

The Corporation of the Township of Southgate

Policy #58

Road Occupancy and Encroachment Policy





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1. Purpose of Policy:

This purpose of this policy is required to control the construction and installation of any utility, structure or facility within the Township in order to regulate any changes made or impact in the short or long term, to the current road system and right of way (ROW). This policy will review what is required from residents and contractors to complete construction and/or maintenance and how drainage outlets onto or crossing right-of-ways within the Township of Southgate. It is herein resolved that the following policy statement be adopted as a guideline to control Road Occupancy and Encroachment on Township of Southgate roads.

2. Approval Conditions:

2.1 The Applicant agrees to the following conditions:

- a) Completion of attached application form
- b) Prior to the issuance of a Permit, the applicant shall provide the following to the satisfaction of the Transportation and Public Safety (TAPS) Department:
 - A valid Certificate of Insurance, in a form acceptable to the Township with respect to liability for property damage and personal injury for a minimum amount of \$5,000,000.00 for any one accident or occurrence. The certificate shall name the Township of Southgate as co-insured and remain in force until the Township approves the work,
 - Supportive material (drawings etc.) requested by the TAPS Department,
 - Application fees are determined in the Fees and Charges By-Law
 - Security Deposit

2.2 The Applicant agrees to indemnify and save harmless the Township of Southgate from all actions, causes of action, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under the terms of this Permit and will be responsible for damages, injuries or accidents resulting from any of their operations, or caused by reason of the existence or location or condition of the construction site, or any materials, plants, equipment or vehicles used in connection with the work performed as a result of this Permit.

2.3 Permits will be processed after all the necessary information has been submitted to the TAPS Department.

2.4 This Permit does not release the Applicant from their responsibility of obtaining all other necessary permits, approvals and locates of buried plant infrastructure and other above ground utility locations from all other authorities.

2.5 The Applicant is responsible for notifying the Township of Southgate staff concerning existing damage or conditions of the present municipal owned infrastructure prior to the issuance of the Permit or the start of construction.

2.6 This permit is not valid and construction may not begin until the signed copy is received by the Township of Southgate.

2.7 Construction plans must be submitted with this permit application.



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3. Use of Public Right of Ways (ROW)

3.1 General maintenance by adjacent property owners such as grass and weed cutting is encouraging and appreciated.

3.2 Any private utilities in the public ROW are subject to Township approval.

3.3 Driving through or use of ditches that impacts drainage or ditch integrity is not permitted. If access is required it may be obtained through an entrance permit.

3.4 Any damage that is prohibited in the public ROW shall be reinstated to the previous or better condition at the owner's expense, or the Township's Public Works Department will reinstate the ROW at the applicants and/or contractors expense.

3.5 Other uses of the ROW may be considered with the approval of the Public Works Manager.

4. Project Construction Conditions

4.1 Pre-Construction Planning

4.1.1 The Applicant agrees to contact the Public Works Manager as specified on the Permit Conditions at least two (2) working days prior to commencing work in order to schedule proper inspection of the project. Failing to do so will result in an administration fee to the applicant and possible delays to the start date.

4.1.2 Prior to commencing work, contractors will complete locates including the area being pre-marked. All locates must be obtained from ON1CALL.

4.1.3 The Applicant shall not cut, trim or interfere with any trees in the right-of-way without Township approval.

4.1.4 Subject to Township approval, the use of steel plating shall not generally be permitted.

4.1.5 The road shall not be closed without the consent in writing of the Township and a notice posted on the Township's website to notify local residents.

4.1.6 Property owners and/or residents within 2 kilometers of the project or the closest intersection for vehicle access shall receive a minimum of 24 hours written notice prior to temporary closing of an access to homes and businesses.

4.1.7 The applicant agrees and accepts full responsibility to supply, maintain, visually clean and place all barricades, warning signs, delineators, and flashing lights necessary for the protection of the public and the safe operation of the installation, at the applicant's own expense, as per the Ontario Traffic Control Manual Book 7, Temporary Conditions latest revision. (Note: This manual depicts minimum standards. Additional signing may be required by the Township)



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4.1.8 All other agencies requiring permits shall be obtained by the applicant. Copies of such permits will be submitted to the Public Works Manager prior to starting the project.

4.2 Site Construction

4.2.1 A copy of all municipal and agency Permit(s), and utility locates must be available on the job at all times during actual construction.

4.2.2 The Applicant shall be responsible for any damages to all existing services when such damages arise out of the work undertaken by the applicant.

4.2.3 The applicant is responsible for unloading and loading their equipment in a manner that does not damage Township property including roads and ditches. If any damage occurs while unloading and loading, the repairs will be the applicant's responsibility and cost.

4.2.4 Positive drainage shall be maintained during the course of the work.

4.2.5 The applicant is responsible for all sediment and erosion control measures required by the Township and other authorities and for the installation and maintenance of all temporary erosion and sediment control measures as outlined in OPSS 577 at the applicant's expense.

