



## The Philadelphia Streets Department

### Regulations Governing Street Openings, Excavations and Restoration

#### Section 1. Authority.

These Regulations Governing Street Openings, Excavations and Restoration (“Regulations”) are promulgated pursuant to Section 5-501 of The Philadelphia Home Rule Charter and Title 11 of The Philadelphia Code.

#### Section 2. Definitions.

(1) In these Regulations, the following definitions shall apply.

(a) Applicant: The person or agency submitting an application for any permit addressed by these Regulations, and agreeing to the requirements herein;

(b) City: The City of Philadelphia acting in its capacity as a municipal government;

(c) Commissioner: The Streets Commissioner and designees;

(d) Department: The Streets Department of the City of Philadelphia;

(e) Developer: A private party for whom multiple Applicants or Permittees may be contracted to perform work as part of a larger development within the Right-of-Way;

(f) Emergency or Emergency Condition: A condition that, in the judgment of the Commissioner, constitutes an imminent risk to the health, welfare, or safety of the public, or has caused or is likely to cause Facilities already installed to be unusable and result in loss of the services provided through the Facilities;

(g) Facility: Conduit, pipes, cables, wires, lines, towers, optic fiber, antennae, poles, associated equipment and appurtenances, and any other facilities (exclusive of water service pipes and sewer laterals in plumber's ditches and end user devices) located in the Right-of-Way and designed, constructed, and/or used, by telecommunications providers, cable service and open video system service providers, information service providers, public utilities, or other persons for transmitting, transporting, or distributing communications, telecommunications, electricity, natural gas or manufactured gas, oil, gasoline, steam, water, waste water, or any other form of energy, signal or substance;

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(h) Guaranteed Pavement Information System (“GPIS”): The online permitting system developed for and used by the Department in connection with the Department’s street opening permit process. Through GPIS, information is also exchanged between Facility owners and the City relating to construction, projects and events which may affect City Rights-Of-Way;

(i) Historic Street: Any Roadway Block listed on the Philadelphia Historic Street Paving Thematic District Inventory, as may be updated from time to time by the Department;

(j) Municipal Radio: The communications division of the City’s Office of Innovation and Technology (“OIT”) that provides communications between City agencies on a round the clock basis. Municipal Radio operators receive calls and dispatch to other agencies in accordance with City protocols for emergency situations;

(k) New Facility in an Existing Location: Work involving the installation of a new Facility on top of, underneath, or alongside an existing Facility where the existing Facility is not being abandoned and physically removed. The new Facility will increase the total footage for purposes of calculating the Facility owner’s Right-of-Way related fees. This type of project is entered into GPIS as a “Tier I or Tier II” project as defined in Section 5 and Section 6 of these Regulations;

(l) PennDOT: Pennsylvania Department of Transportation;

(m) Permittee: The person or agency to whom a permit has been issued;

(n) Private Paving: All work performed by any private entity within the public Right-of-Way that results in the restoration or construction of any curb, sidewalk, roadway pavements, and associated Facilities and Structures as may be permitted within the public Right-of-Way pursuant to the Philadelphia Code, or an act of City Council;

(o) Right-of-Way: The surface of, and space above and below, any real property in the City in which the City has a regulatory interest, or interest as a trustee for the public, as more fully described in Section 11-701(1)(dd) of the Philadelphia Code;

(p) Right-of-Way Unit: The Department unit responsible for regulation of the Right-of-Way;

(q) Roadway Block: That area of the roadway between a street’s curb lines, and bounded at either end of the block by the intersecting street’s center line, as defined by the Department’s Geographic Information System (“GIS”) Centerline data;

(r) Same Size in the Same Location: Work involving the replacement of an existing Facility with a new Facility that is substantially identical in size and shape to the original Facility;

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(s) Service Connection: The type of work involving a Facility that will be installed starting from an existing Facility (through a main, duct, manhole, pole, etc.) and ending at a customer service connection;

(t) Street Occupancy Permit: A permit issued by the Department to a contractor or agency, authorizing the temporary (partial or full) closure of the Right-of-Way, including the roadway and/or footway, for the temporary placement of equipment necessary to perform work. These permits are also commonly known as "Street Closure" or "Lane Closure" permits;

(u) Street Opening Permit: The permit required by the Philadelphia Code and/or Department Regulations and issued by the Department to open or excavate within the City Right-Of-Way;

(v) Structure: Utility maintenance hole covers (manholes), castings, vaults and other infrastructure breaking the surface of any portion of the Right-of-Way including their underground supports and foundation;

(w) Substantial Improvement: Reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds Fifty percent (50%) of the market value of the Structure before the "start of construction" of the improvement; and

(x) Water Department: The Philadelphia Water Department.

### **Section 3. Permit Required.**

(1) Proof of Permit. Persons in charge of construction work on City streets shall have in their possession, at all times while so engaged, a permit, issued by the Department, authorizing the work.

(2) Violation of Regulations. Failure at any time to fully and faithfully comply with these Regulations, and such further regulations as the Department may from time to time promulgate, or to pay promptly such expenses as herein required, shall immediately operate as a forfeiture of permits issued, and debar the Permittee from receiving any further permits until released by action of the Department. If any work or precaution necessary to protect the public in the use of the streets is omitted or imperfectly performed by the Permittee, the Department shall serve a formal notice on the responsible Permittee, and immediately cause the necessary corrective work to be performed at Permittee's expense.

(3) Repeated Violations. The Department may refuse to issue permits to any Applicant who has violated these Regulations and, after notification by the Department, has failed to comply with its requirements.

(4) Period of Validity of Permit. Permits shall be valid for a period of twelve (12) months from the date of issuance by the Department, unless a shorter period is indicated on the permit.

