

Utility and Right-Of-Way Contractor Registration

City of Red Oak Public Works Department

*The following information comes from the City of Red Oak Code of Ordinances, Chapter 13 Utilities.

Why do I need to register with the City?

A person commits an offense if the person owns or operates facilities within the rights-of-way within the city without first having obtained a registration from the city or having a contract or franchise with the city to operate facilities within the rights-of-way.

How do I register and what do I need?

You can obtain a ROW permit application online, at <https://www.redoaktx.org/DocumentCenter/View/2854/Right-of-Way-Excavation-Permit?bidId=>, or in person at the City of Red Oak Public Works Service Center, located at 411 W. Red Oak Rd., Red Oak, Tx 75154. Fees associated with the ROW permit application can only be collected at the City of Red Oak Public Works Service Center.

The contractor or subcontractor that will be working in the ROW must be registered with the Red Oak Public Works Department. To register as a ROW/Utility Contractor, you will need to submit the following items.

- The name of the utility/contractor using the right-of-way, including any business name, assumed name, or trade name the utility operates under or has operated under in the city within the past five years.
- If the utility/contractor is a CTP, the certificate number issued by the Texas Public Utility Commission.
- The ordinance number of any franchise or license issued by the city that authorizes the utility to use the right-of-way.
- The names, addresses and telephone numbers of at least two persons who will be general, day-to-day contacts for the utility/contractor. At least one of the addresses must be within the Dallas/Fort Worth metropolitan area.
- The name and mailing address of the officer or agent designated as the person authorized to receive service of process on behalf of the utility/contractor.
- The name, address and telephone number of any contractor or subcontractor, who will be working in the right-of-way on behalf of the utility. This list may be amended as needed by the utility/contractor; however, no work shall be performed in the right-of-way by a contractor or subcontractor that is not on the list, regardless of whether a permit is required.
- The names and telephone numbers of at least two persons serving as emergency contacts who can be reached by telephone 24 hours a day, seven days a week. The telephone numbers should be accessible without the city having to pay long distance telephone or toll charge.
- Proof of insurance and bonds (see attachment for insurance and bonding requirements)
- Any other information that the Director of Public Works determines is necessary.

How long is the registration valid?

Registration expires December 31st of the following year after the first registration occurs.

Are there any fees?

The registration is free. A fee will be assessed with each ROW permit application.

Proof of insurance and bonds, as follows:

Worker's compensation insurance meeting applicable statutory requirements and employer's liability insurance with minimum limits of \$100,000 for each accident.

Comprehensive commercial general liability insurance with minimum limits of \$5,000,000 as the combined single limit for each occurrence of bodily injury, personal injury and property damage. The policy shall provide blanket contractual liability insurance for all written contracts and shall include coverage for products and completed operations liability, independent contractor's liability, coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage.

Automobile liability insurance covering all owned, hired, and non-owned vehicles in use by the applicant, its employees and agents, with personal protection insurance and property protection insurance to comply with the provisions of state law with minimum limits of \$2,000,000 as the combined single limit for each occurrence for bodily injury and property damage.

The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as, in combination, the limits equal or exceed those stated.

All policies other than those for worker's compensation shall be written on an occurrence and not on a claims made basis and shall name the city, its officers and employees as additional insureds.

The applicant shall submit certificates of insurance for each insurance policy the applicant is required to obtain to comply with subsection (b)(6) of this section to the director of public works each year during the term of the registration.

All insurance shall be effected under valid and enforceable policies, issued by insurers licensed to do business by the state. All insurance carriers and surplus line carriers shall be rated A+ or better by A.M. Best Company.

All insurance policies shall contain the following endorsement:

"At least 30 days prior written notice shall be given to the City of Red Oak by the insurer of any intention not to renew this policy or to cancel, replace or materially alter this policy, such notice to be given by registered mail."

The applicant shall file an annual surety bond which will be valid each year construction will occur through one full year after the completion of the construction. The surety bond shall be issued by a surety company authorized to do business in the state in the amount of the estimated cost to restore the right-of-way for the work anticipated to be done in that year in the event the registration holder leaves a job site in the right-of-way unfinished, incomplete or unsafe.

