

CITY OF HOBOKEN

DEPARTMENT OF TRANSPORTATION & PARKING

HOBOKEN, NJ 07030 PHONE 201-653-1919 Ext. 8006 FAX 201-533-1351 / mrotondi@hobokennj.gov



STREET OPENING / SIDEWALK PERMIT APPLICATION

Date Received: _____

Permit # _____

Utility Company : (if Applicable) _____

Contact Name: _____ Contact Number: _____

Contractor Subcontractor

Company Name: _____ Contact Name: _____

Address: _____ Cell Phone #: _____

Emergency Contact _____ Email Address: _____

Fax #: _____ Owners Name of Work Site: _____ Contact # _____

New Service Service Replacement Shutoff Curb Sidewalk Opening Sidewalk Repair / Replacement

Work Site: _____ Date Work will Start: _____ Estimated Date of Completion: _____

Block: _____ Lot: _____ Newly Paved Road: Yes or No

CALL MARY BETH ROTONDI @ 653-1919 EXT. 8006 / 24HRS PRIOR TO SCHEDULE BACKFILL INSPECTION

Description of Proposed Work: (include Square Footage)

CALL 1-800-272-1000.....72 hours before any excavation for utility mark outs.

An application for a road opening permit should allow ten (10) business days for review (with exception to emergencies)

Backfill is to be done with quarry stone; Type I-5 or DGA

for the full depth of the trench. All opening cuts to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut / opening. The surface restoration shall extend 12 inches wider and longer than the area of the base. Also, cobble stones and curb lines must be restored to the same condition as prior to excavation.

REMEMBER: IF APPLICABLE CONTACT BUILDING DEPT FOR NECESSARY INSPECTIONS.

Copies of all **local building or any other applicable permits** must be attached along with a copy of a sketch or plans showing location and dimensions of proposed, Traffic Control Plan, Insurance Certificate, Check / Money Order, Bond, Municipal permits, and/or Planning Board Approval.

This application must be made and approved before any work is started, except in cases of emergency. Telephone notice of an emergency must be made and followed by a written permit within 24 hours of notice and/or the next business day. The original permit must be available at the site at all times when work is in progress.

Conditional Requirements: ALL WORK AS PER-OSHA-NJDOT-MUTCD-NJDEP

Infrared repave to all road openings. Full slab restoration to all sidewalk openings. All curbing, drop curbing and sidewalk restoration as per Hoboken "Road Opening" & NJDOT specs.

CERTIFICATION IN LIEU OF OATH:

I hereby certify that I am the agent of or owner of record and I am authorized to make this application:

Signature Date

Application Fee: _____

Sidewalk Permit Fee: _____

Road Opening Permit Fee: _____

After Hours Inspection Fee: _____

Total: _____

Check #: _____

Credit Card: _____

Issued by: _____ Date: _____ Inspected by: _____ Survey Date: _____

COUNTY ROADS

If the street is on a County Road you must apply for a Road Opening permit from County of Hudson, Office of the County Engineer
Bergen Square Center, 830 Bergen Ave. Floor 6B, Jersey City, NJ 07306, Tel. (201) 369-4340 x 4169 , Fax (201) 369-4346

All Hoboken Sidewalk permits must be obtained from Hoboken Transportation and Parking.

Garden St-Observer Hwy to 14th St	Willow Ave-Observer Hwy to 19th	Hudson St-Observer Hwy to 14th St
Willow Ave-Viaduct (incl. marginal roads)	1st St-Hudson St to Paterson Ave	Newark St-City Line to 250' East of River St
14th St-Willow Ave to Hudson St	Observer Hwy-Paterson Ave to Hudson St	14th St Ext.-Hudson St to 12th/Hudson
St Park Ave-Observer Hwy to 19th	14th St Viaduct (incl. marginal roads)	Park Ave Viaduct (incl. marginal roads)
	Paterson Ave-City Line to Jefferson	

TERMS AND CONDITIONS OF STREET OPENING PERMIT

- ✓ Street cannot be Closed before 9:30am and Must be Opened by 3:30pm
- ✓ An application for a road opening permit should allow ten (10) business days for review (with exception to emergencies) by Department of Transportation & Parking or its authorized agent.
- ✓ A Permit application shall be accompanied by three (3) copies of a reasonably accurate sketch or plans, as well as a traffic control plan, certificate of liability insurance, Zoning Board approval, Planning Board approval, and / or county or state approval as applicable.
- ✓ Backfill is to be done with quarry stone; Type I-5 or DGA for the full depth of the trench. All opening cuts to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut / opening. The surface restoration shall extend 12 inches wider and longer than the area of the base. Also, cobble stones and curb lines must be restored to the same condition as prior to excavation.
- ✓ The opening shall be left uncovered and unconcealed until it has been tested and approved. Where such opening has been covered or concealed before it has been tested and approved, it shall be exposed for testing.
- ✓ Work must begin within 24 hours of this permit. Permit is only for dates indicated.
- ✓ If work does not begin within 24 hours of issuance of this permit or if work exceeds completion date indicated, a new permit must be issued and a new fee submitted.
- ✓ The Director of the Department of Transportation & Parking reserves the right to revoke this permit within a one (1) hour notice.
- ✓ Permit must list all contractors and sub-contractors who will be working at the location.
- ✓ The Director of the Department of Transportation & Parking reserves the right to reject requested dates and suggest alternate dates.
- ✓ All street restoration should be completed within 48 hours of date work begins.
- ✓ If the sidewalk is blocked by any work, a temporary blacktop sidewalk shall be constructed or provided which will be safe for travel and convenient for all users. No gravel fills we be allowed as temporary sidewalks.

