

CITY OF IDAHO FALLS

RIGHT-OF-WAY LICENSE FOR CONTRACTORS

Licensing Procedure:

1. Excavation work in City right-of-way or easement.
2. Concrete or asphalt placement work in City right-of-way or easement.
3. Snow removal, debris, of other material in City right-of-way or easement.

Steps:

1. Submit completed application to the Public Works Department along with payment of \$50.00 license fee (annual fee from January thru December)
2. Submit a "Certificate of Insurance," to the Public Works Department showing a minimum amount of \$500,000 liability for excavation work; or minimum \$100,000 liability for concrete or snow removal work, naming City of Idaho Falls as Certificate Holder or Loss Payee.
3. Submit License/Performance Bond in amount of \$5,000 to the Public Works Department (for the year of licensure plus the warranty year).

NOTE: Permits are required for each construction activity

Permit Procedures:

1. Contractor must hold a current license
2. Submit completed and signed permit application and fees, which may require engineered drawings and/or traffic control plan, to the Engineering Division
3. Call Digline (811) for locates
4. Obtain approved permit, signed and dated by the City of Idaho Falls
5. Provide required notice to City in advance of work
6. Complete the work, calling for inspections as required by City code
7. Submit "As-built" drawings to the Engineering Division as required
8. Provide 1 year warranty from date of acceptance for improvements and surface repairs

APPLICATION FOR LICENSE
to work within the
PUBLIC RIGHTS OF WAY OF THE CITY OF IDAHO FALLS

to be filed with the
OFFICE OF CITY ENGINEER
380 Constitution Way
Idaho Falls, Idaho 83404

THIS BOX TO BE COMPETED BY APPLICANT

Date _____

Applicant _____ Individual
(COMPLETE BUSINESS NAME)

Address _____ Partnership
(NUMBER AND STREET) (P.O. BOX)

_____ Corporation
(CITY) (COUNTY) (STATE) (ZIP)

Phone _____ LLC
(AREA CODE) (SOCIAL SECURITY/TAX ID#)

Email: _____ Other

Original Application Renewal Application

I HEREBY CERTIFY THAT I AM FAMILIAR WITH THE CITY OF IDAHO FALLS CODE
SECTIONS 4-5-1 THROUGH 4-5-9 AND AGREE TO ABIDE BY THE CONDITIONS THEREOF.

SIGNATURE OF OWNER TITLE

(FOR OFFICE USE ONLY)

Received By _____ INITIAL Reviewed By _____ INITIAL DATE _____

Bond Rec'd. Bond Amt. _____ Bonding Co. _____

Ins. Rec'd. Ins. Amt. _____ Insurance Co. _____

Bond Exp. Date _____ Insurance Exp. Date _____

License Fee _____ Receipt No. _____ Date _____

License No. _____ Date Issued _____ Issued By _____

City of Idaho Falls

PUBLIC RIGHT-OF-WAY LICENSE INFORMATION

Please complete the following to the best of your ability. This information will be used to issue Right-of-Way use permits. Failure to complete the form may delay issuing permits.

Date _____

License Holder's Name _____

Address _____

Phone _____ Cell / Emergency Phone _____

Company Agent/Officer _____

Type of Work _____

	Authorized Personnel (allowed to call in permits & locates)	Cell / Emergency Phone
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____

Return to: Gary Olson, Public Works Department, City of Idaho Falls, P.O. Box 50220, Idaho Falls, Idaho 83405-0220 Phone: 612-8250 Fax: 612-8570 or 612-8520

**CHAPTER 5
PUBLIC RIGHT-OF-WAY CONTRACTORS**

SECTION:

- 4-5-1: Definitions
- 4-5-2: License Required
- 4-5-3: Application for License
- 4-5-4: Term of License
- 4-5-5: License Fees
- 4-5-6: License Not Transferable
- 4-5-7: Insurance and Bonding
- 4-5-8: Duties and Responsibilities of Public Right-of-Way
- 4-5-9: Suspension and Revocation of Licenses

4-5-1: DEFINITIONS: For the purposes of this Chapter, all terms used herein shall have the same meanings ascribed in the “Public Right-of-Way Construction” Chapter. In addition, certain terms shall have the meanings ascribed below:

PUBLIC RIGHT-OF-WAY CONSTRUCTION: The construction, placement or laying of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line storm drain line; telephone line; electrical line, conduit, or facilities; cable TV line, conduit, or facilities; gas line or facilities; or any other similar structure or appurtenant facilities within any street, alley, easement or other public right-of-way of the City.

