Right-of-Way
Construction and Permitting Procedures
Manual

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INTRODUCTION

Because of the increasing number of facilities in the public right-of-way, the City has adopted a Right-of-Way Procedures Manual in order to guide and manage the use of the public right-of-way. This manual is intended to provide technical criteria and details necessary to implement the provisions of the Right-of-Way Ordinance. The ordinance states that the Director of Public Works (director) or his designee is authorized to administer and enforce the provisions of the ordinance, and to promulgate regulations including, but not limited to, engineering, technical, and other criteria and standards.

2
PUBLIC SERVICE PROVIDER REGISTRATION

Prior to registration, a public service provider must be either a Certificated Telecommunications Provider under Chapter 283 of the Texas Local Government Code or have a franchise or license agreement with the City.

Prior to obtaining a permit to perform construction within the public right-of-way, a public service provider must first register with the City of McKinney.

3
CONSTRUCTION PERMITTING PROCEDURE

3.1 Permitting Process

Prior to performing construction within the public right-of-way, the public service provider, or its authorized representative, is required to obtain a permit from the Department of Public Works in accordance with the Right-of-Way Ordinance.

Construction projects are classified into two categories. Projects are classified at the director's discretion. The general classification guidelines and permitting procedures for each category are as follows:

MAJOR PROJECT

- Projects greater than 2000 feet in length; or
- Projects involving more than 2 street or creek crossings; or
- Projects involving street closures; or
- Projects within any roadway which will be widened in the future as listed in the City's Thoroughfare Development Plan; or
- Projects that will take more than 14 consecutive working days to construct.
- Projects that include a utility structure with a foot print larger than 30 square feet and/or a height greater than 36 inches.

PERMITTING PROCEDURE

1. The public service provider, or his authorized representative (permittee), must complete a Public Right-of-Way Construction Permit Application.
2. Three sets of plans approved by a licensed state engineer shall be included with the application and traffic control plan submitted to the Department of Public Works.
3. The Department of Public Works will distribute the plans to other reviewing departments within the City. The Department of Public Works will make every effort to compile and forward all comments to the applicant within 10 business days.
4. The permittee shall correct the plans based on the comments received and resubmit seven sets of revised plans to the Department of Public Works.
5. If the comments have been addressed to the satisfaction of the City, the permit will be issued. If not, another review letter will be generated by the Department of Public Works and the permittee will have an opportunity to correct the plans. This process will continue until the comments have been addressed and the permit is issued.

MINOR PROJECT

- Projects less than 2000 feet in length; and
- Projects that contain 2 or less street or creek crossings; and
- Projects that will take 14 consecutive days or less to complete; and
- Projects that include only local repairs

PERMITTING PROCEDURE

1. The public service provider, or his authorized representative (permittee), must complete a Public Right-of-Way Construction Permit Application.
2. The permittee must present prints and traffic control plan to the Department of Public Works.

The Plans

Once plans are reviewed, the permit will be issued by the Department of Public Works.

All new submittals for permit shall contain a completed application and construction plans. In addition, depending on the type of work, a storm water pollution prevention plan, traffic control plan, and trench safety plan may also be required. All submittals shall be in accordance with the following subsections.

Revised plans addressing review comments shall be resubmitted with a copy of the original permit application and shall be clearly marked as "re-submittal".

3.2 Permit Application

The permittee is required to complete the Public Right-of-Way Construction Permit Application (application). A copy of the application can be filled out on the Cities website at www.mckinneytexas.org under the Departments tab/Public Works/Streets/ or one can be picked up at the Public Works main office 1550 S. College St. bldg. A.

If a utility structure is proposed, a separate Utility Structure Permit will also be required.

Permit is only good for 30 days after the permit has been issued by the Department of Public Works, or as otherwise extended. Otherwise, the permittee will need to resubmit a new permit application.

For any work within the state right-of-way, the public service provider shall provide to the Department of Public Works evidence of permit from the state within one week of receipt of permit. In all cases, evidence of permit must be provided a minimum of 48 hours prior to construction.