General Application Fees:	
Normal	\$200.00
All Non-reported Openings	\$500.00
Permit Fees: (Opening Size)	
Up to 20 S.F	\$150.00
Between 20 and 40 S.F	\$200.00
Between 41 and 100 S.F	\$300.00
Additional over 100 S.F	\$20.00 / Ea. Addt'l S.F
Multiple Openings (Minimum)	Same as above calculated and added for each opening.
Bond Fees:	
Up to 20 S.F	\$10,000.00
Over 20 S.F	\$10,000.00 plus \$20.00 Per S.F over 20 S.F
Multiple Openings (Minimum)	Same as above calculated and added for each opening.
Newly Paved Roads (5 Yrs or Less)	\$50,000.00
Curbing / Driveway / Sidewalk:	
General Application Fee	\$100.00
Sidewalk Openings Fee	\$200.00
Permit Fees:	
Driveway / Residential	\$200.00 / Ea. Opening up to 12 L.F ; \$50 Ea. Addt'l L.F
Driveway / Commercial	\$500.00 / Ea. Opening up to 12 L.F ; \$100.00 / Ea. Addt'l L.F
Full Height Curbing:	\$200.00 / Up to 12 L.F ; \$50.00 / Ea. Addt'l L.F
Bond Fees:	
Curbing / Driveway	\$5,000.00 (min) / Up to 10 L.F ; \$100.00 / Ea. Addt'l L.F / Over 10 L.F
Borings/Monitoring Wells/Geo Probes (Min 2 Openings)	
Permit Fees:	\$150.00 per Boring / Well / Probe
Bond Fees:	\$5,000.00 for up to 2 Borings ; \$1,000.00 / Ea. Addt'l Boring
Inspection Fees:	
Normal Hours (M thru F 8AM – 4PM)	\$98.00 per hour
After Hours, Sat., Sun, and / or Holiday	\$150.00

STREET OPENING / SIDEWALK PERMIT CHECKLIST



- 1. COMPLETED APPLICATION Yes _____ No _____
- 2. DESCRIPTION OF PROPOSED WORK Yes _____ No _____
- 3. SKETCH OF PROPOSED WORK
(Walk Way Safety / Traffic Plan) Yes _____ No _____
- 4. NEWLY PAVED ROAD Yes _____ No _____
- 5. COPY OF LIABILITY INSURANCE Yes _____ No _____
- 6. BOND REQUIRED Yes _____ No _____
- 7. CONSTRUCTION PERMIT COPY (IF APPLICABLE) Yes _____ No _____
- 8. SCHEDULED INSPECTION WITH
CONSTRUCTION DEPT (IF APPLICABLE) Yes _____ No _____
- 9. CONTACTED UNITED WATER (IF APPLICABLE) Yes _____ No _____
- 10. CONTACTED NORTH HUDSON SEWERAGE (IF APPLICABLE) Yes _____ No _____
- 11. SCHEDULED INSPECTION 24 HRS BEFORE
STREET OR SIDEWALK OPENING Yes _____ No _____
- 12. HIRED POLICE OFFICER Yes _____ No _____
- 13. TEMPORARY NO PARKING SIGNS PURCHASED Yes _____ No _____
- 14. PAYMENT Yes _____ No _____

NOTES:

§ 168-56. Scope.

The following are the rules and regulations, including fees, which shall govern road opening permits within the City of Hoboken.

§ 168-57. Permit required; violations and penalties.

- A. No person, firm, corporation, public utility, authority or municipality will hereinafter tear up, open, remove, construct, reconstruct, tunnel, bore, probe, obstruct, or excavate any portion of any road, street, curb, sidewalk, utility, facility, or any portion thereof, in the City of Hoboken (City), owned, maintained or controlled by the City as part of the City's infrastructure system, for any purpose whatsoever, without first making application for, and receiving, a permit therefor, signed in the name of the City by the Director (hereinafter "Director") of the Department of Transportation and Parking (hereinafter "DTP").
- B. Any road, street, curb, sidewalk, bridge, utility, facility, or structure under the jurisdiction of the City that is obstructed, opened, removed, constructed, reconstructed, tunneled, bored, probed, excavated, damaged or destroyed without prior approval of DTP will result in a fine, and repairs shall be made by the applicant to the satisfaction of DTP.

