

***CITY OF PALM BAY  
RIGHT-OF-WAY USE  
PROCEDURES & REQUIREMENTS  
MANUAL***



***REV. 09/07***

# RIGHT-OF-WAY USE PROCEDURES & REQUIREMENTS MANUAL

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## **SECTION 1: INTRODUCTION**

### **1.1 AUTHORITY**

The City of Palm Bay regulates the use of public Rights-of-Way – (R/W) in the interest of public safety, convenience and to operate and protect public facilities. The right of the City of Palm Bay to control the public R/W is given by State Statutes and City Code of Ordinances. A request-review-approval system is applied to control the use of the R/W. Entities such as utilities, proposed facility owners and citizens wishing to occupy or conduct work in the public R/W make a formal request, which is reviewed by the City Public Works Dept. for conformance with adopted and accepted procedures, standards, criteria and the City Code of Ordinances. The permit system maintains the integrity of public works facilities and enhances coordination among users of the R/W. Approval is given in the form of a permit to use the R/W on a temporary or long-term basis. As applied to utilities, the permit and a franchise together act as a use and occupancy agreement that allows the utility facility to exist within the City Rights-of-Way. The one exception is telecommunication utilities, where-as a permit and City of Palm Bay Registration Agreement in lieu of a Franchise Agreement, together act as a use and installation vehicle. The exception is to assure compliance to the Federal Telecommunications Act of 1996. The City Procedures and Requirements Manual outlines typical procedures for issuing and general requirements for the contents of permits, i.e., provisions for construction, emergency situations, inspection of work, traffic control, fees, and indemnification.

### **1.2 NOTES:**

It is not the intent of the information contained herein to eliminate the responsibility and necessity for all permit applicants to read and understand the City of Palm Bay Code of Ordinances TITLE 17: Land Development Code, Chapter 179.090 thru 179.999 “Right-of-Way and Easement Use Ordinance” No. 93-03, enacted February 1993.

Please visit the City of Palm Bay Right-of-Way Use website at the following address: [www.palmbayflorida.org](http://www.palmbayflorida.org); Links – City Departments; Public Works; Right-of-Way Services; Right-of-Way Use.

## SECTION 2: GENERAL INFORMATION

### 2.1 PERMITS

A permit is required for virtually all actions in the public Rights-of-Way with the exception of Capital Improvement Projects and road construction or reconstruction, which is overseen and approved by the Public Works Department. The utility, proposed facility owner or citizen initiates the permitting process. Actions typically requiring a permit are: (1) additions to or upgrades of existing facilities; (2) installing new facilities in the R/W. The requirement for a specific permit to perform work in the R/W should apply to every entity involved in any work that will affect the public way, including privately and publicly owned utilities, private developers, contractors, and individuals. Permit purposes include the following:

- (1) Register the entities intention to work within the R/W, in accordance with its franchise; registration agreement or other legal authorizations, to install and maintain service facilities in the R/W;
- (2) Stipulate the nature and extent of such R/W work;
- (3) Provide an administrative means for the City to coordinate use of the R/W space, to hold the entity responsible for the authorized work, to inspect such work and to perform other necessary actions in connection with such R/W operations;
- (4) Grant formal approval for the intended work, establish records of all R/W utility operations and service facilities, and document orderly allocation of space.

Permits may not be required for items such as routine maintenance and subsurface service connections that do not disturb more than 100 sq. ft. of surface area, does not exceed a depth of 48 inches, does not substantially impact pedestrian and/or vehicle traffic, does not impact any existing infrastructure or utility i.e. telecom splice pits; aerial service connections not requiring additional supporting structures within the public R/W; substituting or adding wires to existing poles, or placing facilities in existing conduits or encasement that do not change the type, nature, or operating conditions of the originally-approved facility.