PUBLIC RIGHT-OF-WAY CONTRACTOR: Any person, partnership, corporation, association, agency or other organization who engages in the business of public right-of-way construction or who contracts for and engages in removal of snow, debris, or other materials from public rights-of-way. (Ord. 2969, 11-25-14)

4-5-2: LICENSE REQUIRED:

(A) No person shall engage in, control or otherwise direct public right-of-way construction or otherwise engage in the business of a public right-of-way contractor within the City unless such person shall have first obtained a license under the provisions of this Chapter.

(B) Exceptions: No license shall be required for the following persons:

- (1) a person working under the direct supervision and bond of a licensed public right-of-way contractor;
- (2) a person who solely installs, lays, forms or places concrete for any sidewalk, curb, gutter or driveway within a public right-of-way and adjacent or appurtenant to property owned by such a person;

(3) a City employee engaged in performing work for the City or an employee of the State of Idaho while engaged in performing work for the State;

(4) a utility holding a franchise granted by the City, but not including a contractor or subcontractor of such utility;

(5) a person who tills soil to a depth of less than fifteen inches (15”) for agricultural purposes; and

(6) a person who replaces highway guard rails, posts, sign posts, delineative posts, culverts, electric poles, telephone poles, traffic control signs or device supports, or other similar publicly-owned fixtures, in the same approximate location and depth within a public right-of-way. (Ord. 2969, 11-25-14)

4-5-3: APPLICATION FOR LICENSE: All applications for a Public Right-of-Way Contractor's License shall be on such forms and shall provide such information as the City Engineer deems necessary to determine the applicant's capability and responsibility to perform work within any public right-of-way. The license application shall be submitted to the Public Works Department and shall be accompanied by payment of the license fee in an amount set from time to time by Resolution of the Council. Upon receipt of a fully-completed application, the Public Works Department shall forthwith transmit the application and license fee to the Clerk. All applications shall be granted or denied by the Council within sixty (60) days following the receipt of the fully-completed application form by the Public Works Department. (Ord. 2969, 11-25-14)

4-5-4: TERM OF LICENSE: Each license issued under this Chapter shall expire on December 31 of the year for which it is issued. (Ord. 2969, 11-25-14)

4-5-5: LICENSE FEES: The fee for a Public Right-of-Way Contractor's License shall be in an amount set from time to time by Resolution of the Council. Neither the license fee nor any portion thereof shall be refunded once a license has been issued. No portion of the license fee shall be prorated. (Ord. 2964, 8-14-14; Ord. 2969, 11-25-14)

4-5-6: LICENSE NOT TRANSFERABLE: Licenses issued under this Chapter shall not be transferable.

4-5-7: INSURANCE AND BONDING:

Liability and Hazard Insurance: Every contractor granted a license under this Chapter shall maintain comprehensive general liability coverage including completed operations in an amount not less than five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage, provided however if the work to be done is limited to excavation in an easement situated entirely on private property or is for construction of a concrete sidewalk, curb or gutter located within a street right-of-way and parallel with adjoining private property, the amount of such insurance shall be not less than one hundred thousand dollars (\$100,000), single limit. Coverage for underground hazard shall also be included. Contractors engaged in work requiring the use of explosives or work that may endanger or cause the collapse of adjacent

buildings or facilities shall also carry explosion and collapse hazard coverage with a minimum limit of five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage. This coverage may be carried on an individual "project" or "permit" basis where the need for such coverage is applicable. Each policy as required above shall carry an endorsement naming the City as an additional insured under said policy. Each policy shall also contain a clause requiring that the City Engineer be given at least thirty (30) days advance written notice in the event of anticipated cancellation of the policy or any coverage under the policy. Certificates of insurance evidencing the required coverage shall be filed with the City Engineer along with the contractor's license application.

(B) Worker's Compensation Insurance: Contractors with employees shall carry statutory worker's compensation insurance with at least five hundred thousand dollars (\$500,000) employer's liability per occurrence. A certificate of insurance evidencing such worker's compensation coverage as set forth above shall be filed with the City Engineer prior to the issuance of a license under this Chapter.