§ 168-58. Application for permit; emergency waiver; fees; denial and revocation of permit.

- A. An application for a road opening permit should allow 10 business days for review (with exceptions for emergencies) by DTP or its authorized agent(s). Applicants should state the name, address, and phone contact of the applicant; the name, address, and phone contact of the property owner(s); the name, address, e-mail address, and twenty-four-hour phone contact of the contractor(s)/subcontractor(s) performing the work; with the name of the City road to be opened [with notation to cross streets and immediately adjacent street address(es)]; the nature of work to be performed; and the anticipated start and completion dates. The permit application shall be accompanied by three copies of a reasonably accurate sketch or plans, as well as a traffic control plan, certificate of liability insurance (in accordance with § 168-63, Insurance required), Zoning Board approval, Planning Board approval, and/or county or state approval, as applicable. DTP reserves the right to require plans or drawings to be drawn by a licensed professional engineer. Where the road opening permit involves a site plan or a subdivision plan approved by the City Planning Board or City Zoning Board, a copy of the approved site plan or subdivision plan will be submitted with the application. The permittee will comply with this article and the regulations herein and laws related to the proposed work and any other data as may be reasonably required by DTP or its authorized agent(s). All construction shall be governed by the current edition of the New Jersey Department of Transportation (NJDOT) Standard Specifications for Roads and Bridge Construction, latest edition, and any amendments thereto. Permits are

valid for 90 days from date of issue unless otherwise noted. The validity of the permit may be extended, in the City's sole discretion, if so requested, in writing, by the applicant prior to its expiration period thereof, for such additional periods as requested by the applicant. DTP may, in its sole discretion, approve the extension subject to conditions and/or limitations or deny the extension and declare said permit to be null and void upon expiration of the term of the original permit. A permit fee payment shall be in the form of a check or money order payable to the "City of Hoboken" or in the form of a valid credit card. No cash will be accepted.

- B. In the event of an emergency, the advanced filing period may be waived, but all submissions must be received no more than 24 hours from the time of opening, or an additional fee of \$100 per day will be assessed on the project. Any event in which a structure, sewer, water main, conduit or utility, in, under or over any road, street, or sidewalk, breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person, company or utility owning or controlling such structure, sewer, water main, conduit or utility shall constitute an emergency, which shall allow for road opening without first applying for and obtaining a permit hereunder. Any individual attempting to utilize the emergency waiver provision shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals, and DTP must be notified immediately of the occurrence. In the event that the DTP office is closed (after hours, weekends and holidays), a written notice shall be directed to the Hoboken Police Department and by fax copy to the DTP office stating the nature of said emergency and the individual's utilization of the waiver provision hereunder. Furthermore, such person owning or controlling such facility, structure or utility will not proceed with the permanent repairs and inspection without first obtaining a permit hereunder.
- C. The City will charge the permittee according to the Fee Schedule at Schedule 1 of Chapter 168.¹ The permittee, to whom a permit has been issued, will not perform any work other than that for which the permit provides, and all applicable fees have been paid. A separate permit will be required for each and every opening. The applicant will sign the permit application and will be bound by all obligations of the permit and this article and will be referred to as the "permittee." A permit may not be transferred.
- D. If the application for a permit, or any extension thereof, is denied, DTP will send the applicant a written notification of the denial and will state the reason of denial. Any permit issued under this article may be revoked at any time by DTP for work conducted outside of the submitted permit area, work plans and/or failure to comply with this article and conditions of the permit application. DTP also reserves the right to stop work for failure to comply with this article and/or may order the

1. Editor's Note: Said Fee Schedule is included as an attachment to this chapter.

completion of sufficient work to ensure the safety of individuals and vehicular traffic.

§ 168-59. Performance and maintenance guaranties; temporary no-parking signs.

