



CITY OF PORTSMOUTH
NEW HAMPSHIRE
PUBLIC WORKS
DEPARTMENT

**PROCEDURES AND
SPECIFICATIONS FOR STREET
EXCAVATIONS**

Public Works Department
680 Peverly Hill Road
Portsmouth, NH 03801
603-427-1530

Revised: 6/2022

BE IT RESOLVED:

That in order to implement the recommendations of the Fee Committee adopted by the City Council relative to the street excavations and the fees to be charged; therefore, the following actions are hereby taken by the City Council:

EXCAVATION PERMIT

Applications for street excavation permits shall be made online through the City's online permitting system to the Director of Public Works (to be identified as Director in this document), and shall contain information the Director may require. No work will be started until the Director or his designee has authorized the permit.

EXCAVATION PERMIT FEES

Applications shall be accompanied by payment of the current applicable fee(s). The fee schedule shall be updated yearly.

There shall be no permit fee for work being done by a contractor performing or accommodating a City construction contract.

PROCEDURES AND SPECIFICATIONS FOR STREET EXCAVATIONS

Pursuant to Ordinances of the City of Portsmouth, the following regulations for street excavations are hereby adopted:

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SECTION I – STREET EXCAVATION APPLICATION REQUIREMENTS

EXCAVATION PERMIT APPLICATION REQUIRED

No person shall create any type of excavation in any public way or on City-owned land without first applying for and obtaining a permit from the Department of Public Works, except as otherwise provided in these regulations. Permits must be kept at the job site during the excavation project and must be shown upon request by any City personnel.

FEES

Applications for permits are available online through ViewPoint, the City’s online permitting system. <https://portsmouthnh.viewpointcloud.com/>
Permit fees are paid online through the ViewPoint system.

Excavation

Excavation Permit Fee: \$250.00 (up to and including the first 100 sq. ft.)
Additional Fee: \$150.00 (for each additional 100 sq. ft. or portion thereof)
Expedited Permit Fee: \$500.00 (within 3 business days)
A Refundable Deposit Fee: \$500.00 (to be refunded upon satisfactory inspection, a \$300 *Crack sealing* fee may be withheld if deemed necessary)

Coring or Shut Off Holes

Up to 5 Holes (coring): \$10.00
6 Holes or Greater (coring): \$25.00
Shut-off Holes (each): \$25.00

There shall be no permit fee for work being done by a contractor performing or accommodating a City construction project.

EXTENDED MAINTENANCE FEES – MORATORIUM ON NEW PAVEMENT

In an effort to protect the City’s investment in its infrastructure, excavations in areas under pavement moratorium within the public right-of-way or on City property, are prohibited except as follows:

1. Excavations to remedy a public emergency or a situation that creates an imminent threat to the public safety, health or welfare.
2. Repair or modification to prevent interruption of essential utility services where no reasonable alternatives are available to avoid excavation in new pavement.
3. Relocation work that is mandated by the State or Federal legislation.
4. Utility services for new buildings or parcels without existing utility services where no other reasonable means of providing service exists as determined by the City Engineer.
5. Excavations within protected streets where the City has scheduled the reconstruction within one (1) year due to the failure of the original pavement.

6. Other situations deemed by the Director to be in the best interest of the general public.

When excavations are made in the streets closed by moratorium due to an emergency or the decision of the Department of Public Works, street restoration will be made utilizing methods dictated by the Department. The methods may include, but are not limited to cold-planing and overlay and/or full width overlay. No newly constructed or reconstructed pavement or sidewalk less than four (4) years old will be impacted, except in the case of an emergency. If the situation is deemed an emergency and the pavement or sidewalk is impacted, an extended maintenance fee will be charged as follows:

Fee Schedule:

- a. 12 months or less – 5 times standard cost
- b. 13 to 24 months – 4 times standard cost
- c. 25 to 36 months – 3 times standard cost
- d. 37 to 48 months – 2 times standard cost

LOCATION PLAN

A scaled drawing, plan or a sketch location map, detailing the proposed work, is required at the time of application submission through ViewPoint, the City's online permitting system.