3.3 Construction Plan

The construction plans shall be submitted on paper and are required to show the following:

1. Whether a facility is overhead or underground.
2. The full limits of the proposed work. The minimum plan size is 11" x 17" and minimum scale is 1" = 100', unless otherwise approved.
3. The location of all existing and proposed public facilities, including City water lines, storm drainage facilities, and sanitary sewer lines in relation to all proposed utilities, if there is a potential for conflict. Construction drawings for existing and proposed public facilities may be viewed at the City of McKinney Development Services Department. The elevation of the existing and proposed public facilities should be noted, or a profile shown, in relation to the proposed utility line, if there is a potential for conflict. The plans shall indicate how potential conflicts will be avoided.
4. The location of the City's underground electric and communication lines for streetlights and traffic signals. The permittee should contact the Public Works Department for traffic signal and street light information.
5. Detail of proposed facility installation, i.e., pipe size, depth and dimensions of occupied space. If utility structure is proposed, dimensions, type, and location shall be indicated on the plans.
6. Pavement removal and replacement limits for street cuts, when allowed.
7. The length and depth of all bores.

A. All concrete driveways and streets shall be bored rather than open cut. The length of the bore must be sufficient for meeting the fully improved (ultimate) roadway width as specified in the City of McKinney's Future Thoroughfare Development Plan.

B. No pavement cuts in newly constructed, reconstructed or resurfaced (greater than one inch) asphalt streets shall be made for 24 months after the completion of the street work.

8. Detailed drawings of any bores, trenches, hand holes, manholes, vaults, switch gears, transformers and pedestals, including height, width and depth. Utility structures need a dimensional drawing and the placement site pre-approved by the City of McKinney.
9. Landscape protection measures.
10. Complete legend of drawings.

3.4 Storm Water Pollution Prevention Plan

The permittee shall submit two sets of a Storm Water Pollution Prevention Plan to the Department of Public Works in cases where stream/creek crossings are open cut. A four foot vertical clearance below the bottom of the proposed stream bed or drainage facility is required. The permittee shall contact the Department of Public Works for future improvements to the stream/creek, which may impact the proposed alignment.
In all other cases, the permittee is required to implement erosion control measures for construction activities in accordance with the City's Storm Water Pollution Control Ordinance, as amended and other City ordinances, state laws, and federal regulations.

The following pollution prevention measures shall be used where applicable:
1. Avoid placing pollution prevention structural controls in the floodway.
2. Trap/contain boring "mud" or waste material to prevent flow in the street and/or storm drain system through the use of a vacuum excavator, or equivalent method.
3. Remove construction debris and trash daily.
4. Place erosion control matting, seeding or sod on bare ground as soon as possible, but no later than 14 days after completion of construction work.
5. Clean sediment from streets and other paved surfaces. Sediment shall be removed by sweeping and not by washing into the storm drain system.

3.5 Traffic Control Plan

Any work that may impact traffic flow or result in lane closures in streets will require a site specific traffic control plan and the closures shall comply with the most current edition of *The Texas Manual on Uniform Traffic Control Devices as* adopted by Ordinance, as amended. The permittee shall indicate on the permit application if a lane closure is required. It is the permittee's responsibility to submit and obtain approval of a site specific traffic control plan from the Department of Public Works. In addition:
1. A permittee shall not cause or allow interference with traffic flow on any street during the hours of 6:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. Monday through Friday. If within or adjacent to a school the no interference of traffic flow will be allowed during the hours of 3:00 p.m. and 5:00 p.m. If construction on a partially closed street stops for the day, all lanes must be reopened to traffic, unless an extended time of closure is expressly granted by the Department of Public Works.
2. All personnel working in or near lane closure must have been certified in a Work Zone Safety and/or Flagger Safety course and be able to provide proof of certification.
3. The permittee must notify the Department of Public Works in writing 48 hours prior to any work requiring a permit that is proposed for a weekend.
4. Except in the case of an emergency, no work shall be permitted between the hours of 10:00 p.m. and 6:00 a.m. unless authorized in writing by the director.

5. The director or representative may require that the work occur overnight when necessary to expedite construction and minimize disruption to traffic.

3.6 Trench Safety Plan

Trench safety systems shall meet or exceed U.S. Occupational Safety and Health Administration Standards.

4
CONSTRUCTION REQUIREMENTS

Once a construction permit is issued, permittee shall give the Department of Public Works a minimum notice of 48 hours prior to commencing work so that a City of McKinney Streets inspector may be assigned.

4.1 Notification to the Public

The following notification procedures apply if work is to be performed in the street or within a public right-of-way:

1. For all construction within the right of way in front or rear of property the person performing the work on behalf of the public service provider shall conspicuously mark their vehicle with the company name and telephone number and notify the property owner either by door hanger or in person at least 48 hours before line locates are requested.
2. Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one day must be identified by a 3 foot by 3 foot sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the work site and must contain:
    A. The name of the owner and permittee;
    B. The name of the person performing the construction on behalf of the public service provider, if any; and
    C. A local 24 hour contact number that can be used in case of an emergency.
3. The requirements above are in addition to any signs, barricades, or warning devices required by law or ordinance. The sign information listed above may be included on barricades or warning devices.
4. When permitted construction will last longer than two weeks, the permittee will give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the director or representative determines that an emergency exists.