#### **Section 4. Method of Making Application.**

(1) Application. Applicants seeking permission for the opening and structural occupancy of a street in the City of Philadelphia shall file with the Department:

(a) A written application indicating the full name and business address of the Applicant, and a statement of the character and purpose of the proposed work;

(b) An electronic submittal showing the complete details of the proposed work and indicating the character and location of all adjacent, existing Facilities and Structures; and

(c) A summary of such other information as may be necessary to enable the Commissioner to reach a full and definite understanding of the entire project.

(2) Alteration of Application. After the Department has approved the application and issued the permit, the terms, conditions or intent of the application, and the accompanying drawings shall not subsequently be altered or departed from without the prior written consent of the Commissioner; except in cases of Emergency, the Department may authorize modifications when necessary.

(3) Prerequisites for the Issuance of a Permit. No permit will be issued until the Applicant has met all requirements of the Department as identified in the permit application.

#### **Section 5. Street Opening and Street Occupancy Permits: Tier I.**

(1) Tier I. The following activities shall require Tier I Permits:

(a) Installation of any new Facility in a new location where the total linear footage of excavation is less than sixty feet (60');

(b) Installation of any New Facility in an Existing Location where the total linear footage of excavation is less than sixty feet (60');

(c) Installation of any Service Connection perpendicular to the roadway, where the total linear footage of excavation is less than sixty feet (60');

(d) Installation of any Service Connection requiring an "L" shaped excavation, where one side is less than sixty linear feet (60'), the other side less than two-hundred fifty linear feet (250');

(e) Replacement of an existing Service Connection of the Same Size in the Same Location, where the excavation is less than two-hundred fifty linear feet (250'); and

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(f) Manhole or vault roof and casting repair and replacement where the extent of the work includes only repairing or replacing the roof. All other repairs (except lid and frame replacement) require Tier II applications.

(2) Application Process. Applicants for Tier I Permits shall complete all requirements of this Section.

(3) PA One Call. Applicant shall contact the PA One Call system requesting that any Facility owner having Facilities in the proposed location provide information regarding the location of existing Facilities. In accordance with PA Act 287 as amended, a Facility owner must “initially respond not more than ten working days after receipt of a request from a designer who identifies the site of excavation or demolition work for which he is preparing a drawing.” Applicant shall complete all PA One Call requirements during design and construction.

(4) GPIS.

(a) The Applicant shall submit electronically the following documents to GPIS.Apps@phila.gov for review:

- (i) a drawing containing the information required by PA One Call;
- (ii) utility clearance transmittal; and
- (iii) PA One Call response ticket

(b) The Department may require that certain documentation be sent directly to reviewing units, departments and agencies.

(c) For work on Historic Streets, the City of Philadelphia Historical Commission will review the location and respond directly to GPIS with instructions to ensure the roadway and/or footway are restored with the existing or other approved materials.

(d) For work on State Routes within the roadway from curb line to curb line, PennDOT will review the location and respond directly to GPIS.

(f) For work on porous pavement streets, the Water Department will review the location and respond directly to GPIS with instructions to ensure the functionality of the porous pavement system.

(5) Tier I Plan Standards. The plans for a Tier I Street Opening Permit must comply with the following standards:

- (a) Must be clearly drawn but need not be prepared in Auto-CAD or drawn to scale;
- (b) Other utilities' Facilities do not need to be shown;

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(c) Must show dimension lines containing all information required by PA One Call and GPIS input;

(d) Must show conduit or main size and depth (cover);

(e) Must use different linetypes or linewidths for existing Facilities/ conditions and proposed work, clearly showing what is proposed;

(f) Must show the existing Facility into which proposed work will connect;

(g) Must adequately show cover or depth either by:

(i) showing the existing Facility and proposed work in the cross-section; or

(ii) labeling the plan to show cover. The plan should clearly show where the cross-section is from. If depth changes when work is done, the application must be updated with a drawn cross-section showing new depth;

(h) Where Service Connections are present, the plan must show the address the Service Connection will be servicing;

(i) Must contain a title block with the following information:

- (i) Utility Name;
- (ii) GPIS Application Number;
- (iii) PA One Call Number;
- (iv) Project Name;
- (v) Date; and
- (vi) Person who prepared the plan;

(j) Must contain a North arrow;

(k) Must show street names; and

(l) Duct-bank plans do not need to show the number of sub-ducts that will be occupied; however, the plans must indicate the type and dimensions of the duct-banks as well as, the number of sub-ducts the duct-bank can hold.

(6) Required Tier I Representations. Prior to issuance of a Street Opening Permit, the Applicant shall affirm, by checking a box within GPIS, that the Applicant:

(a) has completed the PA One Call process to ensure utility clearance and resolution of any utility conflicts;

(b) has reviewed, and agrees to comply with all reasonable established

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industry standards, and all promulgated policies and regulations, governing the interaction between existing Facilities in the proposed location, and the new Facilities;

(c) has reviewed, and agrees to comply with all City of Philadelphia and PennDOT standards regarding the repaving and backfill of the street after excavation;

(d) agrees to comply with all state, federal, or national standards applicable to its company and construction and restoration relating to clearance/separation between utility lines, pipes or other Facility;

(e) is currently compliant with the insurance requirements of Section 11-701(2)(d)(.1) of the Philadelphia Code; and

(f) has affirmed the indemnification obligations to the City set forth in Section 11-701(2)(d)(.2) of the Philadelphia Code.

(7) Street Occupancy Permit Applications. Applicants may simultaneously submit, to the Department, all required Street Occupancy Permit applications and Street Opening Permit applications.

(8) Street Opening Permit Timeline. The Department typically will review submissions within two (2) business days of receiving the Tier I Street Opening Permit application and will indicate whether the application is complete or if additional information is required.

