

## Street Opening Permit Application Instructions and Permit Requirements

This document explains the application procedure and requirements for a Street Opening Permit in the City of Brockton. Application forms are available at the office of the Superintendent of Engineering on the third floor of City Hall.

**A Street Opening Permit is required for any and all street opening work. Street Opening Permits are valid for thirty (30) days from the date of issue. No permits, except for emergency repairs, will be issued during the winter months.**

Please review this document and the [Revised Ordinances of the City of Brockton, Chapter 20, Article II, Sections 20-39 through 20-51](#) before submitting an application. The permit holder agrees to abide by all City Ordinances in the commission of any and all street opening work.

### **A. Application Requirements:**

In order to be considered for a Street Opening Permit an applicant must:

1. Hold a valid, current Public Works Construction License issued by the City of Brockton or have engaged a contractor holding a valid, current Public Works Construction License from the City of Brockton to perform the street opening work. **Note: A Public Works Construction License is required for any and all street opening work in the City. If any work is to be subcontracted, the subcontractor must also hold a Public Works Construction License. Licenses must be renewed each year.**
2. Submit a complete, signed application to the Superintendent of Engineering, City Hall third floor.
3. Submit any plans, certifications, certificates of insurance (see section B), or other special items requested by the Superintendent of Engineering.
4. Submit a refundable deposit in the amount determined by the Superintendent of Engineering as reasonable to secure the proper restoration of the street or way.
5. Pay the non-refundable administrative fee of \$75.00.
6. For new driveway openings or alterations to an existing driveway opening, a curb-cut permit from the DPW Operations Division, Highway Section, is a prerequisite for obtaining a street opening permit. There is currently no charge for a curb-cut permit.

Applications will be reviewed promptly, according to the following and other relevant criteria:

1. The recommendation of the DPW highway section.
2. The reason for the street opening work.
3. Whether the street is recently constructed or repaved.
4. Whether there are other reasonable means to accomplish the purpose for which the street opening permit is sought.

If the application is successful, a street opening permit will be issued promptly. If the application is denied, the applicant will receive written notice of the reason(s) for denial.

B. **Insurance Requirements:**

1. Each licensed contractor must acquire, and continually maintain while possessing or working under any open street opening permits, liability insurance coverage on all personnel and equipment to be used in the street opening work in the minimum amounts indicated in item #5 below.
2. Insurance must be held with insurance companies licensed to do business in Massachusetts.
3. The name of the municipality shall be listed as an additional insured on the Certificate of Insurance.
4. The Certificate of Insurance shall provide at least thirty (30) days' notice to the awarding authority of cancellation or material change.
5. The following minimum insurance requirements apply:

*Commercial general liability insurance—including operators, complete operations, XCU hazards, broad form property damage and personal injury:*

General aggregate.....\$2,000,000.00

Products and complete operations:

Aggregate.....\$2,000,000.00

Each occurrence.....\$1,000,000.00

Personal injury (note combined single limit).....\$1,000,000.00

*Automobile liability insurance—Covers owned, non-owned, and hired vehicles:*

Combined single limit.....\$1,000,000.00

OR

Bodily injury liability

Each person ....\$500,000.00

Each accident.....\$1,000,000.00

Property damage liability.....\$250,000.00

*Workers' Compensation and Employer's Liability:*

Bodily injury by accident.....\$100,000.00 each incident

Bodily injury by disease.....\$500,000.00 policy limit

Bodily injury by disease.....\$100,000.00 each employee

**Note: The city is not responsible for any loss or damage whatsoever to the property of the permit holder.**

### C. Permit Requirements:

A permit holder (contractor) must abide by the following rules and regulations and all City Ordinances in the course of any and all street opening work:

1. Permits are valid for thirty (30) days from the date of issue. Permits are renewable for an additional thirty (30) days by submitting a written request to the Office of the Superintendent of Engineering.
2. The permit must be kept at the site where the work is being performed.
3. All street opening work MUST be performed by a contractor possessing a valid and current Public Works Construction License. If the work is to be subcontracted, the subcontractor must hold a valid and current Public Works Construction License.
4. The permit holder agrees to fully indemnify the City of Brockton against all claims for damages and injuries to persons or property and against all suits and losses and to pay all costs and damages that may be recovered against the City of Brockton by account of digging up or opening the street.
5. The permit holder will be responsible for the condition and maintenance of the road surface for a period of at least one (1) year from the date of installation of the permanent patch and will continue to hold the City of Brockton safe from any claims during this period.
6. Except in emergency circumstances, all construction work must be performed during the normal working hours of the Department of Public Works, defined as 7:30 am to 3:30 pm Monday through Friday, excluding holidays. The work must be performed in such a manner as to avoid unnecessary inconvenience and annoyance, including excessive noise, to the general public and occupants of neighboring properties.
7. The permit holder must provide a minimum of 72 hours' advance notice to the DPW Operations Division, Highway Section (508-580-7810) and the DPW Utilities Division (508-580-7865) prior to commencing work.
8. It is the permit holder's responsibility to notify Dig Safe (811 or 888-DIG-SAFE) and appropriate City/State agencies for utility locations prior to excavation. A Dig Safe number is required on all applications for street opening permits.
9. The permit holder must adequately support and protect by timbers, sheeting, etc. all pipes, conduits, poles, cables or other appurtenances that may be affected by the excavation work. The excavation work may not interfere with access to fire stations, fire hydrants, water gates, underground vaults, catch basins or any other public structure.
10. The permit holder will keep all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of the curb at the gutter line. Catch basins must be kept clear and serviceable.
11. The contractor must at all times, at the contractor's own expense, protect all adjoining property, including buildings, walls, fences, trees, and other property, from damage. Damages to public or private property or streets resulting from a failure to meet these guidelines are the responsibility of the contractor.
12. The permit holder may not remove, even temporarily, any trees or shrubs in planting strip areas without the permission of the DPW Commissioner. In the event a tree is accidentally destroyed or authorized for removal by the DPW Commissioner, the permit holder will remove the tree, stump, and debris from the work site, and replace the tree with an identical species with a minimum caliper of two (2) inches in the identical location.
13. At the end of each day, all trenches must be plated if the work is incomplete and/or backfilled, compacted, and temporarily patched on the day the work is completed. No open, unplated trenches are permitted overnight, and work in plated trenches must be conducted