- A. All permittees [excluding public utilities, their registered and authorized contractor(s)/subcontractor(s), agents or contractor(s)/subcontractor(s) of county, state or federal agencies] will deposit a guaranty of credit with the DTP in the form of a bond, or note of certified funds, acceptable to DTP. One year after final restoration of work, pending the approval of DTP, the guaranty will be released, with the exception of newly paved roads, where the bond must be for four years. However, should DTP, upon final inspection, determine that the construction and/or reconstruction done under the permit was unsatisfactory and/or otherwise in violation of the approved plans or conditions attached to the permit, and should the permittee, upon receipt of written notice of deficiencies, fail to remedy same within 30 days, then the City shall deduct from the permittee's guaranty all expenses incurred by the City in performing the necessary repairs to remediate same.
- B. DTP shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. Upon a finding that the permittee failed to satisfy the provisions of the permit and/or this article, the cost of such investigation and all rehabilitation and/or remediation costs shall be billed to the permittee.
- C. DTP may require an extended maintenance period in excess of one year and an additional maintenance guaranty, depending upon the nature of the work involved. This additional obligation shall be noticed to the permittee at the time of approval of the application and shall be released upon completion of the work and acceptance of the work by DTP or its authorized agent(s).
- D. When a maintenance bond is posted, it will be executed by the permittee as principal and a surety company licensed to do business in the State of New Jersey as surety.
- E. The release of the guaranty will also be conditioned upon the permittee restoring the surface and any damage to the streets abutting the work site, and those streets which had sustained damage through the use of construction equipment, and vehicles.
- F. For utility main construction, other or additional conditions may be prescribed by the City. Plans for such projects must have the approval of DTP and the City Engineer's office before a permit may be issued.
- G. If the work involves the temporary displacement or loss of on-street parking, then the permittee shall be required to provide proof of purchase of temporary no-parking signs to the extent that both the proposed work area and the days and hours planned are properly reserved and demarcated. If temporary parking signs are

obtained, the Hoboken Parking Utility and/or the Hoboken Police Department may relieve the area of unmoved parked vehicles.

§ 168-60. Notification of utility providers; surety bond.

- A. Public utility providers shall maintain active status and current contact information on record with the DTP to ensure proper communication of annual paving programs. The DTP shall notify, once a year, public utility providers on record of the dates and locations of planned work on City sidewalks/streets/roads. Any utility work to be performed on these sidewalks/streets/roads shall be completed prior to the start of construction or paving. Such notice will state that no road opening permit will be issued for openings, cuts or excavations in said City road for a period of five years (hereafter referred to as "five-year embargo") after the date of paving, unless, in the judgment of DTP, an emergency or hardship exists which makes it absolutely essential that a road opening permit be issued. The notice will also notify such permittee that application for road opening permits for work to be completed prior to such construction/paving shall be submitted promptly in order that the work covered by the permit may be completed prior to planned construction/paving.
- B. DTP is authorized to request a surety bond or equivalent in the minimum amount of \$100,000, or higher, as determined by DTP or its designated representative, to assure that any road opening on roadways paved within the past five years is restored satisfactorily. The restoration will include milling and paving, which shall at all times be infrared repaving of the area so as to blend uniformly with the adjacent roadway, as per the conditions stated in the permit, including restoration of roadway and crosswalks, striping, raised pavement markings, signage and all other appurtenances.

§ 168-61. Public utility exception; notice required.

- A. With the exception of the five-year embargo limitation described above, the provisions of this article shall not apply to openings or excavations made by a public utility corporation subject to regulation by the Board of Public Utility Commissioners, which has the right to lay, construct, install, maintain and operate its work or facilities, or any of them, in any public road or street of the City, which are to be made for the purpose of laying, relaying, constructing, reconstructing, installing, maintaining, opening or repairing any such work or facilities, if such public utility corporation shall, prior to the doing of any such work, have filed with the City Clerk its bond running to the City of Hoboken in the sum of \$500,000 conditioned for the temporary and permanent restoration of any road, street or pavement therefor which may be opened or excavated by such utility, its employees or contractors, without undue delay to as good condition as the same was at the time of the opening therefor and to the satisfaction of DTP, which bond, hereafter referred to as the "utility expediting bond," shall further provide that the obligation therefor shall be a continuing obligation to the full amount thereof of each opening of any road or pavement. In the event the utility expediting bond described above is

exhausted due to a failure of the public utility to return an area to as good condition as the same was at the time of the opening therefor and to the satisfaction of DTP, then said utility shall no longer be eligible for the exceptions described in this section.

- B. The utility corporation shall, except in case of emergency, give at least 24 hours' notice to DTP of its intention to open or excavate. In the case of emergency openings, the notice shall be given to DTP within one business day after such opening is made, or § 168-58B shall apply.

§ 168-62. Work site safety provisions and guaranties.

Construction on City streets/roads/sidewalks, pursuant to this article, will conform to the most-recent design standards, plans, details, specifications, method of construction and traffic control. All permits issued shall be subject to the following rules regulations. All work shall be conducted within a work zone, and conforming to the latest edition of the Manual on Uniform Traffic Control Devices, as published by the USDOT-FHA, and underground markings/mark-out requirements.

