

Street Cut Permit Guidance Document

The following document is for guidance purposes only. The applicant shall read and understand the relevant references listed below.

Below is a description of the permit review process, followed by applicant and City actions needed to move the process forward. This document also includes relevant references.

For this guidance document, the Applicant and the Permittee are the same party.

Description

A Street Cut Permit is required for all situations where a contractor will be cutting through an existing street or alley surface within City of Bozeman. For information regarding this permit please visit the City's webpage <https://www.bozeman.net/services/development-center>. Make sure to have all relevant permit information available before you proceed to fill out permit.

General Information

- Pedestrian ramps required at all street corners.
- Before excavating, call 1-800-424-5555 (or 811) for utility locates.
- Inspections are to be scheduled Monday through Friday only, during regular business hours. Call the City of Bozeman Engineering Department at (406) 582-2280 to schedule. Allow a minimum of twenty-four (24) hours prior to time inspection is needed for scheduling.
- All construction work and materials used shall comply with the City of Bozeman Design and Construction Standards.
- This permit application may necessitate the provision for supplementary information.

Permit Conditions

1. Term: The permit shall be in full force and effect from the date hereof until revoked as herein provided.
2. Permit Fee: The permit may be issued only after all approval signatures are obtained and any applicable permit fees, as established by City Commission resolution, are paid by the Permittee.
3. Revocation: The permit may be revoked by the City upon giving thirty (30) days' notice to the Permittee by ordinary mail, directed to the address shown in the application hereto attached; however, the City reserves the right to revoke this permit without giving said notice in the event Permittee fails to comply with any of the conditions or terms set forth herein.
4. Work Standards: All work shall be done in accordance with the Montana Public Works Standard Specifications (MPWSS), 6th Edition, April 2010, as modified by the City of Bozeman. City modifications to the MPWSS can be obtained at the office of the City Engineer, 20 East Olive Street, Bozeman, Montana, or on the City's website, www.bozeman.net.
5. Commencement of Work: Upon approval of the Permit, the Permittee shall notify the Street Superintendent 48 hours in advance of any work.

6. **Pavement Degradation Fees:** Permits for excavations in paved streets or alleys shall be subject to a pavement degradation fee. Newly constructed streets, reconstructed streets, or streets that have been repaved shall be considered protected streets for a period of five (5) years following construction and shall be subject to an additional pavement degradation fee surcharge. Pavement degradation fees or surcharges shall not be required for the following: emergency utility repair work, installation of new fire sprinkler service lines required by the Fire Marshall, if no alternate connection point is available, or infrastructure improvement work being done under the City's Capital Improvement Program.
7. **Lane Mitigation Fees:** Closures for lane closure of any travel-way, sidewalk or shared use path, bike lane, parking lane, driving lane, or alley shall be subject to a lane mitigation fee as established by City Commission resolution. Fees will be calculated on number of days agreed on in the permit. Days beyond that, without prior approval, will be subject to overage fees.
8. **City Held Harmless from Claims:** In accepting this permit, the Permittee, or Permittee's successors or assignees, agrees to indemnify the City and hold it harmless from all claims, actions, liability, and damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said roadway right-of-way, and in case any suit or action is brought against the City and arising out of or by reason of any of the above causes, the Permittee or Permittee's successors or assignees will upon notice of the commencement of such action, defend the same at Permittee's cost and expense and satisfy any judgement which may be rendered against the City in any such suit or action. City includes its officers, employees, agents, and assigns. The Permittee shall obtain the necessary insurance coverage for the proposed excavation work as specified in Exhibit "Insurance Requirements." Permittee hereby waives any rights of subrogation with regards to workers compensation coverage it may have, or may require in the future, regarding the work performed by Permittee and their subcontractors. In the event Permittee uses subcontractors to perform any portion of the work, the Permittee will obtain a "Waiver of Subrogation" regarding workers compensation from the subcontractor.
9. **Street Opening Bonds:** For each street cut permit, street opening bonds submitted on approved bond forms (see Exhibit "Bond Form" or bond preparer's form) shall be provided in the amount of \$5000 or 100 percent of the cost of the work, whichever is greater, as surety for satisfactory completion of the work contemplated and maintenance of the completed work. The bond shall be valid for a period of at least one year following acceptance of the restoration by the City.
10. **Protection of Traffic:** Insofar as the interests of the City and the traveling public are concerned, all work performed under this permit shall be done in accordance with the MPWSS, 6th Edition, April 2010, as modified by the City of Bozeman. All construction zones shall be signed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
11. **Street Closures:** If a street closure is approved to complete the proposed work, the following shall apply:
 - a. The approved Traffic Control Plan shall be always adhered to by the Permittee, and all signs, barricades, and other traffic control devices shall be maintained in place prior to initiation of any work and until the work is completed.
 - b. At least 24 hours prior to closing the street, the Permittee shall notify the Police and Fire Departments, ambulance services, property owners residing within the portion to be closed,

and if applicable, school bus operators of the intended street closure, and shall promptly notify them once the street has been reopened.