4.2 Existing Facility Locates

Prior to construction, the contractor shall obtain utility locates by contacting the Texas Excavation Safety System 1-800-344-8377 or online at http://www.digtess.com/

The following divisions within the City of McKinney are members of a One Call System.
Water Distribution
Wastewater Collection

Department of Public Works
Streetlights
Signal Lights/Warning Flashers
The following divisions within the City of McKinney are not members of a One Call System.
Information Technology

4.3 Street Cuts and Excavation

The removal of portions of existing pavement, drives, slabs, and sidewalks shall require full depth saw cut by the use of a power driven saw. Where concrete removal is approved by the director or representative, locations of the removal shown on the plans are indicative only of the need for a saw cut; removal shall be to existing joints. Where a saw cut has to be made in a drive approach the entire drive approach will be replaced. In the event that it is necessary to place a temporary surface on any cut opening, the temporary surface shall be composed of hot mix asphalt or approved materials.
Gravel or flexbase surface material shall not be used as a temporary surface on any cut.
Temporary surfaces shall be adequately compacted to prevent deterioration of repair during the temporary period.

If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic. Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to traffic. Asphalt transitions must be placed as required to provide a smooth riding surface. Plates must be marked with the name of the person performing the construction and with a local 24 hour contact number that can be used in case of an emergency, unless a sign identifying the contractor is posted at or in close proximity to the work site.
Any temporary surface that fails to provide a non-deteriorating riding surface or fails to meet the requirements of these specifications shall be removed and replaced at the director's discretion and at the permittee's expense.

4.4 Installation

1. Facility Spacing Requirements

All facilities installed under pavement shall be buried to a minimum depth of 30 inches under top of pavement for the fully improved ultimate roadway width. This measurement shall be made from the existing or proposed top of pavement, whichever is lower. For this section, proposed improvements are defined as any facility with a designated location and elevation as shown on available construction plans. In the parkway, the facilities shall be buried a minimum of 24 inches. These stipulations are with the condition that additional depth may be necessary due to other constraints or utilities. Upon written request, an exception may be granted by the director.
A. All facilities that cross existing drainage facilities, sanitary sewer, or water mains shall either be buried under the existing pipes with a two foot minimum vertical clearance at the underside of the existing pipes, or be placed above the existing pipes with a two foot vertical clearance at the top of the existing pipe. In either case, the proposed facility must

be 48 inches under top of pavement. The location and elevation of all crossed existing utilities must be potholed prior to installation of new facility.
B. All facilities that cross proposed storm sewer, sanitary sewer or water mains shall have a galvanized steel or PVC (not less than Schedule 40) encasement, or approved equivalent, and have a two foot minimum clearance on any side of the proposed pipes. In lieu of the encasement, the conduit may be buried five feet below the proposed pipe.
C. All facilities that run parallel to an existing or proposed drainage facility, sanitary sewer, or water main shall have a three foot minimum horizontal clearance from the exterior face of the pipes or manholes. Please note that the elevation of the individual lateral services of these pipes may vary. All conduits must be two feet below all lateral service pipes.

2. Landscape Protection Requirements
The proposed facility route should be designed to minimize damage to trees and/or landscaping.
A. All trees within street medians must be bored 48 inches under the root system.
Boring shall begin 24 inches outside of the drip line and exit 24 inches outside the drip line on the other side of the tree. The drip line is an imaginary line that extends from the tree's outer branches and leaves, directly to the ground.
B. Manholes shall be placed outside the drip line of the tree.
C. Should work need to be performed near a tree, a temporary construction fence shall be erected 12 inches outside the drip line of the tree.
D. Permittee shall be responsible for any damage to public or private landscaping and sprinkler systems.
3. Trenchless Technology/Boring Requirements
In using trenchless technology or boring, the following applies:
A. Prior to construction, all existing public facilities shall be physically located in the field when crossing over or under water lines, sanitary sewer, or storm drains or where the existing facility is running in the same direction and is within 5 feet of the proposed facility.
B. Construction shall be made in such a manner that will minimize interference with vehicular traffic and shall not weaken or damage the existing street.
1. The location of the boring pits shall be a minimum of five feet from the roadway to prevent undermining of the curb, gutter, or shoulder section.
2. The pit shall be dug to a depth sufficient to maintain a minimum boring depth of 48 inches below the traffic surface. Jetting types of boring equipment are not allowed.
3. All over cutting shall be remedied by pressure grouting the entire length of the installation.
4. The pits or trenches excavated to facilitate this operation shall be backfilled and compacted immediately after work is completed.
C. The contractor shall be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the director upon request.
D. All directional boring shall have the locator place bore marks and depths while the bore is in progress. Locator shall place a mark at each stem with a paint dot and indicate the depth at every other stem.