(C) Bond: Prior to performing work within any public street, alley, easement or other public right-of-way of the City, all licensees shall execute and deposit with the City Engineer either a bond in favor of the City or an equal amount in cash to ensure proper and adequate performance of all work within a public right-of-way in accordance with this Chapter and of the "Public Right-of-Way Construction" Chapter this Code. The amount of such bond shall be in an amount set from time to time by Resolution of the Council. A surety may cancel its future liability under any bond furnished hereunder by giving the City Engineer thirty (30) days advance written notice of the intention to cancel. Cancellation shall not affect any liability which may have accrued under the terms of the bond prior to cancellation. A license shall be subject to revocation whenever a bond is canceled unless a comparable bond is furnished at the time of cancellation of the original bond. (Ord. 2964, 8-14-14; Ord. 2969, 11-25-14)

4-5-8: DUTIES AND RESPONSIBILITIES OF PUBLIC RIGHT-OF-WAY CONTRACTOR:

All licensees under this Chapter shall have the following duties and responsibilities:

(A) Any contractor licensed hereunder shall be responsible for the proper performance of all work required by the contract, whether or not such work is done by him directly or by a subcontractor.

(B) Any licensee shall provide such safety measures and equipment as are required to safely protect workers and the public as prescribed by this Chapter, all other ordinances adopted by the City and all laws of the State of Idaho and the United States.

(C) The licensee shall ensure that all other applicable permits and insurance are obtained by the licensee and any subcontractors working under the contract, prior to undertaking any public right-of-way construction.

(D) The licensee shall present the license when requested to do so by the City Engineer or the City Engineer's authorized representative(s).

(E) The licensee shall faithfully construct all facilities in accordance with any drawings or specifications approved by the City.

(F) The licensee shall obtain all inspections required by this Code.

(G) The licensee shall construct or reconstruct all underground facilities in strict compliance with all applicable codes, specifications and standards adopted by ordinance of the City.

(H) The licensee shall warrant the adequacy and continued satisfactory condition and function of any street repairs or underground facilities constructed or reconstructed within any public right-of-way, for a period of one year after final approval and acceptance thereof by the City. Licensee's bond required by this Chapter shall remain in full effect for the duration of the warranty period. (Ord. 2969, 11-25-14)

4-5-9: SUSPENSION AND REVOCATION OF LICENSES:

(A) The City Engineer may suspend or revoke a license when the licensee commits one or more of the following acts or omissions:

(1) Fails to comply with any provisions set forth in this Chapter or the "Public Right-of-Way Construction" Chapter of this Code.

(2) Knowingly combines or conspires with any person to permit the license to be used by such person, except as allowed in this Chapter.

(3) Knowingly conspires with any other person to violate the provisions of this Code.

(4) Knowingly violates any ordinance adopted by the City or any standard drawings or standard specifications governing the construction, replacement or repair of any utility, street or associated facilities within the City.

(B) The procedure governing the suspension or revocation of licenses shall be as follows:

(1) The licensee shall be notified in writing, by certified mail, that good cause appears to suspend or revoke the licensee's license. The reason or reasons for each action shall be enumerated in such notice.

(2) Upon receipt of the notice, the licensee may request a hearing before the City Engineer. Such request shall be in writing and shall be delivered to the City Engineer within seven (7) days of the receipt of said notice. Such notice shall be deemed received upon its deposit in the U.S. mail, postage prepaid.

(3) If a hearing is requested by the licensee, the City Engineer shall set a time, date and place of said hearing and shall notify the licensee in writing at least ten (10) days prior to the date of the hearing.

(4) When a hearing is conducted, the licensee and other interested parties may present written or oral testimony and evidence. Upon completion of the hearing, the City Engineer shall promptly notify the licensee in writing, by certified mail, of the findings and decision regarding the suspension or revocation of the license.

(C) If the decision rendered by the City Engineer is adverse to the licensee, the licensee may appeal to the Council. Such appeal must be filed within thirty (30) days after delivery of the ruling to the licensee. Such delivery shall be presumed complete upon its deposit in the U.S. mail, postage prepaid, addressed to the last known address of the licensee. The decision rendered by the Council shall be final. (Ord. 2969, 11-25-14)

**CHAPTER 7
PUBLIC RIGHT OF WAY CONSTRUCTION**

SECTION:

- 8-7-1: Definitions
- 8-7-2: Permit Required
- 8-7-3: Exceptions
- 8-7-4: Insurance
- 8-7-5: Application for Permit
- 8-7-6: Permit Fees
- 8-7-7: Location Procedure
- 8-7-8: Completion of Work and Backfilling
- 8-7-9: Time to complete Repairs
- 8-7-10: Maintenance and Safeguards
- 8-7-11: Warranty of Repairs
- 8-7-12: Repairs by City
- 8-7-13: Remedy for Noncompliance
- 8-7-14: No Duty

8-7-1: DEFINITIONS: For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

ACT: The Underground Facilities Damage Prevention Act as set forth in Idaho Code Section 55-2201, et seq.

