

ROAD OPENING PERMIT

PERMIT TO OBSTRUCT/OPEN STREET OR SIDEWALK

April 15-November 15

\$100.00 FEE

(Trench Permit Fee Included)

CITY OF GARDNER

Department of Public Works

CONTRACTOR NAME: _____ **DATE:** ____/____/____

STREET ADDRESS: _____

CITY/TOWN: _____

BUSINESS #: _____ **CELL #:** _____

CONTRACTOR MUST HAVE CASH SECURITY AT FULL CAPACITY PRIOR TO APPROVAL

Project Address/House #: _____

Project Description: _____

Trench Length _____ ft. Width _____ ft. Approximate Date of Completion: ____/____/____

A Road Opening Permit is required if working on City Property. 24 Hour notice must be given to Inspector. The undersigned has read and understands the City of Gardner's City Specifications, Ordinances, and Regulations and agrees to abide by them. This permit is not transferable.

Contractor who will be doing project must have a **cash security** with the City of Gardner. Check in the amount of \$5,000 made out to City of Gardner delivered to the Director at time of applying for connection permit. Allow 4 business days for check clearance. A bond may be required along with cash security if, in the opinion of the Director, project is large or high risk. If bond is necessary the bond would be made out for Two (2) years.

Certificate of insurance required in the amount of \$1,000,000 to:
Director, Department of Public Works
416 West Broadway
Gardner, MA 01440

Please make Check Payable for FEE to:
City of Gardner
416 West Broadway
Gardner, MA 01440

Contractor must notify Department of Public Works for inspection within 24 hours after completion of trench resurfacing.

Contractor is responsible for all trench repairs for two (2) years from last date of permit.

Trenches in Pavement must be saw-cut prior to excavation. **All trenches will be blacktop within twenty-four (24) Hours of excavation.** If trench found to be deficient, contractor will be notified by the Department of Public Works. Contractor will have 10 calendar days from the time of notification to make repairs. If repairs are not made in this time period, trench will be repaired and paid with cash security funds. **Cash Security must be at full capacity prior to issuance of a Road Opening Permit.**

Signed: _____

Applicant/Representative

Date: ____/____/____

DIG SAFE NUMBER: _____

I hereby certify that the above fees have been collected and turned over to the city Treasurer.

Signed: _____

Department of Public Works

Date: ____/____/____

City of Gardner

Department of Public Works (Highway & Drainage)	978-632-7661
Engineering Department	978-630-4010
Survey Department	978-630-4010
Earth Tech (Water & Sewer Inspectors)	978-630-8791
Planning Department	978-630-4014
Building Department	978-630-4007
Water & Sewer Billing Department	978-630-4015

Check List:

- 1) Read and understand City Specifications.
- 2) Connection Plan Designed by Massachusetts Registered Civil Engineer.
- 3) Apply for Connection permit and pay applicable fees.
- 4) Allow three (3) days for review of permit and plans.
- 5) Call the Department of Public Works for comments or status of permit.
- 6) Once Connection permit is approved a Road Opening Permit must be taken out if working on City property. All fees must be paid prior to connection to utility.
- 7) Contractor who will be doing project must have a cash security with the City of Gardner. Check in the amount of \$5,000 made out to City of Gardner delivered to the Director at time of applying for connection permit. Allow 4 business days for check clearance.
- 8) A bond may be required along with cash security if, in the opinion of the Director, project is large or high risk. If bond is necessary the bond would be made out for Two (2) years.
- 9) Certificate of insurance required in the amount of \$1,000,000 to the
Director, Department of Public Works
416 West Broadway
Gardner, MA 01440
- 10) Dig Safe Number required for Road Opening Permit.
- 11) 48 hour notice must be given to City of Gardner Engineering office to mark out existing City utilities.
- 12) 24 Hour notice must be given to Survey Department to secure measurements of buried utilities. All necessary measurements must be taken by Survey Department or utilities will be re-excavated at the expense of the contractor.
- 13) 24 Hour notice must be given to Inspector. Work must be inspected prior to backfilling. Work not inspected will be re-excavated at the expense of the contractor.
- 14) All water mains must be Chlorinated and Tested prior to introducing flow.
- 15) All sewer mains must be pressure tested and video taped prior to introducing flow. Videos must be turned into City of Gardner's Engineering Department.
- 16) As-Builts of Water, Sewer, and Drainage mains must be turned into City of Gardner's Engineering Department.
- 17) Trenches in Pavement must be saw-cut prior to excavation. All trenches will be blacktop within twenty-four (24) Hours of excavation or Cash Security will be utilized. Once blacktopped, if trench found to be deficient, contractor will be notified by the Department of Public Works. Contractor will have 10 calendar days from the time of notification to make repairs. If repairs are not made in this time period, trench will be repaired and paid with Cash Security funds. Cash Security must be at full capacity prior to issuance of a Road Opening Permit.



