector, and for a period of one year thereafter. The bond must state that if cancelled, that a notice of cancellation shall be mailed to the city by the bonding agency.

For Contractors regularly doing work within City Right of Way, a continuous performance bond may be recorded with the City, with renewal notices issued yearly. Unless the bond indicates that it is to cover a specific project the contractor may use the same bond for any number of cuts.

If a contractor maintains a performance bond recorded with Porter County, and said bond includes all cities, towns and municipalities within the county under their coverage, the City will accept a copy of the County Bond in lieu of separate bonding to the City. However, renewals or continuation certificates, and notice of cancellation must be directed to the City of Valparaiso by the bonding agency, as well as to the County.

One year after date of Final Inspection and approval, Contractor's Bond may be released provided that quality and workmanship of the excavation have been maintained and work remains in compliance with City standards.

Due to the volume of cuts by the various utilities, the bond requirement shall be \$30,000 to cover all projects throughout the year. In the event that a major project is submitted for Right of Way cut approval, additional bonding may be required at the

discretion of the City Engineer.

2. Insurance (92.04)

Contractors/Utilities doing work on City Right of Way are required to furnish proof of liability insurance in the following amounts:

Property Damage

\$250,000.00

Injury, per person \$250,000.00 Injury, per occurance \$1,000,000.00

Applicant must show proof of premium payment for said insurance for a period of one year from the date of the commencement of work.

3. Permit

Applicant shall be required to fill out a Right of Way Cut Permit application. (see figures 1 and 2)

Hunicipal form no. 5501 Rev. 1987	City of Valoriates Indiana	
	City of Valparaiso, Indiana	
	RIGHT OF WAY CUT PERMIT	
Date of Application:	CONTRACTOR CONTRACTOR SERVICES	
Type of Permit: Sidewalk Driveway Si Emergency	treet Cut Above Ground Utility Location Sewer Tap Misc.	-
Project Location:		
Project Description: Length Type of Surface to be cut: Additional Information:	Vidth (ettech drawing)	applicant
Purpose of Opening:		100
Construction Schadular (data) from	to	
AND A CONTROL OF THE COMMON DATE.	Insurance Expiration date:	
Permit Fee: 5	(Please make check payable to "City of Yalparaiso")	-
	PERHIT MUST BE ON SITE OURING WORK OPERATIONS	
		- 1
Soccial Provisions:		Street nea
	efend, exculpate, and hold harmless the City of Yaloaraiso, Indiana, its officials to loss, demage, in juries, at other casualites of whatsoever kind, or by whomsoever anyone on or manyone of the state of the stat	nest
	efend, exculpate, and hold harmless the City of Yaloaraiso, Indiana, its officials to loss, demand, injuries, at other casualites of whatsoever kind, or by whomsoever trends of the casualities of whatsoever kind, or by whomsoever trends of the casualities of the same trends of the casualities of casualities of casualities of casualities of casualities of casualities of the casualities of th	neat no.
The applicant agrees to indemnify, d and employees from any Liability due caused, to the person or property of this permit or the work connected th alterstem, or removal of any equipm engaged in the performance of the wo	Signature of applicant	name no. Issue
The spolicant agrees to indewnly, of and employees from any Liability due caused, to the person or property of this speral to the work connected the person of the voluments component the person of the voluments component to the person of th		neat no.
The applicant agrees to indemnify, d and employees from any Liability due caused, to the person or property of this permit or the work connected th alteration, or removal of any equipment engaged in the performance of the wo the workmen's chomoensation act or an reasonable expenses and altorneys fe applicant shall default under the pr	Signature of applicant	name no. Issue date
The spoilcant agrees to indewnify, deand employees from any Liability due caused, to the person or property of caused, to the person or property of alterstion, or removal of any results of (1) in City, its officials, ageneraged in the performance of the workers commensuit in act of an example of the workers commensuit in act of an example of the workers commensuit in act of a spoilcant shall default under the property of the performance of the workers	Signature of Applicant Company	name no. Issue
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The spoilcant agrees to indewnify, deand employees from any Liability due caused, to the person or property of caused, to the person or property of alterstion, or removal of any results of (1) in City, its officials, ageneraged in the performance of the workers commensuit in act of an example of the workers commensuit in act of an example of the workers commensuit in act of a spoilcant shall default under the property of the performance of the workers	Company Address City, State, [ip	name no. Issue date
The socilcant spees to indemnify, a and emologees from any Liability due caused, to the person or property of this permit or the work connected the siteration, or removal of any southern the permit of the work connected the second of the se	Company Address City, State, Zip () Telephone Personally appeared before me	name no. Issue date expiration Receipt No.
The spoilcant agrees to indewnify, deand employees from any Liability due caused, to the person or property of caused, to the person or property of alterstion, or removal of any results of (1) in City, its officials, ageneraged in the performance of the workers commensuit in act of an example of the workers commensuit in act of an example of the workers commensuit in act of a spoilcant shall default under the property of the performance of the workers	Commony Address City, State, Pip () Telephone	near no. Issue date expiration