A. Safety.

- (1) All work will be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles, and the flow of water in the gutters. The permittee shall plan and carry out his or her work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. (See § 168-67, Manner of conducting and carrying out work; maintenance of accurate drawings and plans required.) All openings, digging, excavations, piles of material, equipment, machinery, barricades, scaffolds/pedestrian sheds or obstructions, including earth and stone removed from excavations, will be removed immediately or properly guarded at all times to prevent accidents. A sufficient number of lights and/or lanterns shall be maintained between sunset and sunrise by the person to whom such permit has been issued to designate such openings, excavations, construction or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagmen, uniformed traffic officers and all other man-powered equipment as required by, or directed by, DTP shall be provided for by the permittee or its designated contractor(s)/subcontractor(s).
- (2) The work area will be made passable to all emergency vehicles during all phases of work.
- (3) In the event that the work zone requires the detour of vehicular and pedestrian traffic, the permittee will submit a detour plan for review and approval by DTP, or its authorized agent(s), who, at its sole discretion, may require the approval of the municipalities involved prior to any road closings. All detours are to be coordinated with the Hoboken Police Department. The detour

signage must be properly installed and maintained at all times. Any damage to the detour route must be corrected by the permittee.

- (4) If the sidewalk is blocked by any work, a temporary blacktop sidewalk will be constructed or provided which will be safe for travel and convenient for all users. No gravel fills will be allowed as temporary sidewalks.

B. Traffic directors.

- (1) Police traffic directors will be off-duty police officers from within the City of Hoboken. Police traffic directors will be located at specific locations designated in the permit or as described by DTP during construction hours. Contact the City in order to obtain the services of police traffic directors. The name, address and telephone number of the local representative is listed below:

Chief of Police, City of Hoboken

Police Department

One Police Plaza

Hoboken, New Jersey 07030

Tel: (201) 420-2100

- (2) The permittee must provide payment for police traffic directors, which includes the use of police equipment and services, as required for and by the police. Payment will be separate from fees associated with the road opening permit. Payment must only be made only for the direct compensation of the police to perform their duties as police traffic directors for the work as directed by DTP or one of its authorized agent(s).

C. Provisions.

- (1) All existing pavements, road surfaces, pavement markings, signs, sidewalks, brick pavers, curbs, gutters, pipes, manholes, drains, conduits or other installations or fixtures, and property damaged or destroyed by the permittee's activity or his/her contractor(s)/subcontractor(s), will be corrected or repaired by the permittee or his/her contractor(s)/subcontractor(s).
- (2) No person will divert or discharge dirt, stone, grass, brush, leaves, excavation material, water or any other matter into, upon or across any City road or sidewalk so as to create a nuisance or a hazardous condition or cause the adjacent drainage and pavement to be clogged and/or damaged. All water pumped and bailed from the trench or other excavation will be conveyed in a proper manner to a suitable point of discharge. Hay bales, screening or other methods approved by the Hudson County Soil Conservation District will be

placed at inlets to prevent sand and silt infiltration by the permittee and at his or her expense.

- (3) It will be unlawful to make any such excavation or tunnel in any way contrary to or at a variance with the terms of the permit thereof. Proper bracing (trench boxing or sheeting) will be maintained to prevent the collapse of adjoining ground, and protection of the workers will be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration (OSHA). The permittee will assign supervising personnel to be responsible for the work safety on the project performed under the road opening permit.
- (4) No injury will be done to any pipes, cables, conduits or other facilities during the work performed under the road opening permit. During excavation, if the permittee discovers any damage to other utilities or underground structures, he or she must notify DTP or its representative immediately. Notice will be given beforehand to the utility company maintaining any such pipes, cables or conduits as prescribed by law. The permittee will not proceed with any road opening until he/she submits to DTP the proof of notification (One Call 1-800-272-1000) to all utility mark-outs. It is the sole responsibility and duty of the permittee to make such investigation and effort to locate all utilities. The City will not be held responsible for any damage to any utilities (seen or unseen) aboveground, underground or overhead, or any claims resulting from damage to any utility (seen or unseen) aboveground, underground, or overhead.
- (5) All work by the permittee will be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq., N.J.A.C. 12:186 and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970, and Subpart N, Paragraph 1926.550, of the rules and regulations issued under said acts.
- (6) The permittee will clean up and remove promptly and continuously from the work site all excavated material and debris and upon completion of the project will leave the work site and all surrounding areas in a neat and orderly condition as good as it was previously.
- (7) Where topsoil, seeded areas, sod or landscaping is disturbed in the course of the work, the permittee will restore such ground surfaces to a condition equal to that prior to commencement of work.
- (8) Trenches and other excavations will be backfilled with clean granular soil, free of excessive fines, in lifts not to exceed 12 inches in height. Compaction will be done with vibratory tampers, such as jumping jacks, hoe packs, dynapacks or other equipment acceptable by DTP. Vibratory plate compactors will not be used. Puddling of backfills is strictly prohibited. Excess backfill will be removed from the site. If there is a deficiency of backfill material, additional

backfill will be supplied by the permittee. (See § 168-64, Work site restoration.)

