



Right of Way Permit Application

100 Downtown Plaza, Fairmont, MN 56031
507-238-9461 • www.fairmont.org

Permittee Information

Applicant: _____

Contact Name(s): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Contractor: _____

Contact Name(s): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Subcontractor: _____

Location/Address of Work: _____

*** Attach plans/sketch of site plans ***

For utility projects describe the material type, size, and specification

Start Date: _____ **End Date:** _____

Type of Work

Obstruction

Type: _____ Length: _____ Width: _____

Sidewalk/Trail/Shared Use Path

Surface Type: _____ Length: _____ Width: _____

Pedestrian Ramps: Yes _____ No _____

Driveway Approach: 22' Max Residential & 30' Commercial

Surface Type: _____

Driveway Width _____ feet

+ Flare Width x 2 _____ feet

= Total Curb Cut Length _____ feet

Street Repairs

Curb & Gutter _____ length

Concrete Pavement _____ area

Bituminous Pavement _____ area

Boulevard Restoration

Sod _____ Hydroseeding _____ Erosion Control Blanket & Seed _____

Other Stabilization Method: _____

Utility Work

Installation Method: Open Trench _____ Boring _____ Jacking _____ Plow _____

Other: _____

Type of Utility: Water _____ Sanitary Sewer _____ Storm Sewer _____

Sump Pump Drain _____ Other _____

Type/Size of Pipe: _____

Other Work: _____

Street/Lane/Sidewalk Closure Yes _____ No _____

**** If yes, provide a traffic/pedestrian control plan. ****

County or MnDOT Permit Required Yes _____ No _____

**** If yes, provide a copy of the permit. ****

Land Disturbance Permit Required Yes _____ No _____

****Required if 5,000 sq ft or greater **** If yes, provide a copy of the permit. ****

Applicant's Signature

Date

City of Fairmont Signature

Date

Special Provisions Attached

Permit Fee: \$25.00 Permit #: _____ Date Paid: _____ Date Received: _____

Special Conditions:

[Large dashed box for special conditions]



SPECIAL PROVISIONS FOR WORK IN PUBLIC RIGHT OF WAY

1. It shall be the responsibility of the **Applicant** to utilize the “Gopher State One Call” excavation notice system as required under Minnesota Statute Chapter 216D (216D.03-216D.07) <https://www.revisor.mn.gov/statutes/cite/216D>, 48 hours prior to performing any excavation (phone 811 or Toll Free 1-800-252-1166).
2. Any **Applicant** performing work within the public right of way must be a contractor licensed in the State of Minnesota. Any contractor installing pipe must be certified in the State of Minnesota.
3. The **Applicant** shall furnish, install and maintain all required traffic control devices according to the current version of the “Minnesota Field Manual on Temporary Traffic Control Zone Layouts” ([MnDot Work Zones](#)) while performing the construction authorized by this request.
4. All individuals working within the highway right of way shall wear high visibility clothing while performing all operations under the provisions of this permit. The vest, shirt, or jacket and pants (when required) shall be orange, yellow, strong yellow-green or a fluorescent version of these colors, class 2 at minimum. At night and in low visibility situations, the vests, shirt or jacket and pants shall be retro-reflective.
5. The **Applicant** will be responsible for all removals and disposal. All removal edges will be saw cut. No removals prior to permit approval.
6. The **Applicant** shall coordinate the proposed installation with the existing facilities in the area.
7. The **Applicant** is responsible for complying with the Erosion and Sediment Control Standard Operating Procedures (ESC SOP, attached) during construction. Conditions may require temporary measures to control erosion and sedimentation. Installation of temporary erosion measures shall be installed prior to work beginning or carried out concurrently with the operation.
8. No material shall be deposited on the traveled roadway unless current conditions leave no options. If material is deposited on the roadway, it shall be cleaned up as soon as possible or before the close of work for that day. Material in the traveled roadway must comply with the ESC SOP prior to crews leaving for the day. In the event materials need to be left on the street overnight, traffic control devices with flashers must be present to alert motorists of the hazard. Overnight stockpiles will only be permitted in parking lanes.
9. Two-way traffic shall be maintained at all times. Adjacent properties should be notified in the event of any street closures. In the event one or more lanes of traffic must be restricted for more than 24 hours, a complete traffic control plan must be reviewed and approved by the Public Works. If overnight lane closures are necessary, notify the Law Enforcement Center (507-238-4481) and the Public Works Director (507-238-3942).
10. Any water main connections requiring a wet tap will be performed by the **Applicant**. Please notify the Water Department (507-235-6789) at least 48 hours in advance to complete an inspection of the connection. No backfill shall be placed prior to inspection. **Applicant** shall contact the Water Department immediately if any disruption of service is encountered or required.
11. Water services shall be installed to comply with city specifications, please contact the city

engineering department with questions. Copper service pipe shall conform to ASTM B88, Seamless Copper Water Tubing, Type K, Soft Annealed Copper. Polyethylene (PE) service pipe shall conform to Grade PE-3408 or PE-4710 and be rated for 200 psi working pressure, SDR-9. PE pipe shall also conform to ASTM D-1248 & D-2737 for copper tube size, outside diameter controlled. All PE services shall include tracer wire, with a Copperhead SnakePit Access Point box located at the curb stop.