Figure 1, Right of Way Cut Permit Application

City of Valparaiso, Indiana

RIGHT OF WAY CUT PERMIT

General Provisions

- All work described in the permit shall be subject to inspection by the City
 of Valparaiso and the permittee shall adjust or stop operations upon
 direction of any police officer or authorized City of Valparaiso employee.
- This permit may be revoked at any time by the City of Valparaiso for non-compliance with any and/or all provisions of said permit.
- The permittee shall notify the City of Valparaiso Street Superintendent one
 day prior to beginning any work activity.
- 4. The permittee shall notify the City of Valparaiso Street Superintendent that the work is complete and said notice shall be provided within seven (7) days from completion of all work on this permit.
- 5. The permittee shall have the permit, complete with drawings and special provisions, on the site during work operations and shall show said permit to any police officer or authorized City of Valparaiso employee upon request.
- 6. This permit is valid through the stated expiration date. If work is not completed within the allotted time, the permit is automatically cancelled unless an extension is requested prior to the expiration date and said request is approved by the City of Valparaiso. If a permit is cancelled, a new application must be submitted and approved before the proposed work may be accomplished.
- 7. The permittee shall erect and maintain all necessary signs, barricades, detour signs, and warning devices required to safely direct traffic over or around the part of the Right of Way where permitted operations are to be done. All safety procedures and devices shall be in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- All construction and materials used within the Right of Way must conform to the current City of Valparaiso "Standards and Specifications".
- 3. Any operations authorized by the issuance of this permit shall not interfere with any existing structure on the City of Valparaiso. Right of Way without specific permission in writing from the City of Valparaiso. In the event that any buildings, railings, traffic control devices, or other structures are damaged, cost of the removal, replacement or repair of said damages shall be borne by the permittee.
- 10. Approval of this permit application shall be subject to the regulations and procedures as outlined by the City of Valparaiso in a manual entitled A MANUAL ON PROPER RIGHT OF WAY CUTS, prepared by the Office of the City Engineer, which shall be considered a part hereof.

11.	Fee	Schedule -							
		Standard fee:	340.00	(includes	first	500	16	of	cut
				(for each					
		Sidewalk:	\$20.00						
		Driveway, Residential:							
		Driveway, Non Residential:	\$30.00						

Please refer to City of Valparaiso publication entitled "A MANUAL ON PROPER RIGHT OF WAY CUTS" for a complete explaination of permit fees.

figure 2, General Provisions printed on reverse side of application.

Information required on the permit:

- a) Type of Permit: This information will help the reviewer to determine permit fees, as well as aiding the inspector in deciding the number and type of inspections which will be required. Check any/all appropriate items.
- b) Emergency: If work performed was already completed at the time of submitting the application under an emergency situation please check this box. Prior approval must be obtained by calling the office of the Street Commissioner.
- c) Project Location: May consist of the street address where appropriate, or in some cases may require a more descriptive location.
- d) Project Description: Give length, width and depth of cut, whether in pavement or parkway. Attach four (4) copies of a drawing of the proposed construction.
- e) Surface to be cut: Must be defined as asphalt, concrete, parkway, gravel, etc. If more than one type of surface is to be cut, give length, width and depth within each surface.
- f) Additional Information: Any additional information that may be of help to the reviewer may be added here.
- g) Purpose of Opening: Explain what work is to be done.
- h) Construction Schedule: Give the approximate beginning and ending dates of the proposed construction.
- Bond Expiration date: Provide copy of bond along with application if not already on file in the City Engineer's office. If on file, this can be completed by the reviewer.
- j) Insurance Expiration date: Provide a copy of the insurance along with application if not already on file in the City Engineer's office. If on file, this can be completed by the reviewer.
- k) Permit fee: To be completed by City Engineer's office.
- 1) Special Provisions: To be added when necessary by the Engineering Department reviewer and/or Street Department reviewer.
- m) Hold Harmless agreement: Please read the Hold Harmless agreement located directly beneath the special provisions block. The person signing this permit form as "applicant" must have the authority to obligate his/her company to the terms of this agreement. The City requires that proof of authorization be submitted along with the application, and that applicant's

signature be notarized.

n) The back page of the permit application lists General Provisions that the permittee must comply with. By signing the permit application, permittee is agreeing to these terms. (Refer to figure 2.)