(a) The Department will advise the Applicant by e-mail and/or by GPIS if the application is incomplete or additional information is required;

(b) If the application is complete, the Department will grant or deny the permit and plans within five (5) business days from the submission date;

(c) If additional information is required, the Department will approve or deny the permit and plans within five (5) business days from the date the required additional information is received. The review time period will commence upon receipt of the required information;

(d) On resubmission, the Applicant shall notify the Department of the resubmission of the required additional information.

(9) Committee of Highway Supervisors Approval. Tier I projects do not require Committee of Highway Supervisors approval.

## **Section 6. Street Opening and Street Occupancy Permits: Tier II.**

(1) **Tier II**. The following activities shall require Tier II Permits:

(a) Installation of any new facility in a new location where the total linear footage of excavation is sixty feet (60') or longer;

(b) Installation of any New Facility in an Existing location where the total linear footage of excavation is sixty feet (60') or longer;

(c) Installation of any Service Connection perpendicular to the roadway, where the total linear footage of excavation is sixty feet (60') or longer;

(d) Installation of any Service Connection requiring an "L" shaped excavation, where one side is sixty linear feet (60') or longer, or the other side is two-hundred fifty linear feet (250') or longer;

(e) Installation of any Service Connection of the Same Size in the Same Location, of two-hundred fifty linear feet (250') or longer;

(f) Manhole or vault wall repair and replacement;

(g) Any activity not listed in a Tier I application category except:

(i) manhole lid and frame replacements (require a Street Occupancy Permit);

(ii) service turn on/shut off (see Section 7 below); and

(iii) Emergencies (see Section 10 below).

(2) **Application Process**. Applicants for Tier II Permits shall complete all the requirements of this Section.

(3) **PA One Call**. The Applicant shall contact the PA One Call system as a designer, requesting that any Facility owner having Facilities in the proposed location provide information with regard to the location of existing Facilities. In accordance with PA Act 287 as amended, a responding Facility owner shall "initially respond not more than ten working days after receipt of a request from a designer who identifies the site of excavation or demolition work for which he is preparing a drawing." Applicant shall complete all PA One Call requirements during design and construction.

(4) **GPIS**.

(a) The Applicant shall submit electronically the following documents to GPIS.Apps@phila.gov for review:

(i) a drawing containing the information required by PA One Call;

- (ii) utility clearance transmittal; and
- (iii) PA One Call response ticket;

(b) The Department may require that certain documentation be sent directly to reviewing units, departments and agencies.

(c) For work on Historic Streets, the City of Philadelphia Historical Commission will review the location and respond directly to GPIS with instructions to ensure that the roadway and/or footway are restored with the existing or other approved materials.

(d) For work on State Routes within the roadway from curb line to curb line, PennDOT will review the location and respond directly to GPIS.

(e) For work on porous pavement streets, the Water Department will review the location and respond directly to GPIS with instructions to ensure the functionality of the porous pavement system.

(5) **Tier II Plan Standards.** The plans which must be submitted for a Tier II Street Opening Permit must comply with the following standards:

- (a) Must be clearly drawn and to scale;
- (b) Must show dimension lines containing all information required by PA One Call and GPIS input;
- (c) Must show all existing Structures and Facilities that either cross or are within five feet (5') of the proposed work;
- (d) Must use different linetypes or linewidths for existing Facilities/ conditions and proposed work, clearly showing what is proposed;
- (e) Must contain a legend showing linetypes and their meanings unless using City Standards;
- (f) Must include a cross-section showing existing Facilities, when crossing the Right-of-Way and when crossing intersection;
- (g) Plan and section must show conduit or main size and depth (cover);
- (h) Duct-bank plans do not need to show the number of sub-ducts being occupied; however, the plans must indicate the type and dimensions of the duct-banks as well as, the number of sub-ducts the duct-bank can hold;
- (i) Must contain a title block with the following information:
  - (i) Utility Name;

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- (ii) GPIS Application Number;
  - (iii) PA One Call Number;
  - (iv) Project Name;
  - (v) Date; and
  - (vi) Person who prepared the plan
- (j) Must contain a North arrow;
  - (k) Must show street names.

(6) **Required Tier II Representations.** Prior to issuance of any Street Opening Permit, the Applicant shall affirm, by checking a box within GPIS, that the Applicant:

- (a) has completed the PA One Call process to ensure utility clearance and resolution of any utility conflicts;
- (b) has reviewed and agrees to comply with all City of Philadelphia and PennDOT standards regarding the repaving and backfill of the street after excavation;
- (c) agrees to comply with all state, federal, or national standards applicable to its company and construction and restoration relating to clearance/separation between utility lines, pipes or other Facility;
- (d) is currently compliant with the insurance requirements of section 11-701(2)(d)(1) of the Philadelphia Code; and
- (e) affirms the indemnification obligations to the City set forth in section 11-701(2)(d)(2) of the Philadelphia Code.

(7) **Highway Occupancy Permit Applications.** Applicants may simultaneously submit to the Department all required Street Occupancy Permit applications and Street Opening Permit applications.

(8) **Street Opening Permit Timeline.** The Department typically will complete an initial review of submissions within five (5) business days of receiving the Tier II Street Opening Permit application and will indicate whether the application is complete or if additional information is required.

- (a) The Department will advise the Applicant by e-mail and/or by GPIS if the application is incomplete or if additional information is required.
- (b) If the application is complete, the Department will grant or deny the permit and plans within twenty-five (25) business days from the submission date. If the application is complete, all affected Facility Owners are also expected to routinely grant or deny approval of the plans within the same twenty-five (25) day period.

(c) If additional information is required, the Department will typically grant or deny the permit and plans within twenty-five (25) business days from the date the required additional information is received. The review time period will commence upon receipt of the required information.