### 2.2 FRANCHISES/REGISTRATION AGREEMENTS

The most logical and cost-efficient method of running a pipeline or an electric or telecommunication cable is frequently along publicly owned property, city streets, alleys, sidewalks, or other public Rights-of-Way (R/W). Recognizing that the use of the public R/W is necessary for the efficient delivery of utility services, the city and utilities enter into franchise/registration agreements that grant access to the public R/W.

The City may grant authority to a utility company to use the public streets, alleys, and other public R/W on a continuing basis, particularly for a public utility business, such as electric, gas, telecommunication, or water/sewer service. This franchise/registration agreement allows the utility to be within the R/W, but does not allow unrestricted use of the R/W. The general approval to use the R/W does not prevent the municipality from controlling specific uses. These specific uses or activities (such as excavating to install or maintain a utility facility in the R/W) are authorized by individual permits. Further authorization beyond the franchise/registration agreement is usually needed before a utility can perform specific work in the R/W. Franchise/Registration agreements provide for:

- (1) Right of utility access on or under city roadways, alleys, and other public R/W's;

- (2) Right of City to request the removal or relocation of utility facilities that interfere with roadways and other capitol improvement projects at the expense of the utility;
- (3) Indemnification safeguarding the City from any liability resulting from the utility's use of city property;
- (4) Authority for the City to inspect utility work in the public R/W;
- (5) \* Compensation under the franchise; and
- (6) \* Timing of utility compensation payments.

\* As a result of the Federal Telecommunications Act of 1996 Telecommunication utilities are not bound by franchise agreements but a Registration Agreement with the City of Palm Bay is required before a Right-of-Way Use permit may be issued.

### 2.3 WHY REGULATE?

Many public and private uses of the streets are for purposes other than vehicular and pedestrian traffic. The City typically allows for the placement of service mains, storm drains, street lighting and traffic control systems in the R/W. Utilities may have gas, telecommunication, Community Antenna Television- (CATV), electric, water/sewer, and other public services both overhead and underground in the R/W. Public and private interests may use the R/W for sewer laterals, driveway approaches, walkways, bikeways, or even parades. Common concerns are:

- (1) Safety. No one wants damage to facilities or accidents resulting in injuries or fatalities. Procedures are defined within the R/W Use Ordinances to avoid disruption of facilities and provide for safe working environments during construction and maintenance operations, both for the workers and others using the R/W.
- (2) Costs. Whether paid for by private funds, taxpayers or ratepayers, the expense of relocation and adjustment of facilities after they are in place should be minimized.
- (3) Inconvenience. The actions of one user after another digging up the same R/W is inconvenient for all and must be controlled.
- (4) Traffic Flow. If a project is planned with traffic impacts in mind, many unnecessary disruptions, delays, and complaints can be avoided. This may also permit the work to be completed in a timelier, efficient manner and at a lower cost.
- (5) Disruption. Government, private industry and citizens want their vital public services to be dependable and uninterrupted.
- (6) Public Image. A sound program for protecting the public investment in infrastructure reflects good stewardship as well as business management.
- (7) Aesthetics. Utility cuts made to access underground facilities are not only detrimental to the street, but also present a poor image to the public. Well-maintained facilities are a credit to the agency to which they belong.

Permits and franchises/registration agreements are issued for occupancy or use of public Rights-of-Way when the applicant does not have property rights. These agreements define the responsibilities of parties using the public R/W. Permit procedures incorporate standards to preserve the integrity, visual quality, operational safety, and function of the public R/W. Industry codes and standards for construction and maintenance of utilities provide for safe, reliable, and economical installations of individual facilities. Failure to adequately regulate the R/W can result in liability and additional costs to the City and the facility owner.

## 2.4 CITY REGULATION

Municipalities regulate the use of public Rights-of-Way. Almost universal practice places the responsibility for R/W utility accommodation in the hands of the public works departments. This places the regulatory powers in the department also responsible for constructing and maintaining public facilities located in the R/W.

The City R/W Use permitting section reviews the application to assure the proposed improvement and construction is in accordance with the City's standards. Single authority over the issuance of permits eliminates unclear responsibilities.