CONSTRUCTION: The construction, placement or laying of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line; storm drain line; telephone line, conduit or facilities; electrical line, conduit or facilities; cable TV line, conduit or facilities; gas line or facilities; or any other similar structure or appurtenant facilities within any street, alley, easement or other public right-of-way of the City.

EXCAVATION: Any operation in which earth, rock or other material in the ground is moved or otherwise displaced by any means, including, but not limited to explosives.

EXCAVATOR: Any person who engages directly in excavation within City limits.

REPAIR: The improvement, alteration, modification or replacement of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line; storm drain line; telephone line, conduit or facilities; electrical line, conduit or facilities; cable TV line, conduit or facilities; gas line or facilities; or any other structure or appurtenant facilities in any street, alley, easement or other public right-of-way of the City.

UNDERGROUND FACILITY: Any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for landscape sprinkler systems), sewage, electronic signal, telephonic or telegraphic communications, cable television,

fiber optic, electrical energy, petroleum products, gas, gaseous vapors, hazardous liquids or other substances, including, but not limited to pipes, sewers, conduits, cables, valves, lines, wires manholes, attachments and those parts of poles or anchors located below ground.

WORKING DAYS: All days except Saturdays, Sundays and legal holidays.

WORKING HOURS: The hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. local time of any working day. (Ord. 2970, 11-25-14)

8-7-2: **PERMIT REQUIRED:** No person shall engage in any construction, repair or excavation in any street, alley, easement or other public right-of-way within the City without first obtaining a permit to do so approved by the City Engineer. Engaging in any such construction, repair, or excavation without a permit shall constitute an infraction. No permit under this Chapter shall be valid until or unless the notice provisions of Idaho's Underground Facilities Damages Prevention Act have been complied with. The permit shall clearly define the area within which the permittee may do such construction, repair or excavation. A copy of the permit shall be kept on file with the City Engineer for a period of not less than ten (10) years after acceptance of the completed work that was permitted. The permittee shall keep a copy of the permit onsite at all times that work under this permit is being performed. (Ord. 2970, 11-25-14)

8-7-3: **EXCEPTIONS:** Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, a permit shall not be required for the following excavations:

(A) The tilling of soil to a depth of less than fifteen inches (15") for agricultural purposes;

(B) For replacement of highway guardrail posts, sign posts, delineator posts, culverts, electric poles, telephone poles and traffic control device supports in the same approximate location and depth of the replaced item within a public highway right-of-way.

(C) For emergency repairs to underground facilities when any delay in performing the work could reasonably result in a hazard to life or property. In such case, the person performing the work shall notify the City Engineer as soon as practicable and shall complete, backfill, maintain, safeguard, and warranty the work in accordance with the provision of this Chapter. (Ord. 2970, 11-25-14)

8-7-4: **INSURANCE:** No permit shall be issued pursuant to this Chapter unless the applicant presents with the application, or has on file with the City Engineer, a certificate of insurance from an insurance company qualified to write insurance contracts within the State of Idaho, certifying that the applicant has a policy of public liability insurance in an amount of not less than five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage; provided, however, if the work to be done under the permit is limited to excavation in an easement situated entirely on private property or is for construction of a

concrete sidewalk, driveway or curb and gutter within a street right-of-way, but parallel with and adjacent to private property, the amount of such insurance shall be not less than one hundred thousand dollars (\$100,000) single limit for personal injury, death and property damage. Coverage for underground hazard shall also be included. Permits involving work requiring the use of explosives or work that may endanger or cause the collapse of adjacent buildings or facilities shall also require the permittee to carry explosion and collapse hazard coverage with a minimum limit of five hundred thousand dollars (\$500,000) single limit liability for personal injury, death, and property damage. Each policy, as required above, shall carry an endorsement naming the City as an additional insured under said policy. Said insurance policy or policies shall contain a clause requiring that the City Engineer be given at least thirty (30) days advance written notice in the event of expiration or anticipated cancellation. The permit shall be revoked at the time such insurance expires or is cancelled unless a certificate of comparable insurance is filed with the City Engineer prior to the time of cancellation or expiration of the original policy of insurance. (Ord. 2964, 8-14-14; Ord. 2970, 11-25-14)

8-7-5: APPLICATION FOR PERMIT: Applications for construction, repair and excavation permits shall be made at the office of the City Engineer and shall be accompanied by payment of the permit fee. The application shall state the applicant's name, business or home address, the applicant's City Right-of-Way Contractor's license number (if any), telephone number, the location of the construction, the name, address and telephone number of the owner of the property where such repair or excavation will occur, the date notification was given to all one number locator services or the owner of any underground public facility as defined under the Act, and a detailed description of the work to be performed at the location specified. If the applicant complies with the provisions of this Chapter and the proposed construction, repair or excavation work complies with this Code and will not endanger public health, safety or welfare, the City shall issue the permit, provided the City may issue the permit subject to such conditions as are necessary to protect the public health, safety and welfare. No permit shall be issued to any person who does not possess all licenses required by state or local law. (Ord. 2970, 11-25-14)