(d) On resubmission, the Applicant shall notify the Department of resubmission of the required additional information.

(e) Upon receipt of approval of the plans by all affected Facility owners, the Department shall approve the permit within forty-eight (48) hours (excluding weekends and legal holidays).

## **Section 7. Street Excavations to Turn On/Shut Off Service.**

Self-Issuing Permits. An Applicant seeking to obtain a Street Opening Permit to turn on or shut off a Service Connection shall select “Turn On/Shut Off” as the project type in GPIS and shall enter into GPIS the location and offset information for such project. Applicants may provide the PA One Call serial number (if available) for the project. Upon input of information into GPIS, the Applicant will be able to print a permit for the project directly from GPIS. No drawings or additional information are required. The information entered into GPIS relating to turning on or shutting off a Service Connection shall be used only for the City’s record purposes, and shall not be used or included in determining the Facility owner’s Right-of-Way related fees.

## **Section 8. Street Occupancy Permit Procedure.**

(1) Street Occupancy Permit Application. A Facility owner (or its contractor) may request the closure of traffic lanes for utility work by submitting a completed Street Occupancy Permit application to the Department via facsimile or other approved method.

(2) Timing. Applications must be submitted at least ten (10) days prior to the start of work.

(3) Dual Permit Applications. Applicants may simultaneously submit applications to the Department for a Street Occupancy Permit and a Street Opening Permit.

(a) All contractor identification information must be indicated on the application when submitting.

(b) The Department will grant or deny any Street Occupancy Permit application within ten (10) days after the receipt of the completed submission.

(c) If granted, the Street Occupancy Permit will remain in the system as pending until the Street Opening Permit is issued at which point the Street Occupancy Permit will also be issued.

(d) Work must be initiated within ten (10) days of issuance of the Street Occupancy Permit or the permit will be revoked. A revoked Street Occupancy Permit may be reinstated for good cause upon request to the Department.

(e) If a Street Occupancy Permit application was not submitted with a Street Opening Permit application, the Applicant shall send a copy of the Street Opening Permit with its application for the Street Occupancy Permit.

(4) Police Assistance. Requirements for police assistance in conjunction with a Street Occupancy Permit shall be at the sole discretion of the Department.

## Section 9. Street Opening Requirements.

(1) Safety Requirements. Before proceeding with the opening of a street, the area immediately adjacent to the work site shall be made safe with lights, barricades or other devices approved by the Department.

(2) Traffic Regulations. All work shall be conducted in such a manner as to ensure the least possible disruption to pedestrian, bicycle, and vehicular traffic.

(a) Temporary approaches to any crossings or intersecting Right-of-Ways shall be provided and kept in a safe condition, wherever required by the Department. On Right-of-Ways occupied by railway tracks, temporary approaches to the entrances and exits of railway cars shall, where necessary, be provided and maintained.

(b) No Right-of-Way shall be closed to traffic unless a Street Occupancy Permit is obtained and a detour route is approved by the Department.

(c) Every street closed to traffic shall be protected by effective barricades in accordance with an approved pedestrian protection plan and standard Streets Department signs, including detour signs, shall be placed as directed by the Department. All signage must be maintained by the Permittee for the duration of the closure.

(3) Limitation of Operation. No more than five hundred linear feet (500') of Right-of-Way may be opened or obstructed to traffic at any time without the permission of the Department.

(4) Accessibility of Right-of-Ways. The footways, gutters, inlets and portions of streets adjoining the work or in its vicinity shall be kept free of obstructions and debris to the greatest extent possible. Lawns or grass plots shall not be used for storage purposes. On improved streets, the materials, tools and equipment required in connection with the work shall be neatly and properly stored upon the footway at least one foot (1') back of the curbing and leaving at all times a space for pedestrians which shall be at least five feet (5') in width. If the required pedestrian space cannot be maintained, and/or if materials, tools and equipment must be stored in the street, a Street Occupancy Permit shall be obtained.

(5) Excavated Material. Material removed from the street opening shall be piled in a location adjacent to the opening so that it does not interfere with vehicular and pedestrian traffic. Excavated materials in excess of the amount needed for backfill shall be removed daily and the street cleaned.

## Section 10. Emergencies.

(1) Emergency Reporting Procedures. Any Facility owner (or its contractor) performing Emergency work which requires immediate excavation in the street or closure of traffic lanes shall comply with the reporting procedures below.

(a) The Permittee shall immediately call Municipal Radio at (215) 686-4514 upon arrival at the site of an Emergency. The Municipal Radio operator shall report the Emergency to traffic police, fire, PennDOT and SEPTA, where needed.

(b) Facility owner (or its contractor) shall provide the following information to the Municipal Radio operator:

- (i) Company Name with Identifier;
- (ii) Name and telephone number of the person calling;
- (iii) Nature of the emergency;
- (iv) Whether utility service has been disrupted;
- (v) Type of Call:
  - Original
  - Extension of time
- (vi) Excavation required?
  - Yes
  - No
- (vii) Street Closure required?
  - Full
  - Partial
  - None
- (viii) Duration of work (provide the number of hours expected to resolve the emergency);
- (ix) Location of work (provide the incident address or the hundred block);

(c) Each Facility owner shall also provide the Department with the phone number of its primary office responsible for such work. In the case of a declared emergency, the contact person will be the Facility owner's designated representative working with the City's Emergency Operations Center ("EOC") and may be contacted through EOC.

(d) Each Facility owner shall make an additional call to Municipal Radio if their work crew remains at the site longer than was initially reported in the original notification.

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(2) Emergency Utility Notification Number (“EUN”). The Municipal Radio operator will generate and provide the Facility owner (or its contractor) with an Emergency Utility Notification (“EUN”) number.