- (9) If the permittee has failed to comply with the rules and regulations as provided in this article after receipt of written notice, then the City reserves the right to take any action to ensure compliance with this article. In that event, the permittee will be charged with the cost of same, at a rate determined by DTP based on current contract rates, if such are in effect, or a schedule of costs accepted by DTP, based on the rates as published by NJDOT, or the actual cost of repairs paid to a contractor selected by DTP, plus 15% overhead. Any monies due to the City in excess of the permit fee will be billed upon completion of the work and will be paid by the permittee within 30 days after the receipt of the bill. Failure to pay such dues will result in the permittee paying the maximum interest rate allowed by law, as well as any attorneys' fees and costs incurred by the City in furtherance of the collection of said monies.
- (10) DTP will also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Department.
- (11) The City will not be liable for damages or for any personal injuries or damages to property sustained as the result of any excavation or opening in any road, street, bridge, sidewalk or curb work made by any person by virtue of the provisions of this chapter.
- (12) Neither the City nor any of its employees will be deemed to be the agent or the servant of the permittee for any purpose of this section.

§ 168-63. Insurance required.

The permittee will provide insurance as follows:

- A. Work will not commence until all insurance as required under the following subsections is submitted and until such insurances have been approved by DTP, nor will the permittee allow any of his/her contractor(s)/subcontractor(s) to commence work on his/her subcontract until all similar insurances required have been obtained and approved. All certificates of insurance shall be presented prior to the permit being approved and released. All certificates of insurance, except workers' compensation insurance, as required herein, shall name the City, and all of its officers, employees, agents and assignees, as additional insured. All certificates of insurance shall include a thirty-day notice to the City of Hoboken prior to termination of the insurance. All insurance coverages shall be with an insurance carrier licensed to provide insurance of the nature offered in the State of New Jersey.
- B. The permittee will take out and maintain during the work under the permit workers' compensation insurance for all of his/her employees at the site of the project; and

in case any work is sublet, the permittee will require the subcontractor(s) similarly to provide workers' compensation insurance for all of the latter's employees, unless such employees are covered by the protection afforded by the permittee. In case any class of employees engaged in hazardous work under the permit at the site of the project is not protected under the workers' compensation insurance status, the permittee will provide and will cause each subcontractor(s) to provide workers' compensation insurance status for the protection of his/her employees not otherwise protected.

- C. The permittee will obtain and keep in force during the work under the permit general and public liability and property damage insurance coverage(s), in a form to be approved by the City of Hoboken Office of Corporation Counsel. Said insurance will provide coverage to the permittee, any contractor(s)/subcontractor(s) performing work provided by the permittee, and the City. The City and its officers, agents, servants and employees, as their interest shall appear, will be named as additional insured on said policy insofar as the work and obligations performed under the permit concerned with address and location of the work site. The coverage so provided shall protect against claims for personal injuries, including death, as well as claims for property damage which may arise from any act or omission of the City, the permittee or the contractor(s)/subcontractor(s), or by anyone directly employed by either of them, and the minimum policy limits of such insurance will be as follows:
- (1) Bodily injury liability coverage with limits of not less than \$1,000,000 per occurrence.
 - (2) For bodily injury, including accidental death to any one person, and subject to that limit each person in the amount not less than \$1,000,000.
 - (3) For each accident and property damage coverage in an amount of not less than \$1,000,000 for each accident.
- D. The permittee. Its employees and agents agree to save the City, its officers, agents, servants and employees from all loss damages occasioned to it, or to any third person, or property by reason of any carelessness or negligence on the part of the permittee, its contractor(s)/subcontractor(s), agents, and employees in the performance of the work under the permit and will, after reasonable notice thereof, defend and pay the expense of defending any suit which may occur against the City, its officers, agents, servants and employees, as their interest may appear, by the third person alleging injury by reason of such carelessness or negligence, and will pay any judgment which may be obtained against the City, its officers, agents, servants and employees, as their interest may appear, in such suit. The permittee will furnish the insurance required.
- E. Automobile and truck insurance, covering vehicles owned, leased, rented, loaned and/or operated by the permittee, and vehicles operated for the permittee, including those employees when so operated, will be provided as follows:

- (1) One person in any one accident: amount of \$1,000,000.
- (2) Two or more persons in any one accident: aggregate minimum amount of \$3,000,000.
- (3) Property damage in any one accident: amount of \$500,000, with an aggregate property damage policy limit of \$1,000,000.

§ 168-64. Work site restoration.

Immediately after the work is performed for which the permit had been issued, road repair and backfilling will be done in accordance with details prepared by DTP which accompanied the permit. Excavated material will not be used as backfill, unless approved by DTP. Temporary pavement or patch work will be removed approximately one month after installation, and the opening will be restored (infrared paving) to the grade, slope and profile that prevailed at the time of the opening, or as directed by DTP. The permittee is responsible for the full restoration of the roadway surface, including restriping and installing raised pavement markings, before its opening to vehicle and pedestrian traffic. Upon completion of the work, the applicant is responsible for notifying DTP when all work has been completed and is ready for final inspection. All inspections will be performed during the City's normal business hours. Inspections after hours and weekends will be charged accordingly as determined by DTP.

