

# Berrien County Road Commission

2860 E. NAPIER AVENUE, P.O. BOX 768, BENTON HARBOR, MICHIGAN 49023-0768  
 TELEPHONE: • (269) 925-1196 FAX (269) 925-8098  
 WEBSITE: www.bcroad.org E-MAIL: info@bcroad.org

## APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN WITHIN THE RIGHT-OF-WAY; OR TO CLOSE A COUNTY ROAD

<b>PERMIT No.</b>
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If a Contractor is to perform the construction entailed in this application and permit, the Contractor will fill out the information block provided, and thereby assumes responsibility, along with the applicant, for any provisions of this application and permit which applies to the Contractor.

APPLICANT (Property Owner, Corp., City, Township, Etc.)		CONTRACTOR (Individual, Company, Etc.)	
NAME		NAME	
MAILING ADDRESS		MAILING ADDRESS	
CITY	STATE	ZIP	
CITY	STATE	ZIP	
TELEPHONE	CELL	TELEPHONE	FAX
Applicant's Signature		Contractor's Signature	
Date:		Date:	

Applicant and/or Contractor request a permit for the purpose indicated herein and/or in attached plans and specifications at the following location:

GENERAL DESCRIPTION AND NATURE OF REQUEST	
DATE WORK BEGIN _____	DATE WORK END _____
TOWNSHIP _____	SECTION _____
ROAD NAME AND ADDRESS _____	LOCATION (CROSS STREETS OR INTERSECTIONS) _____
SIDE OF ROAD: <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
LENGTH: _____	SIZE: _____
Distance from Centerline: _____	
<b>DRIVEWAY:</b>	
TYPE: <input type="checkbox"/> Commercial <input type="checkbox"/> Residential _____ Width	
SURFACE: <input type="checkbox"/> Bituminous <input type="checkbox"/> Concrete <input type="checkbox"/> Gravel	
<b>CULVERT:</b>	
TYPE: <input type="checkbox"/> Drive <input type="checkbox"/> Cross Tube <input type="checkbox"/> Concrete <input type="checkbox"/> Metal <input type="checkbox"/> Plastic	
SIZE _____	
<b>UTILITY:</b>	
TYPE: <input type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Power <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Telephone <input type="checkbox"/> Cablevision	
DESCRIPTION OF WORK (Please specify & attach plans) _____	
_____	
_____	

## PERMIT

A permit is granted in accordance with the foregoing application for the period stated above, subject to the terms included on the attached SUPPLEMENTAL SPECIFICATIONS agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is the Applicant and Contractor. NOTE: THIS PERMIT DOES NOT RELIEVE APPLICANT FROM MEETING ANY APPLICABLE REQUIREMENTS OF LAW OR OF OTHER PUBLIC BODIES OR AGENCIES.

### RECOMMENDED FOR ISSUANCE

By: \_\_\_\_\_  
 Title: \_\_\_\_\_ Date: \_\_\_\_\_

### BOARD OF COUNTY ROAD COMMISSIONERS OF BERRIEN COUNTY, MI

By: \_\_\_\_\_  
 Title: \_\_\_\_\_ Date: \_\_\_\_\_

### ATTACHED TO APPLICATION

PLANS     BOND     PROOF OF INSURANCE     FEE (if applicable)     RECEIPT NO.

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## RIGHT OF WAY PERMIT – SUPPLEMENTAL SPECIFICATIONS

### GENERAL TERMS:

The attached permit will be carried out in the manner applied for and in accordance with the plans, specifications, maps and statements filed with the Berrien County Road Commission (Road Commission) as part of this application and if granted, the applicant agrees to do the following:

1. To operate and maintain the structure covered by this permit at their own expense.
2. Give written notice to the Permit Department of the Road Commission at least **48 hours** prior to commencement of operations covered by this permit.
3. Maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit and use safety devices which are in accordance with the Michigan Manual of Uniform Traffic Control Devices.
4. Surrender the permit applied for; surrender all rights, cease operations and remove, alter, relocate at applicant's own expense the facilities for which this permit is granted whenever ordered to do so by the Road Commission because of the need for the area covered by this permit for public road uses or because of a default in any of the conditions of the permit. Upon failure to remove, alter, relocate or surrender the facilities pursuant to the order of the Road Commission, reimburse the Road Commission for its costs in doing same.
5. At the option of the Road Commission, deposit cash, performance bond or a certified check for an amount determined by the Road Commission and conditioned upon performance of the conditions of the permit and compliance with all requirements of law.
6. Comply with the requirements of Act 347, PA 1972 controlling soil erosion and sedimentation.
7. This permit is issued on the condition that applicant and any person working under the authority of this permit shall comply with the requirements of Act 53 of PA 1974 concerning giving notice to public utilities.
8. This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.
9. Full compliance is required with any regulations of the Public Service Commission, Municipal and County Regulations.
10. **MISS DIG** shall be called at least 3 working days before you dig at the Toll Free number 8-1-1.

### INSURANCE:

The permit holder shall provide the Road Commission with a **CERTIFICATE OF INSURANCE** or **Owner's Protection Policy** covering the term of the permit in the amount of **\$500,000 for Individual Homeowners** or **\$1,000,000 for Commercial Contractors** for **Bodily Injury and Property Damage** and if applicable, statutory worker's compensation insurance naming the **BERRIEN COUNTY ROAD COMMISSION** and the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF BERRIEN** and their officers, agents and employees as **ADDITIONAL NAMED INSURED** for all operations covered by this permit.