(3) Emergencies Requiring Excavation. If the Emergency requires excavation in the street, the following additional procedures shall be followed:

(a) Facility owner (or its contractor) shall provide the Municipal Radio operator with the following additional information:

- (i) Size of excavation (Length, Width, and Depth);
- (ii) Curb Offsets;

(b) The Facility owner shall enter the EUN number into GPIS upon receipt of the Emergency Permit. Within seven (7) days of completion of the emergency-related excavation, the Facility owner shall enter the required information into GPIS, using the EUN number provided by Municipal Radio and/or the Department.

(4) Use of Emergency Information. The information inputted into GPIS in connection with emergencies shall be used only for the City’s record purposes, and shall not be used or included in determining the Facility owner’s Right-of-Way related fees.

## **Section 11. Trench Standards, Steel Plate Procedures, Backfilling.**

(1) Trench Standards. All Permittees shall adhere to the following:

(a) All applications and all work and restorations of trenches or other openings must comply with Department trench standards for both Permanent (L-901) and Temporary (L-902) Trench Restoration.

(b) All plating and decking installed by the Permittee shall be made safe for and adequately support vehicles and/or pedestrian use. The size of the plate or decking shall be large enough to span the opening, be firmly placed to prevent rocking and shall overlap the edges of trenches and openings. Trenches and openings must be sufficiently ramped with cold patch or concrete to ensure smooth riding and safe conditions.

(c) All plating and decking shall be fastened by pinning, countersinking or other Department-approved method to prevent movement. Steel plates shall be pinned in each corner with a smooth headed pin that does not protrude above the plate more than one half (0.5") inch. The pins must extend into the street surface at least three inches (3").

(d) Where deflections are more than  $\frac{3}{4}$ ", heavier sections of plates or decking or intermediate supports shall be installed. Plates must extend at least twelve (12") inches beyond the edge of the excavation in all directions. The plate must be ramped with asphalt at least six (6") inches wide.

(e) All steel plates or decking shall be permanently labeled with the identity of the owner.

(f) The Permittee shall provide the Department with an emergency telephone number prior to placing any steel plating or decking.

(2) Removal. The Permittee shall remove and/or restore any dislodged steel plating or decking to a safe condition within six (6) hours of receiving notice from the City.

(a) In the event it becomes necessary for the City to restore, adjust or remove any steel plating or decking, the Permittee shall reimburse the City for all costs.

(b) Plating and decking must be removed immediately upon completion of permanent restoration.

(3) Extended Use. Any steel plate or decking remaining in the Right-of-Way for more than seventy-two (72) hours must be reported to:

(a) the Department Monday through Friday from 8:00 AM to 5:00;

(b) Municipal Radio at all other times, with a request that the operator also notify Department.

(4) Backfilling of Trenches and Other Openings. Ditches and other street openings shall not be backfilled until all tests required by the various utility companies and/or the Water Department are completed.

(a) Trenches and other openings shall be carefully backfilled with materials approved by the Streets Department, consisting of earth, loam, sandy clay, sand and gravel or other approved materials, free from large clods of earth or stones, deposited in six-inch (6") layers.

(b) Water, sewer, gas, steam, oil or other pipes must be appropriately supported. Each layer of fill shall be thoroughly compacted by rolling, tamping with mechanical rammers, or by hand tamping with heavy iron tampers. The tamping face area shall not exceed twenty-five square inches (25"). Each layer must be compacted to a density at least equal to that of the surrounding earth so that paving of the area can proceed immediately after the backfilling is completed.

(c) Care shall be taken to not damage the anti-corrosion coating applied to water, sewer, gas, steam, oil or other pipes.

(d) Upon completion of the backfill, the street opening shall be made safe by topping the dirt backfill with an asphaltic cold mix paving material level with the surrounding roadway surface and rolled with an approved method to prevent formation of a hump or depression in the restoration area.

(e) Any trenches and other openings which have settled or been improperly backfilled shall be reopened to the depth required for proper compaction, then refilled and compacted with the surface restored to the required grade. Backfilling of trenches and other openings in the street shall be immediately repaved temporarily with suitable material and maintained until permanent paving is completed.

(5) No trenches or excavations shall be left open overnight unless approved by the Department. If approved, open excavations shall be protected with concrete jersey barriers, steel plates, or other Department-approved methods.

(6) Removal of Temporary Facilities and Structures. Within twenty-four (24) hours after the completion of the work, the Permittee shall remove all temporary Facilities and Structures built by the Permittee, and leave the work site clean and free of rubbish, surplus materials and all obstructions.

## Section 12. Plumber's Ditches.

(1) Requirements. Plumbers shall comply with all applicable regulations governing the opening and backfilling of ditches.

(a) Plumbers are responsible for their ditch openings for a period of thirty (30) days after notifying the Department that the opening has been backfilled. Such notice shall be filed electronically or as otherwise specified by the Department.

(b) If the backfilling and temporary topping is inadequate, or was performed improperly, the plumber's responsibility for the opening shall continue beyond thirty (30) days until such time as the ditch is permanently restored.

(c) If the plumber's failure to properly backfill and/or level an opening causes an unsafe location, and the Department restores the location, the plumber will be responsible for and billed for the Department's time and material expense in restoring the ditch to a safe condition.

(2) Penalties. In addition to any other applicable penalties specified by regulation of the Philadelphia Code, failure to notify the City that an opening was made and backfilled will not relieve the plumber of responsibility. If the plumber fails to electronically register the appropriate backfill notice as directed in Section 12(1)(a) for two (2) ditches, the plumber will be prohibited from purchasing new plumber ditch permits until the proper notifications have been registered with the Department. Repeated failure to comply with these regulations may result in the suspension of a plumber's permission to operate in the Right-of-Way.