- A. Backfill is to be done with quarry stone; Type I-5 or DGA, for the full depth of the trench. All opening cuts are to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut/opening. The surface restoration shall extend 12 inches wider and longer than the area of the base.
- B. The pavement is to be restored with 10 inches of bituminous stabilized mix I-2, and two inches of bituminous surface course mix I-4, properly compacted.
- C. Disturbed pavement markings must be restored immediately to original or better condition using the same or equivalent materials (3M-380 IES) as originally installed. Restoration may be temporary until the permanent markings are applied within 30 days.
- D. Restoration to concrete sidewalk openings must be full square (flag) replacement. No partial patching will be accepted.
- E. Brick pavers to street and sidewalk openings must be replaced to their original pattern.
- F. Road openings to historical sites that contain Belgium block streets and/or sidewalks must be restored as per the local and/or state historical society requirements under the guidance of DTP.

§ 168-65. Notification and progress of work.

The permittee will notify DTP by phone, letter, fax, or e-mail at least 48 hours in advance of any activity and, likewise, at the completion of the activity or project. Failure to provide such notification may result in the cancellation of the permit. The permittee will keep a copy of the permit at the job site at all times. The permittee will retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals from DTP. Trenches will not be kept open when work is not in progress. If work is stopped for more than 24 hours, the trench will be temporarily backfilled and capped with temporary pavement.

§ 168-66. Maintenance of traffic flow.

- A. The permittee will maintain vehicular and pedestrian traffic in the work area as per conditions stated in the permit.
- B. The permittee will backfill all excavated areas within the roadway to a grade compatible with the existing traveled road, at such times when work is not actively being done. This will include nights, weekends and periods of shutdown. Trenches will not remain open overnight under any circumstances. The work area must be maintained in a safe and neat condition at all times.
- C. Roadways, shoulders and sidewalks in areas in which the permittee has actually commenced construction operations, and which are reserved for vehicular and pedestrian traffic, will be maintained by the permittee, at his or her expense, free from obstructions and in a smooth riding or walking condition at all times, including seasonal shutdowns.
- D. If the excavation extends the full width of the City road, only 1/2 of the road will be excavated at one time, and it will be backfilled and a temporary pavement placed before the other half is excavated, unless otherwise permitted by the permit conditions. Where considered necessary, work under a permit will be carried on only within such hours as allotted by DTP and/or City ordinance. If work cannot be completed within the time specified, open trenches will be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed and pinned and can only be left out with the approval of DTP. If, in the Department's judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, DTP will have full power to order, at the time the permit is granted, that a crew of workers and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible. DTP will also have full power to limit the hours of work as the public interest may require.
- E. All plates in roadways are to be countersunk between the dates of November 15 and April 15.

§ 168-67. Manner of conducting and carrying out work; maintenance of accurate drawings and plans required.

- A. Each permittee will conduct and carry out the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. There will be no encroachment to adjoining properties without the prior written consent of the property owner(s). The permittee will take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust, soil erosion and unsightly debris. All work conducted must also be in compliance with City and/or state ordinances.
- B. Users of subsurface street space will maintain accurate drawings and plans, showing the location and character of all underground structures, including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and will at all times be available to DTP for inspection.

§ 168-68. Provisions not applicable to City work.

The provisions of this article will not be applicable to any work under the direction of the City, by employees of the City or by any contractor(s)/subcontractor(s) of the City performing work for, and on behalf of, the City, necessitating openings or excavations in City roads, streets, sidewalks, curbs, parks, utilities, facilities, or any portion thereof. In the City of Hoboken, owned, maintained or controlled by the City of Hoboken's infrastructure.

§ 168-69. Work by municipalities and governmental agencies.

Any work done by the county and/or state governmental agencies, their departments and divisions must be performed under the provisions of this article, except that the City may waive any and all fees.

§ 168-70. Liability of City.

This article will not be construed as imposing upon the City, or any official or employees, any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor will the City or employees thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 168-71. Right-of-way encroachment.

- A. No part of the City road right-of-way will be used for the conducting of private business. The City road right-of-way is to be kept clear of buildings, sales or merchandise displays, vehicle parking areas, servicing of vehicles, service of equipment, and appurtenances thereto.

- B. Under no circumstances will objects create an obstacle and/or line-of-sight obstruction to motorists and pedestrians to observe oncoming traffic, signals, signing, striping, pavement markings and/or any other hazardous conditions. The City reserves the right to remove items deemed to be obstructive, and/or hazardous objects not under permit work may also be removed by the City and subject to violation.

§ 168-72. Soil borings; monitoring wells; geoprobes.