4.2.6 Work is to be completed from 7:00am to 5:00pm in the winter months between November to April and from 7:00am to 7:00pm in the summer months between May and October, affecting travelled portion of the roadway as determined by the Township.

4.2.7 All utilities shall be protected and supported to the satisfaction of the utility concerned.

4.2.8 All road surfaces and sidewalks shall be kept clear of obstructions and/or debris to avoid hazard or inconvenience to the public.

4.2.9 Mud tracking or dust nuisance shall not be allowed. Any accumulation must be cleaned from the road and/or shoulders immediately. **If at any point the Public Works Department finds that mud tracking or dust nuisance is excessive, the work shall be stopped until remediation is complete.**

4.2.10 If work cannot be completed the same day, the Township must be notified immediately. Township staff will be required to inspect the site to ensure the project is left in a satisfactory condition for public safety prior to the contractor leaving the site.

4.2.11 All changes and/or deviations from the submitted approved plans and/or locations shall be subject to **re-approval** by the Township.



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4.2.12 Materials and equipment shall not be permitted to be stored on the road or ROW overnight. All materials and equipment shall be removed and relocated off the road or ROW at the end of each work day. Failure to do so will result in the permit being revoked, the applicant not having permission to complete the project, removal of the contractor equipment and relinquishing all approved permit to the municipality.

4.2.13 No open excavation will be allowed to remain open on any portion of the travelled roadway or shoulders after sunset.

4.3 Traffic Control Requirements

4.3.1 Lane(s) of traffic must be maintained during working hours as per Ontario Traffic Manual (OTM) Book 7.

4.3.2 OTM Book 7, and traffic plans must be faxed and/or emailed to Public Works Manager prior to commencement of work.

4.4 Inspection and Compliance

4.4.1 All disturbed or affected areas to be maintained and guaranteed for one year after completion and acceptance of the work by the Township, at the applicant's expense.

4.4.2 The applicant accepts the Township's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:

- a) The Township of Southgate will give the applicant not less than twenty-four (24) hours notice of any remedial work required, except for emergency work or situation deemed for public safety.
- b) If at the expiration of the time allowed, the applicant or his/her contractor has not commenced remedial work to the Township's satisfaction, the Township may undertake to have this work done by whatever means it deems necessary. All costs associated with these actions will be charged to the applicant.
- c) Township staff will periodically perform spot inspections on the work being performed.

5. Trenches and Pits

5.1 Trenches shall be fully compacted by mechanical means, (roadway – 100% SPMDD, roadside – 95% SPMDD) and all surfaces restored to original condition. Positive drainage shall be maintained during the course of the operation.

5.2 Mechanical and/or vibratory compaction equipment shall be on site prior to commencing work.

5.3 Trench to be backfilled with Granular Sub-base Course Class "B", in 150 mm (6") layers to 450 mm (18") below the road surface, and each lift shall be compacted using mechanical and OPSS Standards).



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5.4 Granular base Course Class "A" to 150 mm (6") below the asphalt base in two layers, and compacted to 100% Standard Protcor Maximum Dry Density (SPMDD).

5.5 Culvert tapering will be necessary where a new or replacement culvert road crossing is required at a 10 to 1 taper rate for the depth of the culvert up to 50' either side of the pipe.

5.6 Township inspection will be required for proper bedding material, compaction, taper rates, erosion control, signage, road conditions, etc.

6. Boulevard Works

6.1 Shoulders to be repaired, cleaned of mud and clay, etc., and restored to original cross-section and appearance.

6.2 In grassed areas adjacent to homes and businesses, sodding is required as per OPSS 571. All other areas shall be seeded and straw mulched or hydro seeded as per OPSS 572. Topsoil shall be placed to a minimum of 100 mm (4") depth prior to seeding or sodding as per The Township of Southgate requirements.

6.3 All disturbed ditches to be restored with a least four rows of sod placed in the bottom, as per OPSD 218.01.

6.4 Driveways shall be repaired in the same manner as the road, as outlined below.

6.5 Asphalt strips shall be restored to original condition or better.

6.6 Sidewalks shall be restored to match the Township standards.

7. Road Works with Pavement

7.1 Pavement cutting shall be done by means of sawing full depth to leave a clean straight edge. Excavation equipment such as backhoes etc. shall not be used for this purpose. The adjoining pavement shall be protected from damage by equipment.

7.2 Cold patching to be placed as soon as possible as a temporary surface. Permanent pavement repairs using hot-mix asphalt shall be made as soon as possible. All township roads having heavy traffic volumes must be repaired immediately with hot-mix asphalt. Between November 15th and May 15th all cuts must be filled immediately with cold mix and replaced with hot mix in the proper season for doing so.

7.3 Prior to permanent pavement repairs, a 300 mm (12") wide strip of asphalt each side of the excavation shall be removed by full depth saw cutting.

7.4 The application of a bonding agent (SS1 emulsion) shall be applied to all cold asphalt joints and exposed concrete faces as per OPSS 1103.



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7.5 Limit of pavement construction joint to be sealed with "TBond HMA Joint Tape", "Densoband" or approved equivalent.