(3) Timing. Plumber permits shall be valid for thirty (30) days. If a plumber obtains a permit, then determines that the street opening is not needed, the plumber may apply for a refund of the permit purchase price within the thirty (30) day permit period. No refunds will be issued after the expiration of the plumber permit.

## **Section 13. Permanent Restoration of Pavement.**

(1) Restoration. All pavements shall be promptly restored to the extent directed by the Department and with the same character of material, equal in composition and color to match the existing adjacent pavement, and in accordance with the Department's current specifications.

(2) Cut Back. Where the surface area of any ditch is greater than one-half (1/2) square yard, before restoration of the pavement, the base course shall be cut back six inches (6") wider than the original opening on all sides. If the edge of the base course adjacent to and paralleling the curb is within two feet (2') of the edge of the paving or curb, after cut back, the paving shall be removed between the edge of the cut back and the edge of paving or curb.

(a) The surface course shall be cut back six inches (6") from the outer edge of the original opening. The thickness of the base course restoration shall equal the thickness of the existing pavement but shall not be less than eight inches (8") in depth. This same depth applies to streets with stone black base or other types of temporary paving base. The concrete shall be brought up to the same level as the existing base course.

(b) Any ditch with a surface area one-half (1/2) square yard or less is not required to be cut back.

(3) Surface Preparation. All exposed vertical surfaces of existing binder and surface course shall be painted with hot asphaltic cement immediately prior to the application of the asphalt top to any ditch or trench. The surface of the concrete base shall be thoroughly cleaned and the application of a tack coat of bituminous material E-1 (AASHTO Equivalent RS-1) in the amount of 1/15 of a gallon per square yard shall be applied.

(4) Finished Surface. Unless approved in writing by the Department, the finished or wearing surface of the restored ditch shall match in kind the existing roadway surface pavement, including restorations in streets that have granite block, brick, or other special surfaces. The topped-off ditch shall have a smooth surface showing no evidence of honeycomb, roller or iron marks.

(a) After topping is completed the seam between the existing surface course and the newly restored top shall be neatly sealed with asphaltic cement. If the ditch is to be immediately opened to traffic, dry sand, or Portland cement shall be evenly spread over the newly installed seal to prevent it being picked up or spread by automobile tires.

(b) The use of asphaltic or black base is only permitted when the street must immediately be opened to traffic. Such cases include ditches in track areas and streets with only one lane available for traffic. Black base may also be used to patch ditches in inclement weather or where the use of concrete would be impossible or impractical due to future construction. The Department's written approval must be obtained before black base can be used for ditch restorations.

(c) If restoration is to be in finished concrete roadway paving, the dimensions shall be the same as for base restoration. The finished edge of restoration in concrete pavement shall be made with a concrete saw just prior to the paving operation. The minimum depth of cut shall be one and one half inches (1½").

(5) Line-striping. All line-striping disturbed by excavation must be restored according to the Department's specifications for that street. If the line-striping is not completed, and the Department places the line-striping on the restored area of the street, the Permittee will be billed for the Department's cost.

(6) Lines and Grades. Where permanent pavement and curbing do not exist, the Permittee will be required to obtain from the Department the necessary line and grade stakes. The Permittee will be required to pay for this service in accordance with the Department's schedule of charges.

(a) The Permittee will be responsible for preservation of all monuments and bench marks and for all stakes after being set by the Department's surveyors. Any disturbed stakes must be replaced by the Department's surveyor and paid for at the rate previously indicated.

(7) Restoration of Emergencies. In the event of an Emergency which results in the disturbance of 40% or more of the street, the owner of the Facility which caused the damage shall be responsible for determining the scope and extent of the damage in terms of both area and Facilities affected. The responsible Facility owner must inform affected utilities in a timely fashion of the scope and extent of damage, so that the street and Facilities in the Right-of-Way can be restored as quickly as possible. The responsible Facility owner shall contact the Department to determine how the street will be restored and what party(ies) will bear responsibility.

(8) Maintenance of Pavements. All restored pavements shall be maintained to the Department's satisfaction, during the time of any existing guarantee, or as required by Ordinance of Council, but in no case for a period of less than five (5) years. Permittees shall make repairs to pavements within twenty-four (24) hours of receipt of the Department's notice.

(9) Timing of Restoration By Department. Between July 1<sup>st</sup> and November 30<sup>th</sup> of each year, permanent restoration of all street openings less than twenty-five (25) square yards in size shall be performed within thirty (30) days after backfilling. Between December 1<sup>st</sup> and March 31<sup>st</sup> of the following year, if inclement weather does not allow permanent restoration, street openings may be temporarily restored with cold patch and maintained until permanent restoration is performed.

(10) Inspection of Work. All work and materials used in building Structures and in restoring or maintaining pavements shall be to the Department's satisfaction and any work or material rejected by the Department must be immediately replaced. Rejected materials shall be immediately removed from the work site.

(a) If the Department determines it is desirable or necessary to employ one or more special inspectors to supervise the proposed work, the Department shall appoint such inspector(s). The Applicant shall deposit a sufficient sum with the Department for the payment of such service.

#### **Section 14. Milling, Paving, and Full Depth Restoration.**

##### **(1) Utilities, Full Depth Restoration.**

(a) General Requirement. If work in the street for one project disturbs Fifty percent (50%) of the Roadway Block, the Permittee shall provide a full depth restoration for the entire length of the Roadway Block.

(b) The Department may, in its sole discretion, consider other factors in requiring full depth restoration, such as the locations of the excavations, the extent of lateral trenching for utility service, evidence of existing subsidence and relevant engineering studies.