- A. The location of soil borings, monitoring wells and/or geoprobes will be shown on a site plan, at a scale of one inch equals 50 feet minimum, and will be included with the application.
- B. The construction detail of soil borings, monitoring wells and/or geoprobes will be included with the application.
- C. The permit will expire one year from the date of the completion of the removal of the monitoring wells and/or geoprobes, unless extended for good cause, in writing, by DTP and/or its duly authorized representative, at the written request of the permittee. Removal of monitoring wells and/or geoprobes immediately after work is performed will be subject to the Work Site Restoration Ordinance.

§ 168-73. Underground storage tanks.

- A. Underground storage tank inspections and removals will fall under all rules, regulations and guidelines of this article, with exception of the following: Tank abandonment and removal may be conducted by businesses licensed by the State of New Jersey to perform such work.
- B. Abandoned tanks found not to be leaking any petroleum fluids, and only after NJDEP inspection, may be backfilled as per NJDEP guidelines. Abandoned tanks found to be leaking will be removed, along with their contaminated soil. No permanent backfilling may be conducted prior to the approval of an NJDEP inspection. The permittee will provide to the DTP office a signed release and report from the NJDEP, with the name and location of the disposal site of the removed tank and contaminated soil. The Work Site Restoration Ordinance will prevail.

§ 168-74. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICANT — Any public or private utility company making application to the DTP for a road opening permit hereunder. If the applicant is a contractor who will be performing the excavation work on behalf of another party, the contractor shall be a co-applicant, and the party on whose behalf the work is being performed shall be the applicant.

CITY — The City of Hoboken.

CITY ENGINEER — The person appointed to the position of City Engineer, or any person authorized to act as his or her representative.

CO-APPLICANT — A contractor who will be performing excavation work on behalf of the applicant, and who is jointly and severally responsible and liable along with the applicant for compliance with all items and conditions of this article and any penalty or claim filed by the City as a result of any violation of this article.

DEPARTMENT — Refers to the City of Hoboken Department of Transportation and Parking, which has the sole responsibility of the review and approval of a road opening permit as described herein.

DEPARTMENT OF TRANSPORTATION AND PARKING ("DTP") — Refers to the City of Hoboken Department of Transportation and Parking, which has the sole responsibility of the review and approval of a road opening permit as described herein.

EXCAVATION — The digging, displacing, undermining, opening, boring, tunneling, auguring or in any manner breaking up of any improved or unimproved road, street, curb, sidewalk, gutter or other public property in any roadway or any portion of a City right-of-way.

INFRARED — A paving restoration method utilizing infrared heat to properly restore existing asphalt.

LINEAR FOOT — Common unit of English measurement used to determine openings in City roads, equal to 12 inches.

MAINTENANCE GUARANTY — Security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any road opening for a period of two or five years after final acceptance.

MUTCD — Manual on Uniform Traffic Control Devices.

PERFORMANCE GUARANTY — Security, in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the road opening.

PERMITTEE — Any person who has been granted and has in full force and effect a permit issued hereunder.

PERSON — Any person, firm, partnership, association, corporation, municipality, company or organization of any kind.

RESIDENTIAL DRIVEWAY — An excavation for a single-family dwelling, duplex or common driveway, which serves two single-family residences in accordance with a subdivision approval requirement of the City's Planning Board.

SQUARE FOOT — The surface area of the opening made in the City roadway or property by the permit applicant. It shall be the product of the length and width of the opening measured in feet. In case of irregular openings, the City may, at its sole discretion, choose to average the length and/or width.

STREET — Any street, highway, road, roadway, sidewalk, alley, avenue, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures and all other appurtenant structures, trees and landscaping; or any other public right-of-way or public ground in the City of Hoboken and under control of the City of Hoboken.

UTILITY COMPANY — Includes telephone, fiberoptic, cable, wireless, water, sewer, gas and electric.

§ 168-75. Enforcement.

- A. The Department of Transportation and Parking is hereby given the authority to enforce and perform the procedural and administrative obligations of this article.
- B. The Department of Transportation and Parking and the Hoboken Police Department are hereby given the authority to enforce any and all violations of this article and, upon determination of a violation, may file a complaint with the Municipal Court and take any other action consistent with this article or other applicable law.

§ 168-76. Violations and penalties.

- A. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not less than \$100 nor exceeding \$1,000, or imprisonment for a period not exceeding 90 days, or both, at the determination of the court, and each and every day in which said violation exists shall constitute a separate violation.
- B. Any person who is convicted of violating this article within one year of the date of a previous violation of this article, and who was fined for the current violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than \$100 nor shall it exceed the maximum fine fixed for a violation of this article, but it shall be calculated separately from the fine imposed for the violation of this article, as provided for by N.J.S.A. 40:69A-29.

§ 168-77. through § 168-900. (Reserved)