A COPY OF THE PERMIT MUST BE ON SITE DURING WORKING HOURS

4. Fee Schedule

Fees for Right of Way Cut Permits shall be administered by the City Engineer, or an appointed representative, using the following guidelines:

RIGHT OF WAY CUTS, STREET CUTS, OR ALTERNATIVES TO STREET CUTS (Jacking, Boring, Coring):

The fees established by the City shall be based on a standard fee for administrative costs, plus inspection costs (per inspection). Following is a fee summary:

Administrative	\$10.00
Initial Permit Review	\$10.00
Interim Inspection	\$10.00
Final Inspection	\$10.00
Standard Permit Fee:	\$40.00

The above fees are based on a per 500 linear foot of excavation or any part thereof, each additional 500 linear feet of excavation or any part thereof, shall require approximately two additional Interim Inspections, and thus an additional \$20.00 fee charge per 500 lf.

Example: 1' to 500' = \$40.00 fee charge 501' to 1000' = \$60.00 1001' to 1500' = \$80.00 ...etc.

Please note that pavement cuts shall be restricted on streets that have been resurfaced within three (3) years of the date of permit application, as well as certain arterial or collector streets as indicated under item # 13 Alternatives to Pavement Cuts. Where alternative methods are not possible, such as in cases of emergency repairs or taps on existing facilities located under pavement, fee charges shall be adjusted as follows:

Pavement	0	to 12 months old	4 X standard fee
Pavement	12	to 24 months old	3 X standard fee
Pavement	24	to 36 months old	2 X standard fee
Pavement	36	months or older	standard fee

SIDEWALK:

In the case of a permit issued for the purpose of installing or replacing a sidewalk within the Right of Way, an inspection for correctness of forms and grade will be required before any concrete can be poured. This will usually be the only inspection required, therefore, fee charges will be adjusted accordingly. A permit for sidewalk installation will thus be \$20.00.

This permit and its associated fee shall be waived if the sidewalk is reconstructed through the Valparaiso Street Department Sidewalk Reconstruction Program.

RESTDENTIAL DRIVEWAY APPROACH:

In the case of a permit issued for the purpose of installing or replacing a residential driveway approach within the Right of Way, an inspection for correctness of forms and grade will be required before any concrete can be poured. This will usually be the only inspection required, therefore, fee charges will be adjusted accordingly. A permit for a residential driveway approach installation will thus be \$20.00.

COMMERCIAL DRIVEWAY APPROACH:

In the case of a permit issued for the purpose of installing or replacing a commercial driveway approach within the Right of Way, an inspection for correctness of forms and grade will be required before any concrete can be poured. A Final inspection will also be required, therefore, fee charges will be adjusted accordingly. A permit for a commercial driveway approach installation will thus be \$30.00.

PERMIT DENIAL:

If a permit is denied, a refund shall be given to the applicant based on the initial review of the application, which will involve only administrative expenses, therefore, that expense will be charged to the applicant. Any fees initally charged to the applicant over and above that expense shall be the amount of the refund. Refund amounts shall be determined by the City Engineer or an appointed representative.

If applicant feels that denial is unjustified, he may appeal that decision through the Board of Public Works and Safety.

5. Traffic Control Procedures [2,3]

The main reason for adequate traffic control is to provide safety for the workers and motorists. Additionally, 'he City may be held liable if motorists become involved in accidents due to poor traffic control at a street cut repair.

Basically, there are three important components of traffic control:

- 1. To get the work done
- 2. To keep traffic moving with a minimum of disruption
- 3. To maintain safety

Safety is achieved by advance warning for motorists, visibility, protection of the work area and clear directions to traffic.

Traffic controls for utility construction and maintenance operations shall conform with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS. All construction and maintenance operations should be planned with full regard to safety and keeping traffic interference to an absolute minimum.

On Arterial streets or streets within the Downtown Business District, as defined by the Zoning Ordinance, construction or maintenance operations interfering with traffic shall need to be coordinated with the City Engineer in order to establish working hours.

6. How to make a Cut [2]

The cutting depends largely on the type of surface to be cut. For asphalt, concrete, and asphalt over concrete streets there are two basic methods used.

- All cuts shall be sawed to 1/3 depth of the pavement prior to excavation and then completed with a mechanical hammer that has a cutting edge of at least 4 inches. A minimum saw cut of 1-1/2 inches is required.
- All cuts shall be made with a mechanical hammer that has a cutting edge of at least 4 inches. Before final repairs are made, the cuts shall be "squared". The edges of all cuts are to be straight.