The city may accept certificates of self-insurance issued by the state or other proof from the applicant of self-insurance, if the applicant demonstrates by written information to the comptroller that it has adequate financial resources to be a self-insured entity for the limits of coverages specified in this subsection. The city reserves the right to reject a request for self-insurance for any or all insurance and bonding requirements if a sufficient showing of financial responsibility is not provided or for other good cause.

A utility provider with a franchise in effect on the effective date of this article, August 14, 2000, satisfies the requirements of this subsection if the provider's franchise adequately provides insurance and bonds.

Right-Of-Way Permit

City of Red Oak Public Works Department

*The following information comes from the City of Red Oak Code of Ordinances, Chapter 13 Utilities.

Why do I need a ROW permit?

A person shall obtain an excavation permit from the public works department prior to performing any excavation, construction, relocation, removal, installation, repair, or maintenance of facilities within the rights-of-way. A permit is required for new construction and replacement or upgrading of a utility provider's network in the rights-of-way, either aerial or underground.

Not all work requires a ROW permit. The following is a list of exceptions;

- Work that is incidental in nature.
- A registration holder may undertake emergency work without obtaining a permit. In an emergency, the registration holder shall notify the city's Public Works department, or city's police dispatcher, as promptly as possible. A registration holder who performs the emergency work shall submit to the city, as soon as practicable, a reasonably detailed description of the work performed in the right-of-way and an updated map of the facilities that were relocated, if any.
- Work that obstructs the flow of vehicular traffic on a street, alley, or sidewalk for less than four hours, if the registration holder has submitted a traffic-control plan to the Public Works department, and has been approved. and work is performed in compliance with the traffic-control plan; and unless the work is performed under emergency conditions, the person has given the public works department adequate written notice of the proposed work.

How do I apply for a ROW permit and what do I need?

The contractor or subcontractor that will be working in the ROW must be registered as a Utility/ROW contractor with the Red Oak Public Works Department prior to submitting a ROW permit application. Permits must be submitted no less than 10 business days prior to commencement of work proposed on the application. The city has 10 days to review the permit application and either approve or deny the permit, or request additional information. The permit will expire on the completion date specified on the permit.

The following is a list of items and information that needs to be submitted with the ROW permit application;

- The approximate location and route of all facilities to be constructed or installed and the applicant's plan for right-of-way construction;
- Two sets of engineering plans, on a scale of one inch equals 50 feet unless otherwise approved by the public works department;
- Description of the location of all right-of-way and utility easements which the applicant plans to use;
- Detail of what the applicant proposes to install, such as pipe size, number of interducts, valves, etc.;
- Detail of plans to remove and replace asphalt, concrete in street, using city standards and specifications;
- Drawings of any bores, trenches, handholes, manholes, switchgear, transformers, pedestals, etc., including depth;
- Handhole and/or manhole typical of type of manholes and/or handholes the applicant plans to use or access;
- Complete legend of drawings, which may be provided by reference documents previously submitted to the city;
- The name, address and telephone numbers of the contractor or subcontractor, if known, who will perform the actual construction, including the name and telephone number of a representative of the contractor who will be available at all times during construction;
- A statement that proof of insurance, bond or other required financial information is current and on file with the city;

- The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the estimated dates and times work will occur, all of which are subject to the reasonable approval of the director of public works;
- A copy of any permit or approval issued by federal or state authorities for work in federal or state right-of-way located in the city;
- Evidence that all other utility providers in the area have been given notice of the excavation. Notice to utilities may be accomplished by providing the city with the reference number assigned by the notification center.

Are there any fees?

The adopted Master Schedule of Fees specifies that ROW applications and permits are \$300. And an additional \$75 is the work to be performed is an excavation or boring, or \$150 if it includes relocating existing utilities. These fees are used to recover costs incurred for ROW management; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying ROW permit applications; inspecting jobsites and restoration improvements; determining the adequacy of the right-of-way restoration; revoking ROW permits and other costs the city may incur in implementing the provisions of this article.

I got my ROW permit approved, now what?

Once your permit is approved, you will be contacted by the Public Works department to coordinate work schedule, means and methods, traffic control, erosion control, etc. This can be accomplished onsite, over the phone, or during a pre-construction meeting.