INSURANCE REQUIREMENTS

The contractor shall purchase and maintain insurance of the limits and types specified below and include the following:

The contractor agrees to pay on behalf of and hold harmless the City of Portsmouth for all claims arising in whole or in part from its work in the City.

ADDITIONALLY INSURED

All liability policies shall include the City of Portsmouth, New Hampshire as named additional insured.

1. The contractor's insurance shall be primary in the event of a loss.
2. The additional insured endorsement must include language specifying the entity is to be covered for all activities, performed by or on behalf of the contractor, including the City of Portsmouth's general supervision of the contractor.

EVIDENCE OF INSURANCE

As evidence of insurance coverage, the owner may, in lieu of actual policies, accept official written statements from the insurance company certifying that all the insurance policies specified below are in force for the specified period. The contractor shall submit evidence of insurance to the owner at the time of execution of the excavation permit.

FORMS OF INSURANCE

Insurance shall be in such form as to protect the contractor for all claims and liabilities for damages for bodily injury including accidental death, and for property damage, which may arise from operations under this contract whether such operations were caused by the contractor or by anyone directly employed by the contractor, or by anyone directly or indirectly employed by the contractor.

AMOUNT OF INSURANCE

1. Comprehensive General Liability:
Bodily Injury or Property Damage - \$1,000,000.00
Combined Single Limit, per occurrence
2. Automobile and Truck Liability:
Bodily Injury or Property Damage - \$1,000,000.00
Combined Single Limit, per occurrence

TYPES OF INSURANCE

Purchase and maintain the following types of insurance:

1. Full Workers' Comprehensive Insurance coverage for all people employed by the contractor to perform work on this project. This insurance shall be in strict accordance with the requirements of the most current laws of the State.
2. Bodily Injury and Property Damage Insurance covering the operation of all motor vehicles and equipment, whether owned or not by the contractor, being operated in connection with the execution of the work under this contract.
3. Contractual Liability Insurance coverage in the amounts specified above, under General Liability.
4. Product and Completed Operations coverage to be included in the amounts specified above under Comprehensive General Liability.

AUTHORIZED CONTRACTOR PERMITTING REQUIREMENT

1. Excavation contractors working in the City's public ways and properties shall be licensed with the City.
2. Contractors will need to secure an Excavation Contractor License from the Department of Public Works prior to receiving the Excavation Permit.
3. The contractor, when applying for licensure, will choose the appropriate categories for licensure that they are qualified for.

4. The five categories will be as follows:
 - Water/Sanitary Sewer/Storm Drainage installer
 - Natural Gas installer
 - Conduit/Street Lighting/Traffic Signal installer
 - Electrical or Communication Equipment and Conduit installer
 - Road Construction and/or Sidewalk installer
5. Upon receipt of the permit application, the City will determine if they meet the minimum qualifications for each category. References, job photos, etc., may be required to be submitted for the vetting process.

SECTION II – EMERGENCY WORK

Nothing in these rules shall be construed to prevent the making of such excavations as may be necessary for the preservation of life, or property, or for the location of conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Director or designee for such a permit on the first business day after such work is commenced.

The person engaged in emergency action shall notify the Department of Public Works, Police Department and the Fire Department at the start of the emergency work.

If, in the judgment of the Director and/or Transportation Engineer, traffic conditions, the safety or inconvenience of the traveling public or the public interest, require that the excavation work be performed as urgent or emergency work, the Director or designee shall have full power to order contractor to work extended hours and/or on weekends.

SECTION III – WORK AREA SAFETY

ROUTING OF TRAFFIC AND PROTECTIVE SIGNAGE

The contractor shall take appropriate measures to assure that during the performance of the excavation, so far as is feasible, normal traffic conditions shall be maintained so as to cause as little inconvenience as possible, provided the Director and/or Transportation Engineer, may permit the closing of streets and walks to all traffic for a period of time if it is deemed necessary. The use of flaggers or patrolmen does not eliminate the need for warning signs and traffic control devices.

