

## SCHEDULE B

### ROAD USAGE PERMITS

BL10666 and BL11214 amended as follows:

1. Issuance of permit. A road usage permit may be issued by the Manager of Public Works, as outlined in section 5.4.2 of the Bylaw.

BL10666 amended as follows:

2. Application for permit. A road usage permit must be applied for in writing at least five working days prior to the start of the work or activity requiring the permit.

If a person is required, because of an emergency, to do any work or activity that would ordinarily be prohibited without a road usage permit outside of normal business hours of the City, that person shall notify the City and apply for the applicable permit immediately upon the commencement of normal business hours on the next working day.

3. Purpose of permit. A road usage permit is valid only for the specific purpose indicated on the permit. Any alterations or additions must be covered by a separate permit.
4. Date and time of permit. A road usage permit is valid only for the specific date(s) and time(s) indicated on the permit. The permission granted shall not be construed as granting any further or ongoing rights, title or interest over the land. Should the land, at any time during the term of the permit, be classified as an arterial or primary highway, the permit shall become null and void.
5. Standard of work or activities. All construction, maintenance or other work or activities done pursuant to a road usage permit shall be performed to the standards of all applicable City bylaws, and provincial and federal statutes and regulations.
6. City access to work site. The City shall have free access to the site of any work or activity covered by a road usage permit for the purpose of inspection and ascertaining compliance with section 4 of this schedule.
7. Responsibility for damage or injury. All permittees shall be required to accept full responsibility for any damage or injury that may occur to any person or property, which is caused either directly or indirectly as a result of any work or activity covered by the applicable road usage permit, and shall be required to indemnify and hold harmless the City, its officers and employees from all claims and demands whatsoever in respect of such damage or injury.
8. Ownership of complete works. All works, surface or underground, carried out in, on or through any City lands, except the works of any private or public utility company, shall become the property of the City upon completion, and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the City.

BL10666 and BL11214 amended as follows:

9. Cancellation of permit. Any failure to comply with the terms of a road usage permit shall be cause for cancellation of the permit by the Manager of Public Works.

BL9695 and BL11214 amended and BL10666 replaced the following:

10. Accommodation of Vehicle, Pedestrian and Cyclist Traffic: The Permittee shall maintain at least one safe crossing for pedestrians and where the distance involved in the work site along the length of the highway is greater than 100 metres, further safe crossings at intervals of not more than 100 metres.

Where the sidewalk adjacent to the works or activity is disturbed, the Permittee shall provide and maintain a safe alternate passageway at least 1.2 metres in width along the sidewalk line. Smooth ramp(s) must be provided to allow safe movements on and off the temporary sidewalk where applicable.

The Permittee, at all times, will provide on an arterial or collector road a minimum lane width of 3.0 metres, unless otherwise approved by the Engineer and/or Manager of Public Works. The roadway surface shall be level, free of potholes and other impediments. The Permittee Traffic Control Supervisor or designate shall monitor traffic queues, and maintain traffic flow to prevent delay to emergency vehicles. The Permittee must maintain adequate lane widths to accommodate the travelling public and to allow for the installation of information signs, channelizing devices and work zone warning devices. The Permittee shall provide safe routing for all public traffic such as pedestrians, wheel chairs, bicycles and vehicles. The Permittee's traffic control plan shall provide for, at all times, adequate separation between the travelling public and work area hazards, active or inactive, such as construction equipment, excavations and construction material, by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.

11. Length of Trench: No more than 76 metres (250 feet) measured longitudinally shall be excavated in any highway at any one time.
12. Detection of Utilities: The location of all utilities (including, but not limited to, water, sewer, gas, electrical, telephone and television cable) shall be identified sufficiently ahead of trench excavation work so as to enable appropriate measures to be taken, including re-location if necessary, to avoid damage to those utilities or damage or injury to any person or property.

BL10666 and BL11214 amended as follows:

13. Re-location of Utilities: The Permittee shall not interfere with any existing utility without the written consent of the Manager of Public Works and the Owner of the utility. If re-location of a utility is necessary in order to perform the works or activity permitted, the re-location shall be the sole responsibility, and at the sole cost of, the Permittee.
14. Protection of Utilities: The Permittee shall support and protect all pipes, conduits, poles, wires or other utility apparatus which may be in any way affected by the works or activity permitted.
15. Damage to Utilities: Any damage to any pipes, conduits, poles, wires or other utility apparatus caused either directly or indirectly as a result of any work or activity covered by the applicable road usage permit, shall be repaired by the owner of the utility, at the expense of the Permittee. Any damage or injury that may occur to any person or property, which is caused either directly or indirectly as a result of such utility damage, shall also be the responsibility of the Permittee.