Your cooperation as a potential or existing user of City Rights-of-Way is essential. Together we can make safe and efficient use of this most valuable and limited resource.

Thank you,

Bill Nichols, Right-of-Way Use Coordinator

For additional information and/or assistance, please contact Public Works Department; Right-of-Way Services, (321) 953-8985, FAX (321) 768-6401, WEB Address: [rightofwayuse@palmbayflorida.org](mailto:rightofwayuse@palmbayflorida.org)

## SECTION 3: SPECIFIC INFORMATION

### 3.1 DEFINITIONS

The following terms, as used in this manual, shall have the meanings hereinafter designated. The word “shall” is always mandatory and not merely directory.

- (1) “AASHTO” shall mean the American Association of State Highway and Transportation Officials.
- (2) “Applicants” shall mean any person that is applying for a right-of-way use and easement use permit.
- (3) “Arterial Road R/W” – the primary function of arterial corridors is to move moderate to large volumes of traffic relatively long distances. Arterials often connect widely separated rural and urban communities. Requirements for speed and level of service are usually quite high. Access should be well controlled and where possible limited. Arterials are used to move traffic around local roads and neighborhoods and should form a continuous network designed for a free flow of traffic.
- (4) “ASTM” shall mean the American Society for Testing and Materials.
- (5) “As-built” shall mean site plans, other descriptions and drawings that are produced after the permitted improvement has been installed, placed, replaced, or constructed and is detailing the improvements exact location within a right-of-way or easement. For further details, refer to Section 6, E, of this manual.
- (6) “Business Day” shall mean every day except Saturday, Sunday and legal holidays of the City of Palm Bay, the State of Florida, and/or the United States of America.
- (7) “City” shall mean the City of Palm Bay, the Public Works Director or his designees.
- (8) “City Code” shall mean the Code of Ordinances of the City of Palm Bay.
- (9) “Collector Roads” are intended to serve as the connecting link between local streets and arterials to provide intra-neighborhood access. Traffic characteristics generally consist of relatively short trip lengths, moderate speeds and volumes. Access is of secondary significance, and should be limited to local streets, other collectors and major traffic generators. Collectors should penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better serviced by arterial.
- (10) “Damage” shall mean, but is not limited to, any displacement, disturbance, or destruction, that injures, breaks, impairs or causes harm in any way to City property or other improvements that shall require repair or replacement to create a condition equal to or greater than the condition prior to the occurrence of the damage.
- (11) “FDEP” shall mean the Florida Department of Environmental Protection.
- (12) “Design Plan” shall mean site plans, related descriptions and drawings that are produced before an improvement is installed, placed, replaced or constructed within a right-of-way or easement. For further details refer to Section 6, D, of this manual.
- (13) “Developed Area” shall mean an area maintained and occupied by a commercial or private entities.