The contractor shall maintain safe crossings for two lanes of traffic at all road intersections where possible and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across a public way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the way is not wide enough to hold the excavated material for part-time storage, the material shall be immediately removed from the location.

The contractor is responsible for the protection of the public from the construction process and excavation hazards. The site shall be properly lighted, signed and barricaded as determined to be needed. It shall be the duty of the contractor to place and maintain all required signs and traffic devices.

Warning signs, lights and such other precautions as may be necessary shall conform as provided in the "Manual for Uniform Traffic Control Devices" (MUTCD), Current Edition.

CLEARANCE OF VITAL STRUCTURES

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, catch basins and all other vital equipment and structures as designated by the DPW.

RELOCATION AND PROTECTION OF UTILITIES

The contractor shall not interfere with any existing utility without the written consent of the Director or designee, and the owner of the utility. If it becomes necessary to relocate an existing utility, this work shall be done by its owner unless the owner authorizes otherwise and the cost of such work will be borne by the contractor. The contractor shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The contractor shall adequately support and protect all pipes, conduit, poles, wires or other apparatus which may be affected by the excavation work and do everything necessary to support, sustain and protect them. In the event of any damage to pipes, conduits, poles, wires or apparatus, and for this purpose pipe coating and other encasement or devices are to be considered as part of sub-structure, such damage shall be repaired by the agent or person owning them and the expense of such borne by the contractor. The contractor shall be responsible for any damage done to any public or private property.

NOTIFICATION TO PUBLIC UTILITY COMPANIES

The contractor shall, in accordance with the General Laws of the State of New Hampshire, give notice to public utility companies before making an excavation.

State Law requires you call Dig Safe before you dig. Dig Safe is a free service, funded solely by its utility members to promote public safety and avoid costly underground utility damage. In New Hampshire, state law requires a minimum notification of 72 business hours (3 business days, excluding holidays and weekends). Call 811 or 1-888-DIG-SAFE (888-344-7233) between the hours of 6:00 AM and 6:00 PM or visit www.digsafe.com.

NOTIFICATION TO THE CITY

The contractor shall notify the Highway Foreman or other applicable city agents prior to any and all permanent patching. Materials shall be as outlined in **Item 5** of the patching standards section.

If the construction ceases for more than one (1) day, the contractor must notify the Department of Public Works in advance of when the work will resume. Failure to do so may cause work to be redone so inspections can be performed.

PROTECTION OF ADJOINING PROPERTY

The contractor shall, at all times and at his/her own expense, preserve and protect from injury any adjoining property by providing proper support and by taking such other precautions as may be necessary for the purpose. The contractor shall, at his/her own expense, shore-up and protect all buildings, pipes, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The contractor shall not remove, even temporarily, any trees or shrubs which exist in the excavation area without first obtaining written consent from the Director or designee.

DUST AND CLEAN-UP

Construction activities will not exceed EPA standards for airborne particulates. All roadways shall be wet swept and cleaned nightly. The contractor shall treat the roadway with calcium chloride if dust is prevailing. All clean-up operations shall be accomplished at the expense of the contractor and shall be carried out to the satisfaction of the Director.

SECTION IV – TRENCHING RULES

DAILY WORK

1. No more than 200 feet measured longitudinally shall be opened in any street at one time, except by special permission of the Director or his designee. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street made passable to traffic.
2. A street excavation permit gives the right to encumber a roadway with proper traffic control, as long as a minimum of one properly supported lane of traffic (10 feet wide) is provided on the street at all times. Access shall be provided to all properties at night and on weekends and to all places of business at all times.
3. If an emergency necessitates the complete closing of a street, the closing will be governed by the Emergency Work Section of this document.

4. When the work area encroaches upon a sidewalk, walkway or crosswalk area, protective barriers, together with appropriate warning and guidance devices and signs must be utilized so that the passageway for pedestrians is safe and well defined. Permittee must provide two (2) MUTCD R9-10 "Sidewalk Closed – Use Other Side" signs on either side of the site at the nearest intersecting street corners. Depending on the location, approaching streets may require additional sidewalk closed signs.