- c. For closures of collector or arterial streets, the Permittee shall, in addition to “b” above, send a press release to the Bozeman Daily Chronicle newspaper and local radio stations detailing the intended street closure at least two days in advance of any work.
- d. Lane Mitigation Fees will be paid before work commences per City Commission Resolution.

12. Existing Underground Utilities:

- a. It shall be the responsibility of the Permittee to contact all pertinent utility companies by calling the Utilities Underground Location Center (One Call) at 1-800-424-5555 at least two business days prior to starting any excavation.
- b. Any underground utility which is damaged by the Permittee shall be repaired at the Permittee’s expense in the manner and means prescribed by the authorized representative of the utility owner.
- c. The costs incurred by the City to repair any damaged utility shall be paid by the Permittee.

13. Street and paved alley restoration:

- a. Trenches shall be compacted to 95 percent density in accordance with AASHTO T-99 (or T-180 as appropriate). When the street cut is to be made in a collector or arterial street, an area of poor subgrade materials, or any other area requiring immediate closure and resurfacing of the street, non-shrink backfill shall be used. The asphalt patch over non-shrink backfill shall be four (4) inches in depth placed in two lifts. Imported structural backfill may be substituted for non-shrink backfill only upon written approval by the City Engineer.
- b. Concrete curb, gutter and sidewalks shall be repaired according to the *City of Bozeman Design and Construction Standards*.
- c. All asphalt patches shall be made with hot mix asphalt within forty-eight hours of trench backfilling. The thickness of the asphalt patch shall be equal to or exceed that of the existing roadway but shall be no less than three (3) inches. If hot mix asphalt is not available, M-3000 concrete may be used but shall be removed and replaced with hot mix asphalt as soon as the local asphalt supplier company starts up the following construction season. The temporary patch shall be made within forty-eight hours off trench backfilling.
- d. Before the street cut patch is made, the existing asphalt shall be cut back as distance of one (1) foot on each side of the existing trench opening. The edge of the existing asphalt shall be tacked with SS-I or equal prior to placing the new hot mix asphalt.
- e. All street cuts shall be covered by a one (1) year warranty period commencing upon final inspection and acceptance by the City and said warranty shall extend to the City.
- f. In the event the Applicant fails to restore the street in a timely manner, the City reserves the right to have the work completed at the Applicant’s expense. If defects in the patch occur within the warranty period, the City reserves the right to repair the patch at the Applicant’s expense if applicant fails to make the necessary repairs within five (5) days of being notified.

14. Gravel Alley Restoration: Gravel alleys require 12 inches of compacted road mix at surface.

15. Rubbish and Debris: Upon completion of work allowed under this permit, all rubbish and debris shall be immediately removed from the right-of-way and roadway restored and left in a neat and presentable condition satisfactory to the City.

16. Inspection: The City shall have the right to inspect all work covered under the scope of this permit. All work contemplated under this permit shall be done to the satisfaction of the

authorized representative of the City, and the City hereby reserves the right to order the change of location or installation authorized by this permit at any time, said changes to be made at the sole expense of the Permittee.