### REQUIRED ATTACHMENTS:

1. Deposit, performance bond or fee for Commercial Permit Application if required.
2. Plans, specifications, and location of facility.
3. Copy of resolution for local units of Government
4. Traffic Plan in case of street closures.
5. In cases of banner applications, legend must be shown.

### PERMIT SPECIFICATIONS

1. **PERMIT** - The individual in charge of the work shall have the permit and the approved plans or sketches in their possession on the job at all times.
2. **EXCAVATION AND DISPOSAL OF EXCAVATED MATERIAL** - The Contractor and/or the Utility Company shall provide and place the necessary sheeting, shoring and bracing required to prevent caving, loss or settlement of foundation material supporting the pavement, or any other highway installation such as sewers, culverts, etc. The Contractor and/or Utility Company shall assume the full responsibility for this protection and shall not proceed in these areas before approval of methods by the Commission. Excavated materials shall be stock piled in such locations that it does not obstruct vision on the traveled portion of the highway and in such a manner that it will interfere as little as possible with the flow of traffic. Sod and top soil shall be stock piled separately from other excavated material. The applicant shall dispose of all surplus and unsuitable material outside the limits of the highway unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.

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## RIGHT OF WAY PERMIT – SPECIFICATIONS

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3. **BACKFILLING AND COMPACTING BACKFILL** - All trenches holes and pits shall be filled with sound earth or with sand-gravel if so provided placed in successive layers not more than 9 inches in depth, loose measure and each layer shall be thoroughly compacted by tamping and all backfill compaction will be subject to check by the Controlled Density Method. Restoration shall be such that it will provide a condition equal to or better than the original and in accordance with Michigan Department of Transportation Standard Specifications. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings with gravel or crushed stone provided that there shall be a substantial excess of sand or stone screenings in the mixture. All material shall be of such size that it will pass through a screen having 2 ½ inch square openings, unless otherwise authorized.
4. **CROSSING BY CUTTING GRAVEL AND TRENCHING** - All trenches shall be backfilled with sand and/or gravel as specified in paragraph 3 or material acceptable to the Road Commission, to within 6 inches of surface of traveled portion of road. Place 8 inches of 22A gravel in trench on traveled portion of road.
5. **CROSSING ROADBED BY BORING OR JACKING** - When the pipe is installed by boring or jacking without cutting the existing pavement, the backfill shall be made by tamping a dry mix of lean concrete into place so as to completely fill any voids remaining around the installation. The concrete shall be composed of one part of Portland cement and 10 parts of sand-gravel by volume. Sand-gravel shall conform to the requirements given in paragraph 3.
6. **CROSSING BY CUTTING PAVEMENT AND TRENCHING** - When this method is approved by the Road Commission, the pavement shall be cut back so that the opening is at least one foot wider on each side than the width of the trench. In all concrete surfaces or bases, edges of trenches shall be formed by the use of a concrete saw. The pavement shall be broken in manner as to allow the reinforcing steel to protrude a sufficient distance for lapping or tying with similar reinforcement in the pavement patch. In all asphalt surfaces or bases, the material shall be cut in a straight line. Backfill shall be made with sand-gravel as specified in Item 3. After the backfill has been placed by the controlled density method, the pavement shall be replaced with new pavement of the original type and quality unless at a season of the year when it is not feasible to replace pavement in kind, in which case a temporary surface of bituminous material shall be placed, and later replaced with pavement of original type at the applicant's expense.
7. **DEPTH OF COVER MATERIAL** - Pipes shall be placed to a depth that will provide not less than 4 feet of cover between the top of roadway surface and the top of the pipe and not less than 3 feet below bottom of ditches to the top of the pipe, unless otherwise authorized by the Road Commission.
8. **TREE TRIMMING OR TREE REMOVAL** - (a) Contact and secure permission of the abutting property owner where necessary (b) Dispose of all limbs logs, stumps and litter in a manner acceptable to the Road Commission. (c) Comply with any additional supplemental provisions deemed necessary to protect the interests of the Road Commission.
9. **INSPECTION** - In all cases the applicant or contractor shall notify the Road Commission 48 hours in advance of when the work will commence so if necessary arrangements may be made to have an inspector present while the work is in progress. The applicant or contractor may be billed for the necessary expense of the inspector.
10. **INDEMNIFICATION** - Permit Holder shall hold harmless and indemnify and keep indemnified the Road Commission, its officers and employees from all claims, suits and judgments to which the Road Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Road Commission, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Road Commission arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
11. **LIMITATION OF PERMIT** - This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
12. **ASSIGNABILITY** - This permit may not be assigned without the prior approval of the Road Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of this permit.
13. **UTILITY SPECIFICATIONS** - The Contractor and/or the Utility Company, Phone Company or Cablevision Company shall install all Pedestals and above ground level Equipment Within (one) 1 Ft. of the right of way line; shall clear and maintain a 5 Ft. by 5 Ft. clear area around all Pedestals and above ground level Equipment; and place a 5 Ft. Marker at all Pedestals or above ground level Equipment that will be visible in high grass or brush.