12. All excavations, trenching and/or jacking and boring pits shall comply with current OSHA Requirements. No unprotected trench shall be left open overnight. Any trench left overnight must be fenced, signed, lighted, and barricades installed to restrict access.
13. The **Applicant** is responsible for all excavation and backfilling necessary to perform the work. Backfilling within the streets must be completed in 1' lifts and compacted to 95% Standard Proctor Density below 3' and to 100% Standard Proctor Density for the top 3' of excavation. Class 5 material will be used in the upper 12" of backfill. **Applicant** shall install additional Class 5 material to provide a temporary road surface. The material placed as part of the temporary road surface will become property of the **City**. Contact the Street Superintendent (507-236-4946) for final inspection, approval, and measurement for billing.
14. All sidewalk and curb and gutter disturbed during construction shall be replaced by the **Applicant**. The **Applicant** is to install new sidewalk with a minimum of 6" Class 5 aggregate base and 4" of concrete. The Applicant shall pour sidewalk ramps, landings, and sidewalk thru driveways a minimum of 6" in depth. Sidewalk control joints shall be sawcut at 1/3 the thickness of the concrete. Concrete curb & gutter shall be installed to match existing concrete curb section. All curb edges will be saw cut prior to placement of new material. Concrete material shall meet MNDOT spec 2521 and 2531 for concrete walk and concrete curb and gutter. All concrete shall have curing compound applied to it within the time recommended by the product manufacturer. All curing products shall be a MnDOT approved product.
15. All sidewalk, curb and driveways approaches shall be installed following MnDOT Standard Plans [5-297.250 Pedestrian Curb Ramps](#), [5-297.254 Driveway and Sidewalk Details](#).
16. All detectable warning plates used in city right of way shall be a MnDOT approved product colored brick red, MnDOT Std. Plate 7038.
17. Any damage to existing utilities caused by the construction operations shall be repaired by the **Applicant**.
18. The **City** will install new surface material, either asphalt or concrete. The **City** will bill the **Applicant** \$8.00/square foot for the material and labor. The **Applicant** can request to install the surface material themselves matching the existing conditions at a minimum and forego the expense. All requests must be reviewed and approved by the Public Works Director and new surface must be installed within 14 days after completion of work.
19. All areas disturbed by the **Applicant** shall be restored with a minimum of 6" of topsoil then sodded or seeded within 7 days of completion of work. Seed or sod shall be the same as/or compatible with the existing turf cover. All seeded areas must be protected with a hydraulic mulch or erosion control blanket. Turf establishment methods per current MNDOT specification 2575.
20. The **Applicant** shall hold the City of Fairmont harmless and agrees that the City will not be responsible for injuries or damages incurred from the Applicant's means and methods of construction.

**Erosion and Sediment Control
Standard Operating Procedures (ESC SOP)
Work in Public Right of Way**

1. Install inlet protection at all downstream catch basins before work begins.
2. If sawing of concrete or pavement is required, sweep dust from work after completed.
3. Water from dewatering activities shall be filtered before discharge or vacuum contained and discharged properly at another facility.
4. All areas shall be swept as best as possible at the end of the job.
5. If gravel is used as a temporary road surface the inlet protection shall be left in place until pavement is replaced.
6. Stockpiles left overnight on paved or unpaved surfaces shall have perimeter protection (filter log or silt fence) installed before all workers leave for the day.
7. Vehicle tracking shall be swept at the end of each work day.
8. Filter log shall be placed along the back for the curb if soil behind the curb was disturbed by construction.
9. Concrete wash water shall be disposed of off-site at a proper waste facility.
10. Chemicals, oils, and fuels shall be properly stored and the owner shall have the proper tools available to clean up a spill if one were to occur.
11. All disturbed soil shall have permanent coverage (erosion control blanket and seed, hydro mulch and seed, or sod) within 7 days after the work is complete.
12. All sites must be inspected after a rainfall event of ½" or greater and maintenance work shall occur no later than 48 hours after the rainfall event.

Potential list of items required for sediment and erosion control:

Inlet protection devices, filter log with stakes and hammer, dewatering bag, broom, and bucket or container for concrete wash water disposal.

216D.03 NOTIFICATION CENTER.

Subdivision 1. **Participation.** An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. **Establishment of notification center; rules.** (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. **Cooperation with local government.** In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. **Notice to local government.** The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. **Notice required; contents.** (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. **Plans for excavation.** (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. Duties of notification center; regarding notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.

(f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: *1987 c 353 s 10; 1992 c 493 s 5; 1993 c 341 art 1 s 21; 1997 c 196 s 1; 1998 c 348 s 1-3; 2004 c 163 s 2-6*

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

- (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;
- (2) use white markings for proposed excavations except where it can be shown that it is not practical;
- (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;
- (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and
- (5) conduct the excavation in a careful and prudent manner.

History: *1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7*

216D.06 DAMAGE TO FACILITY.

Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. **Cost reimbursement.** (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. **Prima facie evidence of negligence.** It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

History: 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: *1987 c 353 s 13*