(c) The General Requirement applies to the project as constructed. If the project is designed and approved at less than Fifty Percent (50%) disturbance, and the constructed project exceeds the design and the approved disturbance and disturbs Fifty Percent (50%) or more of the Roadway Block is disturbed, then full depth restoration is required. ~~1~~ ~~2~~ ~~3~~

(d) If more than one utility or agency is involved in work in the street and openings for the project, and the cumulative disturbance of the work, as constructed, is Fifty Percent (50%) or more of the Roadway Block, the lead utility or agency shall be responsible for a full depth restoration. The lead utility or agency must coordinate with other parties participating in the project and for seeking reimbursement for its costs from those other agencies or utilities. ~~1~~ ~~2~~ ~~3~~

(e) Full depth restoration includes all line-striping required by the Department's specifications for that street. If the line-striping is not completed, and the Department places the line-striping on the restored street, the lead utility or agency responsible for and billed for the Department's cost. ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~ ~~101~~ ~~102~~ ~~103~~ ~~104~~ ~~105~~ ~~106~~ ~~107~~ ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ 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- (ii) If work in the street for one project disturbs less than Fifty Percent (50%) of the Roadway Block, and the work is sewer work or involves replacement of two or more Facilities, the Roadway Block must be milled and paved from curb to curb.
- (iii) If work in the street disturbs less than Fifty Percent (50%) of the Roadway Block, and does not meet the criteria in subsection (i) above, the street openings and excavations

must meet the requirements of Section 11 of this Regulation for Trench Restoration.

(b) The Department may, in its sole discretion, consider other factors in requiring the Roadway Block to be milled and paved from curb to curb, such as the locations of the excavations, the extent of lateral trenching for utility service, evidence of existing subsidence and relevant engineering studies.

(3) Private Developers, Milling and Paving.

(a) Except as noted in Subsections (c) and (d) below, private development projects of the following types which disturb in excess of Forty Percent (40%) of the roadway within the Adjacent Roadway Area as defined in Subsection (b), or install an average of three or more utility connections per lot or property involved in the development, shall be required to mill and pave the full Adjacent Roadway Area:

(i) New construction or Substantial Improvement of six (6) or more residential lots or properties fronting on the same Roadway Block.

(ii) Any project involving new construction or Substantial Improvement of at least one hundred linear feet (100') of frontage on a Roadway Block;

(iii) Any private development project fronting on an Historic Street.

(b) Adjacent Roadway Area shall mean:

(i) For streets with a legal roadway width of sixteen feet (16') or less, the area of roadway adjacent to the private development project bounded by the two outer property lines of the project, extended to the opposing curb face so as to intersect it at, or near, right angles;

(ii) For streets with a legal roadway width greater than sixteen feet (16'), and where disturbance to the existing pavement extends beyond the centerline of the roadway, the area of roadway adjacent to the private development project bounded by the two outer property lines of the project, extended to the opposing curb face so as to intersect it at, or near, right angles;

(iii) For streets with a legal roadway width greater than sixteen feet (16'), and where disturbance to the existing pavement does not extend beyond the centerline of the roadway, the area of roadway adjacent to the private development project bounded by the two outer property lines of the project, extended to the roadway centerline so as to intersect it at, or near, right angles;

(iv) Where disturbance to the existing pavement does not extend fully to the two outer property lines of the project, the area of roadway adjacent to the private development project bounded by the limit of disturbance of the project extended to the roadway centerline (or opposing curb face, as appropriate) so as to intersect it at, or near, right angles.

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Such limits of disturbance, when determined by the Department, shall not be less than the lesser of one hundred linear feet (100') of street frontage or six (6) residential lots; or

(v) Where new construction or Substantial Improvement is at a street corner, the Adjacent Roadway Area shall be either of two areas adjacent to the private development project bounded by the property lines of the project, extended to the opposing curb face so as to intersect them at, or near, right angles.

(c) Where a private development project overlaps with, or includes utility extensions or replacements, the requirements of Section 14 (1) or (2) supersedes the requirements of this Section.

(d) Where a private development project meeting the criteria of Section 14(3)(a) either fronts on an Historic Street and disturbs in excess of 40% of the Adjacent Roadway Area in that Historic Street, or the project requires installing an average of three or more utility connections per lot or property involved in the development, a full depth restoration of the Adjacent Roadway Area is required.

(e) Where milling and repaving is triggered by disturbances in two or more Adjacent Roadway Areas abutting an intersection, the full roadway of the intersection between the four (4) house lines of intersection must be milled and repaved.

(f) The Department will appoint all agents responsible for determining the Adjacent Roadway Area, the percentage of the Adjacent Roadway Area disturbed, and any milling and paving requirements; or shall require a licensed professional engineer to prepare calculations for this purpose. Appeals related to any such determinations or requirements must be submitted, in writing, to the Department's Chief Highway Engineer for consideration.

(g) Disturbed area shall include all trench, curb reconstruction, and cut back areas, per Street Department Standard Details L-892 and L-901. Areas disturbed for reasons other than utility installation or curb reconstruction, including areas disturbed by heavy machinery incidental to construction, may also be included in the disturbed area calculation.

(h) If more than one contractor, utility or agency is involved in work in the street openings for the project and the cumulative disturbance from all those involved is at least 40% as constructed, the Developer must do the milling and repaving.

(i) Required milling and repaving shall include all line-striping required by the Department's specifications for that street. If the line-striping is not completed, and the Department places the line-striping on the restored street, the Developer will be billed for the Department's costs.

(4) All work must be completed in a timely manner, and in accordance with the approved plans, as determined prior to the start of construction. Failure to complete any work in a timely manner will serve as justification for a revocation of permits, holds on any Certificates of Occupancy, or the issuance of a Stop Work Order.

(5) Degradation fees required for work within any area subject to the milling and repaving or full depth restoration requirements of this Section will be waived. Degradation fees paid in advance of a determination of the applicability of this Section will be refunded.