BL10666 and BL11214 amended as follows:

16. Preservation of Monuments: Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving lines of any **highway**, property, subdivision, or precise survey reference point, or a permanent survey bench mark, shall not be removed or disturbed without the prior permission of the **Manager of Public Works**. All costs or expenses incidental to the proper replacement of such monument or survey bench mark shall be the responsibility of the Permittee.
17. Surface Drainage: The Permittee shall ensure that any interference with adequate drainage of any **highway** or other **City** property, which is caused either directly or indirectly as a result of any work or activity covered by the applicable **road usage permit**, is remedied by alternate drainage provisions. The alternate drainage provisions shall meet all current standards and requirements as set out in **City** policies and bylaws.

Gutters shall be maintained free and unobstructed, including free from any **rubbish**, earth, rock, sediment or other debris, to the full depth of the adjacent curb and for at least 300 millimetres from the face of the curb at the gutter line.
18. Access to Driveways: Access to private **driveways**, **lanes**, and loading areas shall be provided at all times during the undertaking of any work or activity covered by a **road usage permit**, unless safety concerns make such access impractical. Prior to any necessary closure of a private driveway, **lane**, or loading area, the residents or occupants affected by such closure shall be notified and given an opportunity to move **vehicles** from the area.

BL9695 amended Section 18:

Suitable alternate parking will be provided. Security will be provided for any **vehicles** which have been displaced from a secure parking space over night

19. Protection of Lawns, Boulevards, Trees or other Landscaping: Where any interference with a boulevard, lawn or other landscaping is permitted, either implicitly or explicitly, by a **road usage permit**, care shall be taken to preserve such landscaping while the work or activity permitted is underway. Any lawns disturbed shall be cut and rolled and replaced after the work or activity is complete, and the area shall be returned to, as near as possible, the condition that existed before the work or activity began.

Where any trees or shrubs are required to be removed or re-located, either temporarily or permanently, consent of the owner of the property on which they are located must first be obtained. When excavating within the drip line of a tree the Permittee must insure that NO roots or branches are cut or damaged without authorization from the City Arborist prior to work starting. Only hand digging or air spade are the permitted methods of excavation within the drip line of a tree without authorization from the City Arborist. Other mechanical means of excavation such as low pressure hydrovacating may be approved on a case by case base.

If it is found that tree roots or branches have been damaged, work will immediately be stopped until such time as the City Arborist can assess the damage.

The Permittee will be responsible for all costs to remediate the damage up to and including tree replacement value if deemed necessary by the City Arborist.

BL9695 amended Section 20:

20. Care of Material: All material associated with a **road usage permit** shall be placed, maintained and stabilized in such a manner as not to become hazardous to human health, human safety, or the environment, and so that as little inconvenience as possible is caused to those using the **highway** and any adjoining property.

BL10666 and BL11214 amended Section 21:

21. Routing of Traffic: The Permittee shall take appropriate measures to ensure minimal impact to vehicle, pedestrian and cyclist traffic at all times during the undertaking of any work or activity covered by a **road usage permit** and that all measures comply with the Traffic Control Manual for Work on Roadways.

Prior to the issuance of a **road usage permit** the applicant for the permit shall provide the **Engineer and/or Manager of Public Works** with a traffic control plan detailing the measures that shall be taken to ensure the least disruption of traffic. The **Engineer and/or Manager of Public Works** may require at their discretion that the traffic control plan be prepared by an engineer or qualified traffic control supervisor.

The necessity of any complete closure of a **highway** required pursuant to a **road usage permit**, and any resulting detour, must be demonstrated to the **Engineer and/or Manager of Public Works** and specifically provided for in the permit. At least three days in advance of the anticipated closure, and until the **highway** affected is reopened, the Permittee shall post signs to notify the public of the closure, the length of time of the closure, and the detour route.