7.6 Directional drilling is the preferred process for crossing the hard top surface roads travelled portion at a minimum of 1.2 meters in depth. In the event that boring is not an option then open road cut will be allowed with the following conditions:

- a) All open cuts and disturbed areas are to be backfilled and compacted with native materials to granular base. Balance of the excavation to be filled with approved Granular material that is compacted to 100 percent standard proctor density and replace the dust suppressant.
- b) The Applicant will ensure that temporary restoration is done using cold mix asphalt as a minimum and is completed within 48 hours before allowing traffic to flow over trench cuts. The Applicant is responsible for its maintenance until final restoration is completed and approved by Southgate.
- c) The Applicant will ensure that permanent restoration is completed within fifteen (15) working days, repaired with hot mix asphalt and no hard points allowed. The original surface is to be milled back 1.0 meter in both directions for a step joint then paved.

8. Road Works with Gravel Surface

8.1 Upon completion of the work, the Applicant shall complete the following to the satisfaction of the TAPS Department:

- a) Restore all subsurface works including the compaction of granular backfill material,
- b) Restore all areas affected by the work to current Township or OPS Standard to the satisfaction of the TAPS Department,
- c) Disturbed surface grassed areas are to be restored with topsoil and grass seeded, sodding or hydro seeding if required,
- d) Additional restoration may be required as stipulated by Southgate and/or other authorities and will be outlined on the permit(s), and
- e) Restore dust control application if applicable.

9. Tile Drains – Outletting onto or Crossing Township Right-of-ways

9.1 Any tile drain outletting onto Township property must be inspected by the Public Works Department and have access to positive drainage. The Township is not obligated to alter road crossing culverts elevations to enhance tile drainage applications. If alterations are required they will be at the expense of the applicant. All unresolved drainage concerns will be referred to the Township approved Drainage Superintendent and resolved based on the Drainage Act R.S.O 1990, chapter D.17 and/or the Tile Drainage Act R.S.O 1990, Chapter T.8.

9.2 When it is necessary that a tile drain cross under the Township road the crossing material shall be corrugated steel pipe (CSP).



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9.3 Where the Township road has a hard top surface it will be necessary to bore under the road from outside edge of shoulder to outside edge of shoulder to place the crossing pipe.

9.4 Open excavation will be allowed on a gravel surface road. The gravel material should be kept separate from underlying materials and replaced in reverse order. Material being placed into the trench is to be placed in 150 mm (6") layers and compacted to 100% standard proctor density. If the granular material becomes contaminated it shall be replaced with new granular material. The applicant shall be responsible for the removal and disposal of all surplus or contaminated excavated material. All material must be disposed of outside the Township right-of-way unless the Township gives approval to place excavated material on Township property. Any material placed on Township property must be levelled and trimmed to the satisfaction of the Public Works Manager. Approved granular material must be placed in the excavation in 150 mm (6") lifts and each lift must be compacted to 100% standard proctor density in a manner satisfactory to the Township.

9.5 Any crossing of a Township road must be carried out by a competent contractor who must first be approved, in writing, by the Township Public Works department.

9.6 The applicant or the contractor representing the applicant shall be responsible for the supply of maintenance of proper signs, barricades and lights at the crossing site and shall also supply and place proper direction signs for detours if necessary, in accordance with the procedures outlined in the OTM Book 7 Manual.

9.7 The applicant or contractor representing the applicant shall ensure that there are sufficient flag staff available to control traffic during the time any work is being carried out on the Township right-of-way, when deemed necessary.

9.8 The Township must be advised of the date and time of any work to be carried out on Township property by the applicant and all such work must be inspected by the Public Works Manager and must meet with Township approval.

9.9 The applicant or the contractor representing the applicant will be responsible for all clean up after construction has been completed to the satisfaction of the Township.

9.10 The Township of Southgate assumes no liability for adequacy of outlet or damage to person or property during construction or as a result of the crossing.

9.11 The right-of-way and adjacent disturbed areas shall be restored to the same condition as that prior to the placing of the drain. Any further settlements or other deficiencies deemed by the Public Works Manager to have a result of the installation of the drain will be repaired promptly by the applicant or by the Township at the applicant's expense.



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10. Final Approval and Acceptance Condition

10.1 The Applicant shall guarantee the workmanship and materials of all work performed within the Right-Of-Way for a period of twelve (12) months from the date of receiving the Township's final approval and acceptance of the work once completed.

10.2 The Township may withhold deposits and approval of future Road Occupancy and Encroachment Permits until final acceptance approval is received.

10.3 A copy of the permit or written notification of completion of work must be provided to the Township of Southgate for final approval.

11. Authorization Signature

**All conditions are subject to revision as necessary.
Repairs shall be equal or superior to the original condition.**

I _____ from _____ understand the above information and accept full responsibility for the protection of all utilities, private property and persons affected by his/her operations and further agree to provide proof of liability insurance to the Township of Southgate. I also understand that I may not commence any work on Township property until such time as permission, in writing has been issued by the Township and that all costs associated with the work are the responsibility of the applicant.

Signature

Date