TRENCH PERMIT
 Pursuant to G.L. c. 82A §1 and 520 CMR 7.00 et seq.(as amended)

THIS PERMIT MUST BE FULLY COMPLETED PRIOR TO CONSIDERATION

Name of Applicant			Phone	
Street Address			Cell	
City/Town	MA	ZIP		
Name of Excavator (if different from applicant)			Phone	
Street Address			Cell	
City/Town	MA	ZIP		
Name of Owner(s) of Property			Phone	
Street Address			Cell	
City/Town	MA	ZIP		
Other Contact		Permit Fee Received No () Yes ()		
Description, location and purpose of proposed trench: Please describe the exact location of the proposed trench and its purpose (include a description of what is (or is intended) to be laid in proposed trench (eg; pipes/cable lines etc..) Please use reverse side if additional space is needed.				
Insurance Certificate #:				
Name and Contact Information of Insurer:				
Policy Expiration Date:				
Dig Safe #:				
Name of Competent Person (as defined by 520 CMR 7.02):				
Massachusetts Hoisting License #			Expiration Date:	
License Grade:				

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH, OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AND ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERING SUCH WORK.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

APPLICANT SIGNATURE

_____ DATE _____

EXCAVATOR SIGNATURE (IF DIFFERENT)

_____ DATE _____

OWNER'S SIGNATURE (IF DIFFERENT)

_____ DATE: _____

For City/Town use -- Do not write in this section	
PERMIT APPROVED BY	\$25.00 Application Fee ***Fee included with \$100 Road Opening Permit Fee***
PERMITTING AUTHORITY City of Gardner Fire Dept. Date	
CONDITIONS OF APPROVAL In accordance with MGL c.82A and 527 CMR 7.00. Permit Must be displayed. Trench must be covered.	

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P “Excavations”.
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P “Excavations” as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. This permit shall be posted in plain view on the site of the trench.

For additional information please visit the Department of Public Safety’s website at www.mass.gov/dps

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to [www/mass.gov/dps](http://www.mass.gov/dps)

Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾” thick or equivalent; barricades must be fences at least 6’ high

with no openings greater than 4” between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shut down until re-inspected and authorized to re-open provided, however, that excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

Summary of 1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard.

For further information or a full copy of the standard go to www.osha.gov.

- **Trench Definition per the OSHA standard:**
 - An excavation made below the surface of the ground, narrow in relation to its length.
 - In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.
- **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5’, and are also required in trenches less than 5’ deep when the competent person determines that a hazard exists. Protection options include:
 - Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer’s tabulated data, or designed by a registered professional engineer.
 - Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer’s tabulated data, or a registered professional engineer.
 - Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
 - A registered professional engineer must design protective systems for all excavations greater than 20’ in depth.
- **Ladders** must be used in trenches deeper than 4’.
 - Ladders must be inside the trench with workers at all times, and located within 25’ of unobstructed lateral travel for every worker in the trench.
 - Ladders must extend 3’ above the top of the trench so workers can safely get onto and off of the ladder.
- **Inspections** of every trench worksite are required:
 - Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
 - Inspections must be conducted by the competent person (see below).
- **Competent Person(s) is:**
 - Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
 - Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.
- **Underground Utilities** must be:

- Identified prior to opening the excavation (e.g., contact Digsafe).
- Located by safe and acceptable means while excavating.
- Protected, supported, or removed once exposed.
- **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- **Stability of Adjacent Structures:**
 - Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
 - Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- **Protection from water accumulation hazards:**
 - It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
 - If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- **Additional Requirements:**
 - For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
 - Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
 - Employees must wear high-visibility clothing in traffic work zones.
 - Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O₂ <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
 - Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
 - Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.