MULTIPLE EXCAVATIONS IN THE SAME STREET

1. When street excavations are made by one or more utilities, the Department of Public Works may require an overlay of the street. Utilities must submit plans of proposed work and job scope to the Department of Public Works for review, after which a decision will be made. Determination will be made by the Department and will be based upon the number or size of excavations in the street and/or the percent of the street disturbed.
2. If the utilities can coordinate their work and be in the same street within 3 calendar days, no temporary pavement will be required. If the 3 calendar days are not attainable, the first utility to disturb the pavement must place temporary hot mix by the end of the third day or before 5PM on Friday afternoon. Trenches will be based flush with all structures adjusted to the new grade.

BREAKING THROUGH PAVEMENT

1. All edges of the bituminous surface shall be cut with an asphalt saw for the finished patch.
2. Sections of sidewalks shall be removed to the nearest score line or approved, saw-cut edge.
3. Unstable pavements shall be removed and the sub-grade shall be treated as the main trench.
4. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
5. Cut outs outside of the trench lines must be perpendicular or parallel to the trench line.
6. Excavations shall be made in open cuts and no tunneling will be allowed except by special permission from the Director. Trenches and excavations shall be braced and sheathed as necessary.

BACKFILLING

Excavated material is not to be used for backfill unless it consists of clean sand, crushed stone, gravel or dry backfill suitable for reuse and proper re-compaction. Broken pavement, large stones, clay, roots and other debris shall not be used in the backfill. If the material cannot be compacted properly it cannot be used. Purchase of suitable additional fill material is the responsibility of the contractor.

All roadbed backfill material must meet or exceed applicable NHDOT specifications. Only crushed gravel types 304.3 or 304.4 are to be used in the top twelve (12) inches of the road bed.

Backfill material shall be thoroughly and mechanically compacted in 6 inch lifts, power tamped and moistened when required to secure maximum compaction of the backfill. A minimum of 95% compaction shall be achieved.

The excavation shall be backfilled and, at a minimum, temporarily patched at the completion of work on a daily basis unless otherwise allowed by the Department; in no case shall an excavation be left open overnight without approval. All temporary patches shall be of an acceptable patch material.

Contractor shall complete the permanent patch within thirty (30) calendar days of the temporary patch. For winter work, permanent patch is expected within thirty (30) days of the opening of the asphalt plants for hot bituminous mix.

Notify the Department of Public Works when the permanent patch is complete for inspection and acceptance of the work. The two (2) year guarantee period will start at the time of this inspection. Work will be re-inspected after one (1) year, at which time the permit will be retired and/or the applicant will be notified of needed repairs.

If the patch fails (i.e., settlement of more than ½” below the road grade), the contractor shall be required to repair the patch using the mill and repave method. The patch will then be re-inspected.

In all areas where the street has been paved within four (4) years of the excavation, the applicant will be required to use cold-planing for the permanent patch. All cold-planing will at a minimum overlay the original patch, plus 6 inches in all directions. All patches must conform to the specifications as outlined under the patching standards section.

EXCAVATED MATERIAL

All excess material excavated from trenches or excavations shall be removed from the site of the work and disposed of legally by the contractor.

ASPHALT PATCHING STANDARDS

1. All materials used and construction performed shall be per the latest NHDOT road and bridge construction standards and as required by the Director or designee.
2. The pavement shall be neatly saw-cut with parallel edges immediately prior to paving, 12 inches back from trench sides after trench has been properly backfilled. The permanent patch shall be flush and even with the surrounding paved surface.

3. Plant mix hot bituminous pavement shall be required for permanent pavement patch. Pavement mixture shall meet NHDOT and City of Portsmouth specifications. Notification must be made to the Public Works Dispatcher DIRECTLY prior to any and all permanent patching. No permanent patching shall be done without prior inspection of compaction base by the Director, *the Highway Foreman*, or *their* designee. **Contact the Public Works Dispatcher at (603-527-1530).**
4. Cold-planing of the pavement to a depth of 1.5” will be required on paved surfaces less than 4 years in age and on other main streets, as specified.
5. All patches shall match the existing pavement thickness of the existing roadway, but in no case shall the patch be <4” thick or as determined by the Director. The patch will consist of a 2 ½ - 3 ½ inches of ¾” “fine” binder, as appropriate, and 1 ½ inches of wearing course. All existing pavement edges must be tack coated before the pavement is applied.
6. All edges must be hot applied crack seal coated after pavement is applied.