BL9695 amended and BL10666 replaced section 22:

22. Traffic Control & Traffic Control Devices: The use and placement of any **traffic control devices** shall be in accordance with all the specific terms of the **road usage permit** and shall be in accordance with the "Traffic Control Manual for Work on Roadways and the Manual of Uniform Traffic Control Devices for Canada.

BL9695 and BL11214 amended Section 23:

23. Breaking Through Surface:
- (a) Approved cutting of bituminous pavement surface ahead of excavations shall be required where necessary in order to confine pavement damage to the limits of the trench;
  - (b) Cuts of pavement or **sidewalk** shall be neatly along limits of proposed excavation in order that surface may break evenly and cleanly;
  - (c) Sections of **sidewalks** and curbs being removed shall be removed to nearest existing score line or saw cut edge;
  - (d) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench;
  - (e) Pavement edges shall be trimmed to a vertical face and shall be neatly aligned with the centre line of the trench;

- (f) Damage to a **highway** existing prior to any work or activity covered by a **road usage permit** shall be repaired by the Permittee, where that work or activity results in unstable floating sections of pavement.
- (g) Longitudinal trenches must be a minimum of 1.45m in width and final restoration must be machine paved. If the trench extends into the wheel path the trench width must be extended to the centre of that lane. If a longitudinal trench is within a bike lane the trench edge must extend to the outer edge of the bike lane.

BL9695 amended Section 24:

24. Trench Safety: All trench and tunnel excavations and construction shall conform to all applicable regulatory requirements.

BL10666 amended Section 25:

25. Hours of Work: All work or activity covered by a **road usage permit** shall be performed between the hours of 7:00 a.m. and 9:00 p.m. inclusive, except in the case of an emergency where the safety or convenience of the public requires that the work or activity be completed as soon as possible.

- (a) Arterial Roads must not be closed or reduced during peak times; 7am - 9am and 3:30pm - 5:30pm.
  - (b) After hours, non-emergency work for durations of 5 consecutive days or less including all night activity can not take place without approval from the Director of Civic Operations or his designate.
  - (c) After hours, non-emergency work for durations longer than 5 consecutive days including all night activity can not take place without approval of City Council.
26. Restrictions Due to Hazardous Conditions: Where necessary in order to prevent damage or injury to any person or property, or to mitigate conditions likely to create a nuisance, the following conditions shall be placed on the **road usage permit**:
- (a) Limitations of the period of the year during which the work or activities covered by the permit may be undertaken;
  - (b) Limitations as to the size and type of equipment to be used;
  - (c) Designation of routes upon which materials may be transported to or from the site;
  - (d) Limitations as to the place or manner of disposal of excavated material; and
  - (e) Requirements as to the laying of dust, cleaning of **highways**, and prevention of noise.

BL9695 sub-section (f) to Section 26:

- (f) Limitations as to the storage of construction material.

BL10666 amended section 27:

27. Backfill: All backfilling material shall be as per the Master Municipal Construction Documents (MMCD) and City specifications.

BL10666 and BL11214 amended section 28:

28. **Restoration of Surface:** The restoration and permanent resurfacing of any **highway** excavated pursuant to a **road usage permit** shall be completed according to the Master Municipal Construction Documents (MMCD) specifications and the following schedule:

- (a) **Arterial Roads** - immediately following backfill of the trench;
- (b) **Collector Roads** - within 24 hours of backfilling the trench Cold mix may only remain in place for a maximum of 7 days; and
- (c) **Residential streets and lanes** - within 72 hours of backfilling the trench.

In the event that the necessary materials are not available such that the restoration and permanent resurfacing are complete according to the above schedule, the **Manager of Public Works** shall be notified immediately. If the restoration falls between the dates of November 1 and March 31, temporary resurfacing shall be completed within the same schedule, to the following standards:

- a) All materials used in temporary resurfacing shall be compacted and shall conform closely enough to the level of adjoining paving material such that the **highway** is sufficiently smooth to enable **traffic** to travel safely;
- b) Temporary resurfacing shall provide a top minimum surface of approximately 50 millimetres of bituminous material, commonly known as cold mix asphalt;
- c) Temporary resurfacing done between November 1 to March 31 can be completed by the permittee as per the Master Municipal Construction Documents (MMCD) and City specifications and will be reviewed after March 31 to determine if the restoration will be classed as permanent with no additional work required or remain as temporary with permanent restoration required.
- d) Temporary resurfacing done between November 1 to March 31 can be completed by the City of Kelowna at the request of the permittee by way of 3<sup>rd</sup> party work order. Work will be completed as per the Master Municipal Construction documents (MMCD) and City specifications and will be reviewed after March 31 to determine if the restoration will be classed as permanent with no additional work required or remain as temporary with permanent restoration required.
- e) Temporary resurfacing done between November 1 to March 31 can be completed by using concrete at 150mm thick at 32 MPA on arterial roads and 100mm thick at 32MPA on collector roads. Permanent restoration will be required after March 31.
- f) The temporary resurfacing shall be maintained by the Permittee in a safe condition until the restoration and permanent resurfacing has been completed OR temporary resurfacing that is completed between November 1 and March 31 will be maintained by the City of Kelowna by way of 3<sup>rd</sup> party work order that **MUST** be completed by the permittee.
- g) Appropriate **traffic control devices** shall be placed in order to guide **traffic** until the restoration and permanent resurfacing has been completed;

29. Surface Restoration Specifications:

- (a) Subgrade - subgrades shall be restored to that existing prior to the work or activity covered by the road usage permit;
- (b) Paving Replacement - Portland cement concrete used in the repair of trenches in a **highway**, except where regulated by subsection 29(c) of this schedule, shall be poured to a thickness equivalent to that removed, or to a thickness of 12.7 centimetres (5 inches), whichever is greater, and shall be finished to match the texture of the adjoining pavement. Bituminous pavement shall be replaced to a thickness equivalent to that removed;
- (c) **Sidewalks** - Portland cement concrete sidewalks shall be poured to a thickness equivalent to that removed, or to a thickness of 10.2 centimetres (4 inches), whichever is greater, and shall be finished to match the texture of the adjoining sidewalk;

BL10666 replaced section 28(d):

- (d) Expansion Joints - Expansion and control joints in Portland cement patches shall be matched to those in the adjoining sidewalk or pavement.
- (e) Concrete and Asphalt Materials - handling, placement, curing and protection of concrete and asphalt used in surface restoration shall be in accordance with all applicable City standards and requirements for new construction;
- (f) Seal Coats - seal coating shall be required on restored sections of bituminous paving where the adjoining pavement has been recently seal-coated.

BL10666 replaced section 30:

30. Failure to Restore the Site: In the event that a Permittee fails to restore a site in accordance with section 28 of this schedule, the City may undertake to have the required work done and the Permittee shall be responsible for all costs of such work. The Permittee will also forfeit any and all deposits put forward to the City.

31. Anticipated Damage to Greater than 15% of Adjacent Pavement: Where pavement, adjacent to any area for which application for a road usage permit has been made, is reasonably expected to be affected such that an area greater than 15% of the total pavement surfacing in any block will be damaged, the Permittee shall be required to contribute to the cost of repaving the adjacent area. The amount to be contributed shall be determined before issuance of the road usage permit.

BL10666 and BL11214 amended as follows:

32. Completion of Works and Activities: Upon completion of all permitted works or activity, including all restoration work, the Permittee shall notify the **Manager of Public Works**. No sooner than one year after such notification, the **Manager of Public Works** shall inspect the area for signs of settlement.

If any ground settlement has occurred by the time of the **Manager of Public Works'** inspection, the City shall correct, or cause to be corrected, such settlement. The cost of any correction shall be the sole responsibility of the Permittee, unless the Permittee provides sufficient proof that the settlement was not due to defective completion of the permitted works or activities, or defective or insufficient backfilling or restoration of the area.

BL96965 added sub-section 33:

33. Care of Construction Materials: All construction staging or storage area covered by a **road usage permit** shall be placed, maintained and protected in such a manner as not to become hazardous to human health, human safety or the environment, and that as little inconvenience as possible is caused to those using the **highway** and any adjoining property.
  
34. Prime Contractor Designation: The Permittee by signing the Road Usage Permit Applications accepts the roles and responsibilities of the Prime Contractor - Workers Compensation Act -118 and are responsible for all aspects of the work as per all City of Kelowna Bylaws, Ministry Manuals and as per WorkSafe BC.