For the chip seal and gravel streets the procedures vary. For chip seal pavements the cuts shall be made by a mechanical hammer with a cutting edge of at least 4 inches. As above, the edges are to be straight and parallel. For gravel roads, cuts can be made by mechanical or manual means.

7. Standards and Specifications for Construction

An Ordinance Providing Standards for Acceptance of Municipal Improvements was adopted by the City of Valparaiso on July 22, 1984. By this ordinance, under Part I - Street Excavation Repair, the City established standards and specifications to be followed by utilities/contractors when making installations or repairs within City Right of Way. These standards, along with any modifications or revisions subsequently approved by the City, are in effect and will be enforced as follows:

PART I - STREET EXCAVATION REPAIR

Il. Description

WHEREAS, the Board of Public Works and Safety deems it necessary to establish a firm policy for the backfilling of excavation and replacement of pavement disturbed as a result of making an opening or

excavation in any street, these specifications are set forth and the compliance therewith shall be a requirement of obtaining a permit for said opening or excacation as set forth in the Valparaiso Municipal Code. It shall be the obligation of any person, firm or corporation obtaining a permit for an opening or excavation in the public right of way to backfill the excavation and replace the pavement as set forth in these specifications. See Standard Plan Section F. (Refer to figures 3 thru 10.)

I2. Backfill

All excavations under pavement and other conditions as indicated on Standard Plan F-08 (figure 10) shall be backfilled with clean granular material meeting the requirements of Section 211 of the Indiana State Highway Standard Specifications. Each layer shall be compacted to at least 95% of the maximum dry density as determined by AASHO T99, as modified. Special care shall be taken in filling around sewers, water pipes, gas lines, etc. to keep the earth at the same height on both sides to avoid shifting of the pipe line. No removed paving materials or debris shall be used in backfilling the excavation unless approved by the Board of Public Works and Safety. Excavations not under a pavement may be backfilled with virgin material removed from the excavation.

I3. Pavement Replacement

All pavement shall be replaced with a type of construction equal to or better than that which is removed and as approved by the City Engineer. All cuts in pavements shall be first outlined with a saw cut not less than 1-1/2 inches deep.

I4. Concrete or Brick Pavements

Concrete used in the replacement of concrete or brick pavements not presently surfaced with an asphaltic material shall consist of 6-Bag Concrete with 7% air entrainment. Slump shall not exceed three (3) inches. Coarse aggregate shall be limestone or blast furnace slag. No natural gravel aggregate will be allowed. Brick pavement will be replaced with eight (8) inches of concrete except in some residential streets where the City Engineer may require the brick to be replaced. Where concrete that has an asphaltic concrete surface is replaced, 6-Bag Concrete shall be used and the concrete shall be finished flush with the surface of the existing concrete and the asphaltic surface replaced.

I5. Hot Asphaltic Concrete, Sheet Asphalt, Emulsified Asphalt, Chip Seals and Oil Mat Pavements

All asphaltic and oil type pavements shall be replaced with a hot asphaltic concrete surface conforming to the Standard Specifications, Hot

Asphaltic Concrete Base, Binder and Surface of these Prevailing Specifications. The thickness of the pavement shall be equal to that which existed, but not less than three (3) inches. Not less than eleven (11) inches of Coarse Aggregate Class A or B, Size No. 53 shall be placed under any asphaltic concrete patch unless a concrete base is necessary. Asphalt placed over a concrete patch shall be cut back six (6) inches

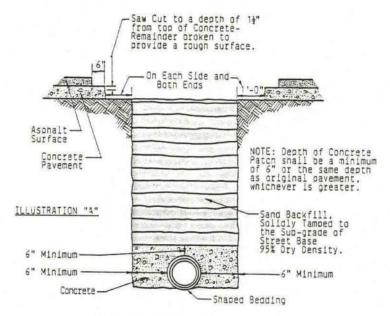
around the concrete patch so that the two joints are offset.

16. Temporary Patch

If it is not possible due to weather conditions for the contractor to replace the pavement within fourteen (14) days following completion of the work, a coarse aggregate base eight (8) inches thick and a cold asphaltic surface shall be applied and maintained as a temporary patch until permanent repairs can be made. In no case shall a temporary patch be maintained more than six (6) months before permanent repairs are made.