8-7-6: PERMIT FEES: The fee for each permit issued pursuant to this Chapter shall be in an amount set from time to time by Resolution of the Council. (Ord. 2970, 11-25-14)

8-7-7: LOCATION PROCEDURE AND NOTIFICATION REQUIREMENTS: The permittee shall call for utility locates in accordance with the Idaho Code. The permittee shall also give written or oral notice to the City Engineer or a designated representative not more than seven (7) working days nor less than one (1) working day prior to commencing construction, repair or excavation. If the permittee, after commencing work, shall cease construction, repair or excavation for more than one working day, then notice shall again be given to the City Engineer or a designated representative not more than seven (7) working days nor less than one (1) working day prior to the time when construction, repair or excavation shall again commence. (Ord. 2970, 11-25-14)

8-7-8: COMPLETION OF WORK AND BACKFILLING: All work shall be expeditiously performed and completed as soon as reasonably possible. Upon completion of construction or repair, the permittee shall promptly backfill any street, alley, easement or other public right-of-way in which permittee has made any excavation and restore all surface

improvements. All work, backfilling, and surface restoration shall be done in accordance with the drawings and specifications approved by the City. Any survey monuments disturbed shall be reestablished and remonumented as set forth in the Idaho Code. (Ord. 2970, 11-25-14)

8-7-9: **TIME TO COMPLETE REPAIRS:** Permanent surface repairs shall be completed by the permittee not later than three (3) days after the excavation has been backfilled, unless otherwise authorized by the City Engineer or his designated representative. If weather conditions prohibit permanent repairs, the City Engineer, or a designated representative, may authorize the use and installation of temporary cold patches. Such temporary cold patches shall be replaced by the permittee as soon as weather permits. (Ord. 2970, 11-25-14)

8-7-10: **MAINTENANCE AND SAFEGUARDS:** The permittee shall continuously maintain the construction, repair or excavation site in a safe condition and keep the site free from any condition that may cause risk of harm to any person or property at all times after the work has commenced and until all work, including permanent patching, has been completed and accepted by the City. During such time, permittee also shall provide, install and continuously maintain proper safeguards, signs and barricades at the construction, repair or excavation site. Such signs and barricades shall conform to the requirements and standards set forth in the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCO) published by the U.S. Department of Transportation, Federal Highway Administration, or any other manual adopted by the State of Idaho, Department of Transportation, pursuant to the Idaho Code. (Ord. 2970, 11-25-14)

8-7-11: **WARRANTY OF REPAIRS:** The permittee shall warrant to the City the adequacy and continued satisfactory condition and function of all backfill and permanent patches installed by permittee or by any agent or employee of permittee for a period of one year after the completed work has been accepted by the City Engineer. Such warranty shall extend only to any unsatisfactory condition or function caused by inferior design, workmanship and materials furnished by permittee or by any agent or employee of permittee. (Ord. 2970, 11-25-14)

8-7-12: **REPAIRS BY CITY:** If the permittee fails to install permanent surface repairs within three (3) days after completion of backfill, or if the permittee fails to honor the warranty set forth in the preceding section after demand by the City, the City may complete the work and make such repairs. If such repairs are completed by the City, the City may charge the cost of the repairs to the permittee. The cost of repairs shall be based upon the actual charges and cost to the City of repairs at the time the repair was completed. The permittee shall pay such cost within thirty (30) days after the City has given written notice to permittee of the cost. (Ord. 2970, 11-25-14)

8-7-13: **REMEDY FOR NONCOMPLIANCE:** If any permittee fails to perform any duty imposed by this Chapter or if any permittee fails to pay the costs assessed pursuant the preceding section within the time provided therein, the City, at its option and upon prior written notice to permittee, may suspend or revoke any contractor's license issued by the City to the permittee, cancel or revoke all permits held by the permitted and refuse to issue to the permittee further permits for construction, repair or excavation in public rights of way or easements of the City. The City may also make a claim against the permittee's bond. (Ord. 2970, 11-25-14)

8-7-14: NO DUTY: Nothing in this Chapter shall be deemed or construed to impose any private duty or obligation upon the City to properly or accurately locate any utility line or facility or to ensure that a permittee fully complies with the provisions hereof. (Ord. 2970, 11-25-14)