Allowable plant mix asphalt types are specified below:

| Minimum Asphalt Content in Plant Mix Asphalt | | |
|--|-----------------|-------------|
| | Aggregate Size | |
| 50 Gyration | | 75 Gyration |
| | 3/8 “ (9.5 mm) | 6.0% |
| 5.8% | 1/2 “ (12.5 mm) | * |
| 4.9% | 3/4” (19 mm) | * |

*75 Gyration Binder Mix is not suitable for local roads and is not permitted for use.

“Normal” pavements to be used for patching shall be:

- Asphalt Binder Course shall be ¾” ‘fine’ aka ‘winter’ binder, 50 Gyration.
- Asphalt Surface (Wearing or Top) Course shall be ½” 50 Gyration or 3/8” 75 Gyration as appropriate based on existing pavement.

PROTECTION OF GUTTERS AND BASINS

The contractor shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable at all times. The contractor shall make provisions to take care of all surplus water, muck, silt, slicking or other run-off pumped or removed from excavations and shall be responsible for any damage resulting from failure to do so.

UNNECESSARY NOISE

Each contractor shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience to the general public and occupants of neighboring properties. During the hours of 6PM to 7AM on weekdays, the contractor shall not use, except with the express written permission of the Director, or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring properties. (See Chapter 3: Public Health, Article IV: Noise Control, Section 3-403)

PROMPT COMPLETION OF WORK

After an excavation is commenced, the contractor shall execute, with diligence and speed, all excavation work covered by the excavation permit and shall promptly complete such work and restore the area to its original condition or as near as may be so as not to obstruct the way or travel thereon more than is reasonably necessary.

RESTORATION GUARANTEE

Any person making excavations in streets must guarantee their permanent restoration work for a period of two (2) years from the date of acceptance of the completed work site. The contractor may be required to completely redo the work if it fails within this two (2) year guarantee period. Contractors that fail to return to correct an older patch within 30 days of notification by the City, may lose their Excavation Contractor License until restoration is made.

If at any time it is determined that permanent restoration was not made to City specifications, the contractor shall be responsible for making proper restoration, regardless of how long since the original excavation.

TESTING OF WORK

The Director has the right to order a test of any street restoration in order to determine that work was completed to City specifications. If the test shows the street restoration to be acceptable, the cost of the testing will be borne by the City. If the test shows the restoration was not acceptable, the contractor will be responsible for the cost of the testing in addition to the cost of excavating and repairing to City specifications.

SECTION V – WEATHER, TIME OF YEAR & DAY

Street excavations shall only occur Monday through Friday between 7:00 a.m. and 5:00 p.m., from April 1st through November 15th unless the permittee obtains written consent from the Director to do the work during another time. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic congested areas. In case of an emergency, the “Emergency Work” section of the regulation shall apply.

SECTION VI – FINES AND PENALTIES

Failure to obtain a permit, as required in these regulations, before commencing the work, or having obtained a permit and failing to comply with these regulations, will result in a fine for each offense, pursuant to City Ordinance (Sec. 8.106). Each day in which violation continues shall constitute a separate offense. For purposes of these regulations, the Director shall be the enforcement officer.

REVOCAION OF PERMITS

The Director may, at any time, cancel or suspend permits for cause. Cancellation or expiration of insurance endorsement shall result in automatic cancellation of permit.

REVOCAION OF EXCAVATION LICENSE

Contractors that fail to return to correct patch work within 30 days of notification by the City, may lose their Excavation Contractor License until restoration is made.

RIGHT TO HEARING

Any person accused of violating these rules or regulations shall be notified of the alleged violation, in writing, via certified mail, return receipt requested, which shall set forth a date and time at which hearing will be held before the Director or his/her designee, in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without council, as the contractor chooses.