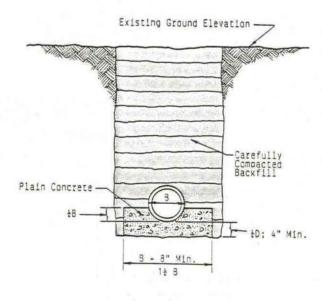
For additional construction standards and specifications as required by the City of Valparaiso, refer to the Ordinance Providing Standards for Acceptance of Municipal Improvements. Copies of details for construction are available at the Office of the City Engineer.

figure 3



REPAIRS TO PAVEMENT CUTS OR TRENCHES FOR UTILITY PURPOSES BACKFILLING OF TRENCHES IN PAVED STREETS

TRENCH REQUIREMENTS PARTIAL CONCRETE ENCASEMENT WITH SHAPED BEDDING

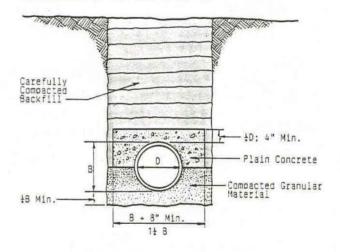


CONCRETE CRADLE CLASS A

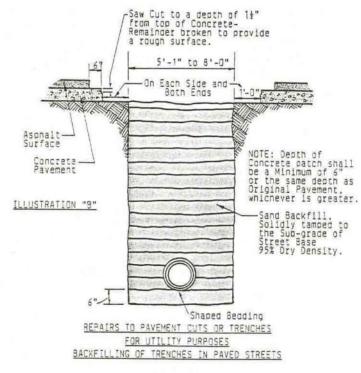
F02

NOTE: Maximum trench widths shown on plans are measured at a point 6 inches above top of pipe.

Compacted granular material shall consist of wellgraded crushed stone, crushed gravel, or well-graded gravel meeting the requirements of A.S.T.M. designation C33 Gradation 67 (3/4 inch to No. 4).



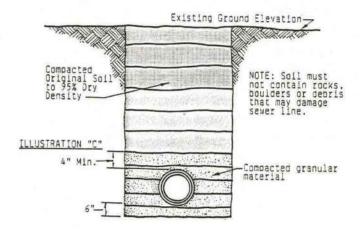
CONCRETE ARCH CLASS A



TRENCH REQUIREMENTS
COMPACTED SAND BACKFILL
WITH SHAPED BEDDING

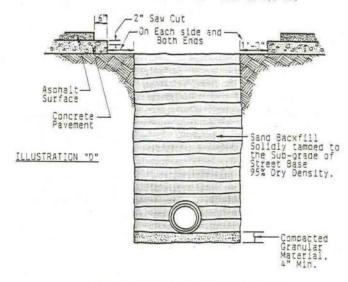
F04

NOTE: Compacted Granular material shall consist of well-graded crushed stone, crushed gravel or well-graded gravel meeting the requirements of A.S.I.M. designation C33 Gradation 67 (3/4 inch to No. 4).



TRENCH REQUIREMENTS
COMPACTED ORIGINAL SOILS
WITH COMPACTED
GRANULAR MATERIAL

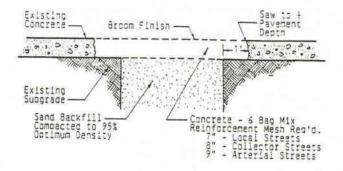
NOTE: Compacted Granular material shall consist of well-graded crushed stone, crushed gravel, or well-graded gravel meeting the requirements of A.S.T.M. Designation C33 Gradation 67 (3/4 inch to No. 4).



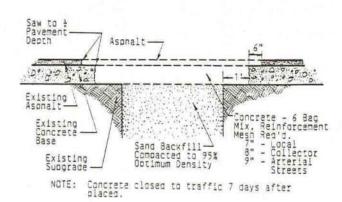
REPAIRS TO PAVEMENT CUTS OR TRENCHES
FOR UTILITY PURPOSES
BACKFILLING OF TRENCHES IN PAVED STREETS

TRENCH REQUIREMENTS
COMPACTED SAND BACKFILL
WITH COMPACTED
GRANULAR MATERIAL

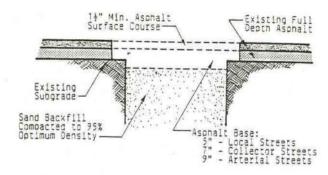
F06



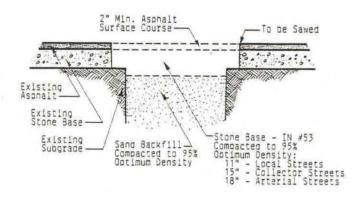
STREET CUT 1 - CONCRETE



STREET CUT
2 - ASPHALT OVER CONCRETE



STREET CUT FULL DEPTH ASPHALT



STREET CUT ASPHALT OVER STONE

F08

8. Inspections [3]

The inspection phase of street cuts is important to the quality of the finished product. However, any inspection by the City shall in no way relieve the utility or contractor of any duty or responsibility to the general public nor shall such services and/or control by the City relieve the utility or contractor from any liability for loss, damage or injury to persons or adjacent properties.