4.5 Backfill

Backfill of all trenches and bore pits shall begin immediately following installation of the new facility in accordance with the following requirements:

1. All loose concrete, rocks, roots, trash and other debris shall be removed from the excavation prior to any backfill being placed.
2. Backfill material shall consist of the native material obtained from the street excavation unless, in the opinion of the director, this material is unsuitable for use.
3. All backfill material shall be compacted in lifts of loose depth not exceeding 8 inches and compacted to at least 95% of Standard Proctor Density at optimum moisture content, +\- two percentage points, as determined by ASTM D698.
4. Instead of backfilling with excavated material, the contractor may backfill with flowable backfill material. In addition, the director shall have the authority to require any entity or contractor to use flowable fill to backfill an excavation in the public right-of-way in the interest of preserving the public convenience or safety.

Flowable type backfill shall have a compressive strength of 1500 PSI.

5. The City may request material test on compaction. The permittee shall notify the city inspector 24 hours prior to completion of backfill.
6. If the tests on the backfill do not meet the above requirements, the backfill shall be considered unacceptable and shall be removed and replaced. The permittee shall bear the cost of all corrections and subsequent testing if the backfill is deemed unacceptable.

4.6 Restoration

The requirements of this section govern the restoration of public right-of-way surfaces within the City. For those restoration activities not covered here, the applicable provisions of the *Standard Specifications for Public Works Construction - North Central Texas Council of Governments* will govern.

A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed in this manual or other applicable City design and construction standards. Restoration work must be performed to the satisfaction of the director.

Restoration work to the public right-of-way must include, but is not limited to, the following:

1. Trees and shrubs damaged greater than 50% based on formulas set by the Society of Arboriculture shall be mitigated and offset with newly planted trees/shrubs.

Mitigation of canopy trees shall be based upon a one to one caliper ratio, of tree inches lost to tree inches planted. The diameter of an existing tree is measured at

4.5 feet above the soil line of the tree’s trunk. Mitigation of ornamental trees and shrubs shall be based upon a one to one height ratio.

2. Sod shall be used for turf replacement and shall match existing adjacent type.

Ruts shall be removed and the topsoil shall be prepared to provide a smooth surface free of rock and gravel. Irrigation systems shall be repaired to preconstruction condition and extent.

3. The permittee shall reference the City’s Median Landscaping Guidelines and/or the 2001 Forestry Master Plan available from the Parks and Recreation Department for standard details and specifications for landscaping and irrigation repair or replacement.
4. Installation or reinstallation of all manholes and hand holes, as required by the director.

5. Backfilling and compaction of all completed bore pits, potholes, trenches, or other holes must be performed on a daily basis, or provide proper protection according to the Occupational Safety and Health Administration standards.
6. All sub-grade, streets, sidewalks and alleys shall be restored as provided in the City Design Manual.
7. Leveling of all trenches and disturbed areas.
8. Restoration of any damaged traffic control devices, including but not limited to, imbedded loop detectors, pavement markings, underground conduits and signs.
9. All location flags must be removed during the clean up process at the completion of the work.
10. Restoration of special street, sidewalk, or drive approach surfaces must be done so that the restoration matches the color, texture, and pattern of the surrounding special surfaces.
11. Restoration must be made in a timely manner. If restoration is unsatisfactory or not performed in a timely manner, then all of the permittee's work on the project in question will be halted, and no additional permit will be issued until the restoration is completed to the satisfaction of the director. Any hold on the permittee's work will include work previously permitted but not completed.

4.7 Exceptions

The director or his representative must approve any exceptions to these provisions.

4.8 Penalties for Non Compliance

Failure to comply with these Standards will result in a suspension of the Construction Permit for a 24 hour period. A new permit must be submitted before work can continue. Any violation causing a public health or safety issue as determined by the Director of Public Works or his representative will result in a warning citation being issued in which the Permittee will have 24 hours to correct the safety hazard. If the safety hazard persist for more than 24 hours after cited a complaint will be filed with the municipal courts and resulting fines will be handed out as per Ordinance.