17. City to be reimbursed for repairing roadway: Upon being billed therefore, Permittee agrees to promptly reimburse the City for any expense incurred in repairing surface of roadway due to settlement after installation, or for any other damage to roadway, curb, gutter, or sidewalk because of the work performed under this permit.
18. Other Conditions and/or Remarks:
 - a. This permit is valid for a period of six months after the date of approval, unless otherwise extended in writing by the Director of Transportation & Engineering or their designee.
 - b. One (1) lane of traffic shall be always kept open unless a Street Closure and Traffic Control Plan has been approved and uploaded indicating otherwise.
19. Potential Asbestos Along Wallace Avenue:
 - a. In the event the proposed work is located on or immediately adjacent to Wallace Avenue south of Main Street (reference Exhibit "Potential Asbestos Along Wallace Avenue Notice"), the Applicant shall fill out the attached Potential Asbestos Along Wallace Avenue form and hire a Montana Accredited Asbestos Contractor/Supervisor to inspect the excavation for the presence of asbestos-containing material. It shall be the Applicant's responsibility to contact the City Engineer's office to ascertain whether such services are required and to hire an inspector with the appropriate credentials. It shall be a violation of the terms of the permit to fail to hire a Montana Accredited Asbestos Contractor/Supervisor if the Applicant is excavating within the area delineated on the map (Exhibit "Memo Re Updated GIS Map Showing Potential Asbestos Ore").
 - b. The Montana Accredited Asbestos Contractor/Supervisor must be present for the first day of excavation and each additional day that a new area is excavated. Whether or not asbestos contaminated soil is encountered during the proposed work, the applicant shall fill out the attached Potential Asbestos Along Wallace Avenue form, submit this form to the City of Bozeman Street Department and the Montana Department of Environmental Quality within five days of completion of the inspection and/or asbestos removal activities.
 - c. If any asbestos containing material is identified, a Montana Accredited Asbestos Abatement Contractor/Supervisor or Worker must immediately remove, transport, and dispose of the asbestos in compliance with all applicable state and federal environmental requirements, criteria, and limitations, including OSHA regulations.
 - d. Any contractor intending to conduct any work in the Wallace Avenue area delineated on the map (Exhibit "Memo Re Updated GIS Map Showing Potential Asbestos Ore) must include a contingency for the discovery of asbestos within its work plan.

Applicant Actions

- Provide applicant information as requested on permit application form.
- Provide contractor information as requested on permit application form.
- Provide comprehensive project information as requested on permit application form.
- Provide certifications and signatures as requested on permit application form.
- Upload and submit required documents including:
 - 1.) Insurance certificate naming City of Bozeman as additional insured,

- 2.) Bond,
- 3.) MUTCD Compliant Traffic Control Plan,
- 4.) Notification Letter that you received after submitting your permit application,
- 5.) Screenshot or snip of the completed Street Cut fee Calculator worksheet showing the cut dimensions and indicating whether your cut is 2-, 3- or 4-sided and what the anticipated fees will be, and
- 6.) Screenshot or snip of the completed Lane Mitigation Fees worksheet indicating anticipated lane closure lengths.
- 7.) Map or picture of your work area.

City Actions

- Engineering Department staff will review the submittal for conformance with the permit submittal checklist to ensure the applicant has provided a complete package and uploaded all required files.
- After a successful completion of the pre-screen, if corrections are required or documents missing, the submittal will be returned to the applicant to resolve the issues and re-submit.
- Permit application will be distributed to appropriate City staff for review. If questions or issues arise, the permit will be sent back to the applicant for resolution.
- Once all issues have been resolved, Engineering staff will notify applicant that fees are due.
- Once fees are paid through the Engineering Permit Payments portal, Engineering staff will post a decision letter in the “Decision” folder in ProjectDox. The Applicant will receive an email stating the letter is available in the decisions folder in ProjectDox.

Relevant References

The following references are provided on the City website under the permit type heading, and should be consulted for requirements associated with this permit. Note that some of these references may change from time to time.

- *City of Bozeman Design and Construction Standards*
- Street Cut Fee Schedule
- Insurance Requirements
- Bond Form
- Potential Asbestos Along Wallace Avenue Notice
- Memorandum Re: Updated GIS Map Showing Potential Asbestos Ore,” most recent dated memorandum.

Filing and Naming Criteria

The software has underlying features that do not work if these requirements are not fulfilled. Projects not complying with this section will not proceed beyond prescreen and will be returned to the applicant to correct.

Documents Folder

- Upload all documents and any additional supporting documents in the Documents Folder
- Documents may be any size

- Documents may be scans if they are legible.
- File names shall meet the following criteria:
 - The software won't accept file names exceeding 30 characters.
 - The file name shall start with a 3-digit number beginning with "001"
 - The name shall also include a brief description of the content of the file.

Example of file naming standards:

Sheet Description	ProjectDox File Name
Signed Notification Letter	001 Notification Letter
MUTCD Compliant Traffic Control Plan	002 Traffic Control Plan
Street Opening Bond	003 Street Opening Bond
General Liability Insurance	004 General Liability Insurance
Automobile Liability Insurance	005 Automobile Liability Insurance
Worker's Compensation Insurance	006 Worker's Compensation Insurance
Map of Work Area	007 Map of Work Area
Snip or Screenshot of Street Cut Fee Calculator	008 Street Cut Fees Calculator
Snip or Screenshot of the Lane Mitigation Fees	009 Lane Mitigation Fees Calculator

Revisions / Resubmittals

New versions of previously submitted files must use the exact same name as the original file. The software will indicate that there is a new version.

Contact Information

For questions or changes to your permit, please call 406-582-2280.