All repairs shall be made in accordance with the City's specifications and other applicable codes and requirements. Failure to install facilities in accordance with these policies will result in immediate suspension of further construction activities at the site until corrective measures have been made to the satisfaction of the City, and/or forfieture of bond.

INITIAL PERMIT REVIEW

The Initial inspection shall be made prior to approval of the permit application. The purpose of this review is to familiarize the inspector with the existing site conditions and verify all pertinent field conditions as described by the application and plans.

INTERIM INSPECTION

The contractor/utility is required to contact the inspector one day before the cut is to be made. An inspector will visit the construction site to determine that construction, safety, and repair methods as provided for in the approved permit are implemented. The inspector shall verify that all of the conditions of the permit are being met and work is in compliance with City standards.

The number of Interim Inspections necessary will depend upon the type and size of the job.

FINAL INSPECTION

Upon completion of the work, the contractor/
utility is required to contact the inspector. The
inspector shall verify that all of the conditions of
the permit have been met and work is in compliance with
City standards. Any equipment, surplus materials and
construction debris of any description shall be removed
and the entire area put in a neat and orderly conditon.
All manholes, catch basins or other structures
disturbed or adjacent thereto shall be examined, any
debris caused by the contractor shall be removed
therefrom, or any damage caused by the contractor shall
be repaired by the contractor.

Upon acceptance by the inspector, the date of

completion shall be noted on the inspection form. The contractor's Performance and Damage Bond shall guarantee the maintenance of the work for a period of one year from that date.

Each inspection shall be documented by completion of an inspection form filled out and signed by the inspector. Inspection forms shall be attached to the permit for filing along with the permit.

(Refer to figure 11)

	it:					
Street N	Vame:				(1)	mit No.
ermit 1	Name:		Expiration:			
ype of	Permit: Sidewalk	☐ Driveway	Utility Location	ns Sewer Tap	☐ Misc.	☐ EMERG
PERMIT	REVIEW: date:		Remarks:			
					By:	Dept:
ontract	or called for interi	m Inspection	(date):		_	
INTERIM	4 INSPECTION: date:		Remarks:			
_					By:	Dept:
nere ad	ditional Interim Ins	pections are i	required, attach ad	ditional sheets.		
ontract	or called for Final	Inspection (da	ite):			
ontract	Iditional Interim Ins or called for Final NSPECTION: date:	Inspection (da	ite):			
ontract	or called for Final	Inspection (da	ite):			Deat:
DOTTACT	or called for final	Inspection (da	ite):			
DOLTRACT FINAL I	or called for Final	Inspection (da	Remarks:	ffect until two	By:	Dept:
CONTRACT FINAL I ACCE CONTRACT ECTION FINAL M	or called for Final NSPECTION: date: PTED date: or's/Utility's bond	Inspection (da	Remarks:	fect until two	By:	Dept: t of accepted Final

Figure 11, Right of Way Cut Inspection Form.

9. Time Limit, Permit Limitations

Permit Time Limit:

Upon approval of the Permit, applicant shall have a three (3) month period in which to complete construction. In the event that construction may require additional time for completion, a 30 day extension may be granted to applicant at no additional cost provided said extension is applied for prior to expiration of permit time. If extension request is not submitted prior to permit expiration, construction will be haulted until such time as Contractor/Utility shall reapply for an additional Right of Way Cut Permit, and all approvals and charges shall be necessary.

Where Right of Way Cut Permit is issued in conjunction with a Building Permit, the permit time limit shall be extended to coincide with the time limitations enforced by the Building Permit.

Excavation Time Limit:

For open cuts within a paved area, the excavation time limit shall not exceed one (1) day. Before Contractor/Utility leaves site, pavement excavation must be replaced as specified under item no. 7 Standards and Specifications for Construction, and returned to a traversable condition.

For excavations within a parkway, the opening may remain exposed for a period of not more than ten (10) consecutive days, provided adequate safety measures are applied. Application should include proposed safety features, as well as a proposed schedule outlining the extent of open excavation.

Permit Limitations:

Permit approval is granted solely for use as indicated on the plans and application as authorized by the reviewers representing the City Engineer and the Street Department. Approval cannot be transferred to a contractor or location other than as indicated on the permit without written permission of the City Engineer.

