

**MONTGOMERY COUNTY ENGINEER'S OFFICE  
RULES AND REGULATIONS FOR PERMISSION TO WORK WITHIN THE COUNTY  
RIGHT OF WAY**

1. Traffic shall be maintained at all times, unless permission is granted by the County Engineer to close the road. Requests for road closings must be submitted 5 weeks prior to the desired closing date for review and approval by the County Engineer and road closure approval by resolution from the Board of County Commissioners. Should a road closure be requested, the permit holder must also provide a detour plan. If the permit covers work performed on more than one road, under no circumstance shall more than one road be closed to traffic at the same time. Adequate provision for protection of the traveling public shall be provided by the permit holder at all times. Such protection shall include, but is not limited to, signs, barricades, lights, flaggers, concrete barriers, and steel plates. All traffic control shall be installed and maintained in accordance with the Ohio Department of Transportation Manual of Uniform Traffic Control Devices, latest edition.

*In the case of emergency such as a water main break, the applicant shall contact the Montgomery County Engineer's Operations Division immediately at (937) 837-2528 to report the need for the closure and to ensure proper placement of warning signs and other safety measures as soon as practicable.*

2. The permit holder shall hold harmless, defend and indemnify the Board of Montgomery County Commissioners, the Montgomery County Engineer, their elected and appointed officials, employees and volunteers, other public boards, commissions, authorities and board members, including employees and volunteers thereof, against all claims, suits, actions, costs, counsel fees, expenses, damages, judgements, or decrees, of every name and description, by reason of any person or property being damaged or injured by the permit holder, or any assigns, employees, contractors or subcontractors thereof, operating in any capacity during the progress of or arising from the work, whether by negligence or otherwise.
3. Storage of materials, equipment, or other items necessary for performance of the work within the road right-of-way is not permitted.
4. All areas disturbed or damaged by the permitted operations shall be restored to original condition and to the satisfaction of the County Engineer. Any drainage tiles, culverts, or other utilities or facilities damaged during performance of work under this permit shall be replaced or repaired to the satisfaction of the facility owner and the County Engineer. All existing drainage, water, sewer, electrical, telecommunication, and other utilities or facilities shall be maintained during the performance of the work. Any liability, problem, or issue arising out of cutting, blocking, disturbance, or interference with existing facilities shall be the sole responsibility of the permit holder.
5. Upon completion of work associated with this permit, all materials, trash, and construction debris shall be removed and the roadway and right-of-way restored to a condition acceptable to the County Engineer. This shall include, but is not limited to, backfilling, grading, raking, seeding and mulching. The permit holder shall be responsible for restoration and establishment of growing grass in existing turf and lawn areas; the permit responsibility does not end with the initial seeding.
6. Excavations made within the limits of the road for conduits, drains, pipelines, or other underground utilities or structures shall be properly backfilled with approved material. All trenches and openings within 5 feet of the edge of the pavement shall be backfilled with acceptable compacted granular material. Buried cables, conduits, or pipelines shall be installed to a minimum of 30 inches below the pavement subgrade in paved areas, and 30 inches below the surface of the ground in unpaved areas. When conduits, drains, pipelines, or other underground structures cross existing storm or sewer conduits or structures, the new lines and structures shall be installed with a minimum 30 inches of separation from the existing storm or sewer conduits or structures. Backfilling and restoration shall follow installation of the new lines and facilities as soon as possible. When not separated from traffic by concrete barrier, excavations shall be backfilled daily and the work area restored to a condition acceptable to the County Engineer. Roadside drainage shall be maintained and pavement and berms shall be kept clean of dirt, mud, and debris at all times. Excavated material shall not be stockpiled on the road surface. Excavated material is to be loaded onto trucks as excavated for removal or reuse. Operation of construction equipment from the roadway shall be prohibited unless approved by the Engineer.
7. The permit holder shall be responsible for restoration of the pavement and berm and for restoration of subsequent damage, including trench settlement, occurring within 12 months after completion of the project.

The permit holder shall correct all initial and subsequent damage by suitable means, up to and including resurfacing the roadway, as determined by the Engineer.

8. Trenches through pavement shall be saw cut in straight lines parallel to, and 12 inches outside, the edge of the trench. Any remaining pavement less than 4 feet wide shall also be removed and replaced. Acceptable backfill materials for pavement areas are No. 57 stone, ODOT Item 304 Aggregate Base, ODOT Item 703.11.B Structural Backfill Type 2, or other material approved by the Engineer. Each course of granular backfill shall be compacted using mechanical compactors in maximum 6-inch lifts, or using alternate methods approved by the Engineer. Pavement and base materials shall be replaced in kind and shall match the depth of the existing material. At a minimum, pavement repairs shall consist of 6 inches of ODOT Item 304 aggregate base; ODOT Item 301 asphalt concrete base, PG64-22; ODOT Item 407 tack coat; and 2 inches of ODOT Item 441 asphalt concrete surface course, Type 1 (448), PG64-22. The thickness of the asphalt concrete base course shall equal the thickness of the existing asphalt concrete pavement section, less two inches for the surface course. The permit holder shall maintain suitable temporary driving surfaces of gravel or bituminous material until final pavement restoration is completed. The permit holder shall restore all damaged roadway and pavement areas outside the trench limits. The permit holder shall remain responsible for correcting deficiencies occurring in the restored areas for a period of 12 months following completion of the work performed under this permit.
9. Any above-ground utility, object, structure, line, or facility erected by the permit holder shall be located outside the roadway Clear Zone, as defined by the Ohio Department of Transportation Location and Design Manual, Volume 1, Section 600, and preferably located at the outer limits of the road right-of-way. **Placement of any above-ground utility, object, structure, line, or facility within 4 feet from the edge of the Traveled Way, as defined in the Ohio Department of Transportation Location and Design Manual, Volume 1, Section 301.2.5, will generally be prohibited.**
10. All work requiring equipment, materials, vehicles, or workers in the right-of-way shall comply with the applicable requirements of the Ohio Department of Transportation Manual of Uniform Traffic Control Devices, ODOT Standard Construction Drawings (MT Series), and Item 614 (Maintaining Traffic) requirements of the Ohio Department of Transportation Construction and Material Specifications, latest edition.
11. Lights, barricades, steel plates, flaggers, watchmen, and other personnel and devices as necessary shall be available on site for the protection of traffic, day and night, during performance of the work. Excavations protected with temporary steel plates shall use steel pins or bituminous wedges on each side of the plate in contact with the pavement. Locations where steel plates are expected to remain in the roadway for more than 7 calendar days shall be identified in the permit application. Steel plates shall not be used between December 1<sup>st</sup> through April 1<sup>st</sup> without explicit written permission from the County Engineer.
12. If grading or other construction performed under this permit interferes with drainage of the highway right-of-way or adjacent property, the permit holder shall correct the drainage condition to the satisfaction of the County Engineer.
13. The Board of County Commissioners of Montgomery County, Ohio, and the County Engineer assume no responsibility or liability for any work performed under this permit. Maintenance, protection, repair, and security of all permitted facilities and installations shall remain the sole responsibility of the permit holder.
14. The permit holder shall be solely responsible for all damages to persons or property due to or resulting from any work performed under this permit.
15. The permit holder assumes responsibility for and will hold harmless and save the Board of County Commissioners of Montgomery County, Ohio, the County Engineer, and their officers, employees, representatives and assigns from all claims for personal injuries and property damages arising from this work. The permit holder agrees to maintain coverage and provide proof of insurance in the amount of \$500,000/\$1,000,000 for personal injury and \$500,000/\$1,000,000 for property damage during the performance of the work.