

CITY OF MARQUETTE

Permits Required for Work in the Public Right of Way

What is a public right of way or easement?

A public right of way is any land that has been deeded to the City or State of Michigan for ingress/egress or the delivery of utility systems to benefit the public. Rights of ways and easements vary in size and scope and the exact boundaries should be verified with the City Engineering Department prior to construction activities.

When is a permit required for work in the public right of way?

Many construction projects involve some work in the public right of way or on public easements. For example, new and existing buildings need sewer and water connections to public utility mains. Parking lots and residential/commercial driveways need driveway access to public streets. Before doing any work in a public right of way or public easement, you must obtain a **permit** for that work from the City of Marquette's Engineering Department.

Examples of work requiring a permit from the City of Marquette include:

- Storage or placement of vehicles, equipment (including overhead equipment), construction materials or dumpsters that block sidewalks or portions of roadways.
- Sidewalk, driveway, and/or curb construction or repair done within the public right of way or easement.
- Excavation by utility companies for the installation of gas, electric, phone and cable facilities within the right of way or public easement.

Specific ordinance language governing permit requirements may be viewed in the City of Marquette web site at www.marquettemi.gov under Departments, in the Community Development page, under City Code, in Chapter 46.

The City requires public right of way permits in order to:

- Ensure public safety.
- Protect City facilities
- Ensure work is completed in accordance with City specifications.
- Provide a reliable record of infrastructure within rights of way.
- Ensure work is completed and restored properly and in a timely manner.
- Avoid conflicts and provide coordination among multiple activities.

How long does it take to process a permit?

Circumstances in which a permit is required for emergency construction activities in the public right of way or easement, such as an emergency utility repair, can be issued immediately after an application is submitted, the fee paid, proof of insurance, and a \$5,000 or \$15,000 permit bond is submitted (bond amounts depend on the type of work as described below). In most cases, however the application and the issuance of a permit will take approximately 5 working days. During this time, the City Engineering, Public Works, Police, Fire and the Parks and Recreation Department will review the application for conflicts or issues. Many firms maintain a bond on file with the City of Marquette. If you do not know the status of a previous bond, please give us a call at 225-8998.

Permit Fees

Permit fees vary according to the type of permit needed. Please review the fees carefully since some fees are a minimum, and may be increased depending on the extent of work performed by the City of Marquette Public Works Department.

All work done within a public right of way or easement without a permit will either result in an **“After the Fact”** fee which is typically twice the fee or removal and replacement of work performed without a permit. These fees can be substantially higher than the base fee and will be enforced.

Bond Requirements

Any person wishing to make any excavation or opening within a public right of way or easement in the City of Marquette shall furnish a bond to the City of Marquette. The bond amount required for underground utility work will be \$15,000. For above-ground work, including driveway and curbing replacements, the bond requirement will be \$5,000. The City may retain any portion of the cash bond necessary to cover any expenses or damages to public or private property incurred through the granting of this permit. Individual bonds will be required for each general contractor and sub-contractor.

Insurance Requirements

The following insurance coverage is required for all utility work in the public right of way or easement and for any event or activity which will block a City Street or impede traffic flow.

<Permitee> shall provide **City of Marquette** with certificates of insurance showing insurance coverage as noted below, stating that coverage afforded on their policies will not be cancelled, limited or allowed to expire until after 30 days written notice has been given to **City of Marquette**. <Permitee> shall maintain this coverage at all times during the performance of this agreement.

Workers Compensation coverage according to any applicable statute.

Comprehensive General Liability including contractual coverage with limits of at least \$1,000,000 per occurrence, \$1,000,000 aggregate bodily injury and \$1,000,000 aggregate property damage or \$1,000,000 Combined Single Limit.

Comprehensive Automobile Liability coverage, including owned, hired and non-owned vehicles with limits of \$1,000,000 per person, \$1,000,000 per accident bodily injury and \$1,000,000 property damage or \$1,000,000 Combined Single Limit.

Each sub-contractor shall be a named insured in <Permitee's> policies. **City of Marquette** will be named an additional insured and loss payee on all <Permitee's> insurance policies (except workmen's compensation insurance, in which **City of Marquette** will not be listed as additional insured or loss payees) and <Permitee's> policies will be on an "occurrence" and not on a "claims made" basis. <Permitee> will file with **City of Marquette**, on or before the commencement of the permitted event and at least ten (10) days before the expiration date of expiring policies, such copies of either current policies or certificates or other proofs, as may reasonably be required to establish <Permitee's> insurance coverage in effect from time to time.

Who is Responsible for Obtaining a Permit?

Ultimately, the property owner is responsible for obtaining a permit. This can be done through the owner/contractor agreement process in which the contractor obtains the permit or the owner can obtain the permit. Once the permit is obtained the contractor shall have in his possession a copy of the permit before any activity is started inside the public right of way or easement. Failure to show proof of a permit will result in the suspension of construction activities until a permit is produced.

Pedestrian and Traffic Control

The permit holder is responsible for traffic control signing in the public right of way. The permit holder is the person who is accepting the conditions of the permit, and as such, is directly responsible to see that the conditions stated on the permit and the traffic control plan are met.

Traffic control devices at work sites are needed to protect you, your co-workers, motorists, bicyclists, and pedestrians from encountering unexpected requirements of difficult maneuvers that may lead to incorrect driver reaction and result in an accident. Traffic controls should route traffic through or around the work area in a manner that is as similar as possible to that of normal roadway conditions, leading the driver along an easily understood and safe drivable path through the confusion of a work site. Any unusual, unrecognized, or difficult to understand traffic control devices can result in the driver choosing an incorrect route, or at the least, blocking the flow of traffic which, in turn, may cause other problems.

All traffic control devices used must meet or exceed the current standards in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and the most recent Standard Specifications for Construction by the State of Michigan. Uniformity in device appearance and consistency in their use throughout the City will lead to better understanding by drivers, reduce confusion, and ultimately reduce accidents.

All traffic control devices used must be maintained throughout the construction period to provide correct positioning and legible faces both day and night. Maintenance includes cleaning and replacement of dirty, missing or damaged devices. Day and night routine inspections are necessary, with the frequency based on common sense. Heavy traffic arterials require more frequent inspections. If inclement weather, vandalism, or other difficulties are experienced, more frequent inspections will be required. No standard schedule is suitable for all conditions. Follow-up action is required to make sure that any deficiencies found are corrected promptly. The permit holder is the person responsible for the inspections and corrective action.

Inspection of Construction Work

All construction work involving curbs, driveways, public sidewalk, water piping, sanitary sewer, and storm sewer will require inspection by the City of Marquette. The City of Marquette must be notified at least 24 hours in advance to inspect the work being completed before concrete forms are filled, or the excavation backfilled. Standard details and specifications are available for the installation of water, sanitary sewer, storm sewer, driveways, sidewalks and curb & gutter at the City of Marquette Engineering Department Office located at 1100 Wright St.

Permit Posting

A copy of the permit must be available for viewing by City staff at the project work site. The permit copy must be posted so as to be visible from the street in which the construction project is taking place.

Who to Contact and Where to go

Contractors, developers, and utility agencies who wish to work in the public right of way should call Mik Kilpela at the Engineering Department Office at 225-8990 prior to applying for a permit or visit the Municipal Service Center at 1100 Wright St..

Curb Cut, Off Street Parking Lot and Permit Applications can be picked up at the following locations:

City of Marquette
Engineering Department
1100 Wright St.
Marquette, MI 49855

On line at www.marquettemi.org on the home page in the forms link.