10. Long term responsibility for the cut

By authority of the Municipal Ordiance, paragraph 92.03, and by the terms of the granting of the Right of Way Cut permit, the applicant agrees to maintain the work in connection with the permit for a period of one (1) year from the date of acceptance of the completed work.

In the event of a failure of the workmanship or materials, the contractor/utility will be notified in writing, and given a specified period of time in which to make repairs. If repairs have not been made within the alloted time, the City will make the repairs, or contract for the repairs, with the cost of said repairs being charged to the applicant. If payment is not

received within sixty days after repairs are complete, the repair costs shall be charged against the bond.

11. Penalties for non-compliance

Any utility/contractor doing work without a permit is subject to citation for Violation of a City Ordinance which could result in fines as spelled out in the Municipal Code, Section 1.10 as follows:

"Unless otherwise provided in this Code, every person convicted of a violation of any provision of this Code shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) and in no event shall any person convicted of a violation of this Code be imprisoned."

Additionally, Section 92.10 states:

"Each day any portion of this Chapter is violated shall constitute a separate offense."

12. Emergency Procedures

In the event that emergencies arise that need repairs immediately, the utility should contact the office of the Street Commissioner by phone. Verbal approval may be granted, allowing the utility to begin work immediately, however, the utility is required to appear at the City Engineer's office the next work day to complete the permit application and pay the fee.

If this procedure is not followed, and work is begun without verbal approval, the utility is subject to citation for Violation of a City Ordinance as stated in item No. 11 above.

13. Alternatives to pavement cuts [2,3]

Because pavement cuts can reduce the life of a street and require additional maintenance, the City has elected to restrict the issuing of Right of Way Cut Permits on streets resurfaced within a period of three years of the date of application, as well as the following arterial or collector streets:

Street Name	From	To
Calumet Avenue Campbell Street Chicago Street Evans Avenue Franklin Street Garfield Avenue Glendale Blvd Indiana Avenue Jefferson Street Joliet Road Lafayette Street LaPorte Avenue	Franklin Street U.S. 30 Lincolnway Campbell Street South Street Linwood Avenue Clover Lane Campbell Street Campbell Street West City Limits Brown Street Garfield Street	Morgan Blvd North City Limits East City Limits Glendale Blvd Beech Street East City Limits Garfield Street Roosevelt Road Lincolnway Glendale Blvd Sturdy Road

Linwood Avenue U.S. 30 Union Street Michigan Street Indiana Avenue Jefferson Street Morgan Street Union Street Lincolnway Napoleon Street Brown Street Glendale Blvd Roosevelt Road LaPorte Avenue Calumet Avenue Sturdy Road LaPorte Avenue Vale Park Road Vale Park Road West City Limits East City Limits Valparaiso Street Evans Avenue North City Limits Washington Street U.S. 30 Glendale Blvd

Permits may be issued for cuts to be made into unpaved areas, however, pavement cuts will be discouraged on the above indicated streets and any streets surfaced or resurfaced within a three (3) year period prior to the date of application. Presently, three methods of untrenched construction are used in Indiana to replace damaged pipes and avoid pavement cuts. Replacements can be made by jacking, coring or boring.

The pits for the untrenched construction shall be located a minimum of 10 feet from the edge of the street. Pits should be excavated no more than 48 hours in advance of untrenched construction and backfilled within 48 hours after construction is completed. While the pits are open, they shall be marked and protected by barricades. Shoring is required for any excavation over five feet. The shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads during construction.

(Refer to Figure 12)

X-section of a road

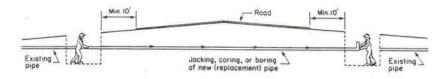


figure 12, Untrenched construction.

JACKING

Jacking is one of the most popular untrenched methods for pipes less than six inches in diameter. A casing or corrosion-resistant carrier must be used. Driving works most effectively in compressible soils. A steady thrust, hammering or vibrating is needed to drive the pipe with a pilot shoe. Driving should not be used for long distances. Long drives may wander far from the desired line and grade.

BORING

Boring is another popular alternative to street cuts. Large pipes can be jacked through overside bores and carved progressively ahead of the pipe. The auger should not exceed the outside diameter of the following pipe by more than 1 inch. The spoil is mucked back through the pipe. Line and grade are easy to control. A grout backfill is used for pipes more than twelve inches in-diameter and for overbreaks, unused holes, or abandoned pipes.

CORING

Coring is the third alternative to street cuts. This method is mainly used when driving becomes too difficult in hard soils. Line and grade are fairly easy to control with coring. A small casing (six inches or less) without a pilot shoe is drilled into the difficult soil. The soil enters the pipe as it advances. Then the core is removed by sluicing, during or after the drilling.