## Section 15. Structures within the Right-of-Way.

(1) Interference with Existing Structures or Facilities. New Structures shall not interfere with existing Structures or Facilities, or their connections, except where absolutely necessary, and then only with the previously obtained written consent of the Commissioners of the departments having jurisdiction over the Structures involved. Any modification of existing Structures or Facilities found to be necessary must be made by or under the direction of the department or public utility concerned and at Permittee's sole expense. All necessary supports and protections to existing Structures or Facilities shall be promptly supplied by or at the Permittee's expense and to the satisfaction of the department or public utility concerned.

(2) Removal Generally. If, in the construction of any municipal work, it shall become necessary to change the location of any existing privately owned Structures or Facilities occupying the Right-of-Way, their location shall be changed, at the owner's sole expense, to such new locations as specified by the Department.

(3) Minimum Depth of Structures. The minimum depth of Structures constructed within the Right-of-Way shall be as follows:

(a) Roadway between Curb Lines. No portion of a new Structure, when in place, shall be less than twenty-four inches (24") below the surface of the pavement, except that portion which is designed to form a part of the pavement.

(b) Footways, Curb to Building Line. No portion of a new Structure, when in place, shall be less than fifteen inches (15") below the footway surface, except that portion which is designed to form a part of the paving.

(c) Vaults. The outside top of vault shall be at least four feet (4') below the established grade of the footway over the same, in the erection, construction or reconstruction of such vaults. This applies to any vault, whether privately owned or utility, in the Right-of-Way.

(4) Exposed Surfaces of Structures. All Structures within the Right-of-Way shall be maintained within three-eighths inch (3/8") of the existing surrounding grade. All loose, slippery or broken utility maintenance hole (manhole) covers, castings and other Structures shall be replaced at the Department's direction and to the Department's satisfaction.

(5) Leak Proofing of Underground Structures. Any underground Structure within the Right-of-Way, including manholes, vaults, conduits, pipes, or passageways, shall be so constructed and maintained as to prevent the leakage of gas, water, or other liquid.

(6) Maintenance of Structures. All privately owned Structures occupying locations in

the Right-of-Way, that may be exposed during construction, reconstruction or any municipal work, shall be safeguarded and maintained by the Permittee during the course of the work. If the exposed Structure requires reconstruction or the placing of permanent supports, the owner(s) of the Structure shall perform such work at their sole expense.

(7) Re-Occupation of Vault Space. The Permittee is fully responsibility for all claims of damage, loss and/or injury arising from the occupation or vacation of the street by and from the construction, maintenance and removal of vaults.

(8) Drawing of Finished Work. Immediately after the completion of permitted work, Permittee shall electronically submit complete detail drawings ("as-builts") as specified by the Department, showing the work as constructed, together with a record of the character and location of previously existing Facilities encountered during the work.

(9) All Structures shall be maintained at all times to the Department's satisfaction.

## **Section 16. Refrigerating Pipes.**

(1) Agreement Required. Applicants shall enter into an agreement with the City for permission to lay refrigerating pipes, and obtain a bond satisfactory to the City Solicitor in the sum of twenty-five thousand Dollars (\$25,000.00). Applicant shall indemnify the City for any loss or damages that may occur in the exercise of the privileges granted or which may be granted by the City, and shall comply with all Department regulations.

(2) Construction. The methods and materials used in the construction of refrigerating pipes shall be subject to the approval of the Department and Water Department.

(a) Before laying any pipes, the Permittee shall furnish to the Department a certificate from a responsible agency, certifying to the character, quality, size, thickness, and condition of the pipe and fittings and indicating the test to which the pipe has been subjected.

(b) The pipe line, after being constructed and before the trench is backfilled, shall be subject to a hydrostatic test of at least three hundred pounds (300lbs) per square inch for a period of at least three (3) hours. This test shall be made in the presence of the Water Department representatives.

## **Section 17. Tunneling.**

(1) General Prohibition. Tunneling within the Right of Way to effect repairs is generally prohibited. Two (2) exceptions to this rule are:

(a) Placing Facilities under railroad tracks or conduits in accordance with the standard specifications;

(b) With the written approval of the Department's Chief Highway Engineer or designee.

## **Section 18. Responsibility for Injuries to Persons or Property.**

No Liability to City. The Permittee shall be responsible for any injury to any person or any damage to any property resulting from or by the construction or maintenance of the work herein indicated, or the occupation of the Right-of-Way thereby, or defects or obstructions, or from any other cause whatsoever during the progress of the work or at any time. The Permittee shall indemnify, release, and save harmless the City from all suits or actions of every character, name and description, brought for or on account of any injuries or damages received or sustained by any Structure, Facility, property, person or persons by or from the construction or maintenance of the work herein indicated, the occupation of the Right-of-Way thereby, negligence in safeguarding the work, improper methods or materials used in constructing, or by or on account of any act or omission of the said Permittee or Permittee's agents or employees.

## **Section 19. Severability.**

Severability. If any clause, sentence, paragraph or part of this Regulation, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this regulation nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered.

## **Section 20. Repeal of Prior Versions.**

Repeal. The Regulations of the Department of Streets for Street Openings and Excavations (1955), as well as Regulations for Openings and Restoring Street Openings (1980) as amended in 1986, 2006, and 2012, are hereby repealed. This Regulation is not intended to repeal or modify any portion of The Regulations governing Right of Way Management of the Department of Streets, effective January 12, 2006, as amended in 2009 and 2012.

## **Section 21. Effective Date.**

These Regulations shall be effective immediately following the completion of the procedures required by Section 8-407 of the Philadelphia Home Rule Charter.

  
DAVID J. PERRI, P.E.  
Streets Commissioner

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DEPARTMENT OF STREETS