to minimize the time trenches are plated. Plates must be properly installed and trenches illuminated. Trench plating is not allowed during the winter or to remain over weekends. In no case will a trench be left unattended or unmarked.

14. The permit holder will sufficiently light and barricade the street at night to secure the safety of passengers.
15. The street may not be encumbered by any debris or materials, including any excess excavated material, surplus water, muck, silt, residue or other runoff pumped or removed from excavations at the site. If the street or way is not wide enough to hold the excavated material for temporary storage, the material must be removed immediately. All hazardous materials must be properly disposed of per applicable statutes and federal laws.
16. The permit holder will, where possible, maintain safe crossings for two (2) lanes of vehicle traffic at all public intersections as well as safe crossings for pedestrians at intervals of not more than three hundred (300) feet. Any excavation made across a street or way must be made in sections to ensure maximum safe crossing for vehicles and pedestrians. An open trench may not exceed fifty (50) feet in length (less if conditions dictate) unless specifically permitted.
17. The permit holder will take appropriate measures to ensure that normal traffic conditions are maintained to the greatest extent possible at all times. Signs warning all approaching motorists of the work site are required. Cones or other approved devices must be placed appropriately to safely channel traffic. Warning signs, lights, and other cautionary devices must conform to the latest edition of the [Manual on Uniform Traffic Control Devices](#). Construction materials and equipment must be limited in quantity and in the space they occupy so as not to unduly hinder traffic.
18. Unless the requirement for a police detail is waived by the police chief and the traffic commission, the permit holder is required to maintain a police detail at the project site at the permit holder's expense.
19. The permit holder will restore, at the permit holder's expense, all permanent pavement markings (crosswalks, center lines, fog lines).
20. The permit holder will replace all disturbed lawn surfaces with sod or six (6) inches of screened loam, lime, fertilizer and reseed it with good-quality lawn seed, restore all areas with plantings to their original condition with the same or similar plantings, and maintain lawn surfaces and plantings until their root systems have been established. The DPW has final inspection authority.
21. The permit holder is responsible for all erosion control, for protecting drainage structures from siltation, and for obtaining any necessary permits from the conservation commission. In the event that a drainage structure is damaged from siltation, the contractor will clean the structure before completing the temporary patch.
22. All work must be performed according to the methods and techniques enumerated in [Revised Ordinances of the City of Brockton, Chapter 20, Article II, Section 20-49](#).
23. Any work requiring the opening of a street is subject to inspections by the appropriate sections of the Department of Public Works. Inspections may take place at the following events:
  - a. Prior to back filling the trench
  - b. Following installation of controlled density fill
  - c. Following completion of temporary patch placement
  - d. During the permanent patch window
24. Following completion of permanent patch placement the permit holder will contact the appropriate DPW division(s) to arrange an inspection. A minimum of seventy-two (72) hours' notice is required.

D. **Refund of Deposit:**

All refundable deposits submitted by an applicant for street opening permits will be held in one account designated to the applicant. Applicants may receive balance reports upon request. Under certain circumstances, if a deposit associated with a specific permit is insufficient to secure the proper repair of a street or way following a default by the permit holder, the cost of a proper repair may be deducted from the applicant's deposit account. See [\*Revised Ordinances of the City of Brockton, Chapter 20, Article II, Section 20-43\*](#) for more detail.

The DPW will make a final inspection one (1) year from receiving notification from the permit holder that the street opening work is completed. Once the DPW has determined that the permanent repair work has been completed according to acceptable standards and that the permit holder has no outstanding debts under other street opening permits, the Department will unencumber the remaining balance of the security deposit. **In order to redeem the deposit, the applicant must submit a written request to the DPW Highway section, accompanied by the canceled check for the application fee of \$75.00 and a copy of the permit, no later than six months from the day of the final inspection. If the applicant fails to submit a written request and the required supporting documentation within this timeframe, the deposit is forfeited.**

DPW Highway Section

PHONE: 508-580-7810

FAX: 508-580-7858

EMAIL: [dpwHighway@cobma.us](mailto:dpwHighway@cobma.us)

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Brockton, MA 02301