The above alternative methods to street cuts help prevent traffic disruption and eliminate street cut settlements. Untrenched construction is a specialty item that demands special skills. Contractors or utilities proposing to use these methods should have previous experience at this type of installation.

Where alternative methods cannot be used, in cases such as emergency repairs or where taps on to existing facilities under pavement are necessary, refer to the section regarding Fee Schedules (Specifications, number 4).

14. Overhead power and communication lines [1]

A safe traffic environment, the appearance of the roadway, and the efficiency and economy of roadway maintenance are critical factors which require the City to regulate above ground utility locations. Ground-mounted utility facilities should be placed as far as practical from the traveled way and beyond the clear zone. (A clear zone is that roadside border area, starting at the edge of the travelled way, available for use by errant vehicles.)

TYPE OF CONSTRUCTION

Any longitudinal installations of overhead lines within the City Right of Way should be limited to single pole type construction. Joint-use single pole construction is encouraged, as allowed by the National Electrical Code, at locations where more than one utility or type of facility is involved.

VERTICAL CLEARANCE

The minimum vertical clearance for overhead power and communication lines above the roadway and the lateral and vertical clearance from bridges should conform with the current National Electrical Code. Greater clearances should be used where required by State law, regulation or policy.

LOCATION

Ground-mounted facilities shall be located at or as near as practical to the Right of Way line as possible. Where there are curbed sections the utilities should be located as far as practical behind the face of outer curbs and, where feasible, behind the sidewalks. Guy wires to ground anchors and stub poles should not be placed between a pole and the traveled way where they encroach upon the clear zone.

15. Locating existing utilities

It shall be the responsibility of the utility/contractor to determine the location of any underground utilities in the area of the excavation prior to commencing work.

To assist in utility locations, following is a list of telephone numbers to call, and the utility they apply to:

- Call 1-800-382-5544 from within Indiana, or 1-800-428-5200 from outside Indiana two (2) days before you dig to locate NIPSCO, GTE, U.S. Sprint, and Arco-Tecumseh Pipe line. ("Holey-Moley")
- 2. Call (219)462-3800 for Water line locations.
- 3. Call (219)464-2346 for Sewer line locations.
- Call (219)464-7438 for Lake Shore Cablevision locations.

Approval of a Right of Way Cut Permit in no way relieves the utility or contractor of any duty or responsibility for any damage, loss or liability regarding the location of utilities.

MARKING OF UTILITIES [4]

The City of Valparaiso requires all public agencies, utilities, contractors, other associations, manufacturers and all other groups involved in underground excavation to adopt the Utility Location and Coordination Council (ULCC) Uniform Color Code for temporary marking of underground facilities as follows:

RED - Electric Power Lines, Cables, Conduit and Lighting Cables.

YELLOW - Gas, Oil, Steam, Petroleum or Gaseous Materials.

ORANGE - Communication, Alarm or Signal Lines, Cables or Conduit.

BLUE - Water, Irrigation and Slurry Lines.

GREEN - Sewers and Drain Lines.

LOCATION TOLERANCE ZONE

Usually any excavation within the location tolerance zone must be performed with hand tools until the facility is exposed. (Refer to figure 13)

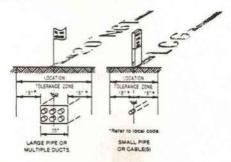


figure 13, tolerance zones

PROPOSED EXCAVATION

The location or the boundary of proposed excavations should be indicated in a color which does not conflict with the Uniform Color Code. (usually white)

Copies of pocket-sized, plastic-coated marking guides may be purchased from:

American Public Works Association 1313 East 60th Street Chicago, IL 60637

A COPY OF THE PERMIT MUST BE ON SITE DURING WORKING HOURS

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- 3. PAVEMENT CUTS FOR UTILITIES A GUIDE FOR THEIR MANAGEMENT, HERPICC, J.M. Iddins and C.F. Scholer, Purdue University -School of Civil Engineering in cooperation with Indiana Department of Highways, Indiana Association of County Commissioners, Indiana Association of Cities and Town and the Federal Highway Administration, published October, 1984
- UTILITY LOCATION & COORDINATION COUNCIL, UNIFORM COLOR CODE, APWA/ULCC Standards Committee, published January, 1987

NOTE: Numbers shown in brackets, [], throughout the context of this procedure booklet refer to the numbered listings in this bibliography. The above references have been used as a guide, however, this booklet also incorporates City standards and procedures.

For inspection call:

Street Department462-4612
Sewer Department464-2346
City Engineer's Office462-1161