- (14) "Easement" (as it relates to this manual) shall mean an interest in land granted, conveyed, dedicated, acquired for or devoted to ingress and egress of vehicular and/or pedestrian traffic.
- (15) "Emergency" shall mean any condition constituting an imminent or existing danger to life, limb or property caused by nature, accident or wear and tear that results in an interruption of any public service, i.e., electrical, telecommunications, water, sewer, etc., or that impedes the use of roads, streets, or other public rights-of-way and easements.
- (16) "Excavation" or "Excavate" shall mean any operation in which earth, rock, or other material in the ground is removed, or otherwise displaced by means of any tools, equipment, or explosives, and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, driving in, auguring, tunneling, scraping, tree and root removal, cable or pipe plowing, pile driving, wrecking, razing, moving, or removing any improvement or mass of material, but does not include the tilling of the soil for agricultural purposes.
- (17) "FDOT" shall mean the Florida Department of Transportation.
- (18) "Franchise" shall mean an initial authorization, or contracts, or renewal thereof issued by the City of Palm Bay, whether designated as a franchise, permit, license, resolution, ordinance, contract, certificate, and agreement or otherwise, that authorizes any person to use any right-of-way or easement. (Also refer to Item 28. "Registration Agreement" below.)
- (19) "Franchisee" shall mean a person who has been granted a franchise by the governing body of the City of Palm Bay.
- (20) "Improvement" shall mean any physical changes made to land within Rights-of-Way and easements by placing streets, sidewalks, bicycle facilities, roadbeds, culverts, drains, sluices, ditches, water storage area, waterways, embankments, slopes, retaining walls, guardrail bridges, curbs, gutters, manholes, vaults, buried cables, conduit, wires, irrigation systems, water mains, sanitary sewer facilities, traffic control devices, signs of any kind, security lights, street lights, landscaping, permanent control points (PCP), permanent reference markers (PRM), concrete monument reference markers, or any similar facilities. It shall include, but not be limited to, any aerial lines and underground lines that are designed to transport: electric current, telecommunications, Community Antenna Television or any other service lines – and all appurtenances, pole lines, poles, railways, ditches, sewers, water, heat or gas mains, liquid transmission lines, pipelines, fences, holding tanks, and pumps, vaults, duck banks, or conduit of any kind or other structures hereinafter referred to as the improvement.
- (21) "Local Street" – the primary function of a local street is to service the adjacent property by providing initial access to the highway network. These facilities are characterized by short trip lengths, low speeds and small traffic volumes. Through traffic on these facilities should be discouraged. In addition to the above classifications, streets and highways may also be classified as "major" or "minor", depending upon traffic volumes.
- (22) "Maintenance" shall mean activities that require a work effort to keep or maintain components of existing improvements in a safe and serviceable condition.
- (23) "O.S.H.A." – shall mean the Occupational Safety Health Act.
- (24) "Permit" shall mean the same as Right-of-Way and Easement Use Permit.
- (25) "Permittee" shall mean any person having been granted a Right-of-Way and Easement Use Permit by the City. The word "permittee" shall include all persons acting in behalf of the person to whom a permit has been issued.

- (26) "Person" shall mean any individual, franchise, firm, joint, venture, partnership, corporation, association, organization, business trust, municipality, or other political subdivision, governmental unit, department, or agency, and shall include any trustee, receiver, assignee, or personal representative thereof.
- (27) "Public Works Department" shall mean the Public Works Department of the City of Palm Bay and all of its divisions; also the Public Works Director and his designees.
- (28) "Registration Agreement" The one exception to the FRANCHISE AGREEMENT requirement is telecommunication utilities, where-as a permit and City of Palm Bay Registration Agreement in lieu of a Franchise Agreement, together act as a use and installation vehicle. The exception is to assure compliance to the Federal Telecommunications Act of 1996. (Also refer to Item 18. "Franchise" above.)
- (29) "Right-of-Way (R/W)" shall mean an interest in land granted, conveyed, dedicated, acquired for City purposes, or devoted to vehicular and/or pedestrian traffic and the conveyance of stormwater; this shall include but not be limited to land in which the state, county, or city owns fee simple title, or has established any type of ownership thereof or interest in any land utilized by the City for vehicular and/or pedestrian traffic and the conveyance of stormwater or other purposes.
- (30) "Right-of-Way and Easement Use Permit" shall mean the document issued by the Public Works Department of the City of Palm Bay' that authorizes permittee to install and construct improvements as described in the City of Palm Bay Code of Ordinances within rights-of-way and easements.
- (31) "Undeveloped Area" shall mean an area not maintained or occupied by a commercial or private entity.

### **3.2 EXEMPTIONS**

Any person with an active franchise/registration agreement in full force shall be exempt from the right-of-way use permit fees, unless specifically provided for within the language of the individual franchise/registration agreement.

### **3.3 PROHIBITED USES WITHIN RIGHTS-OF-WAY**

#### **(1) Rights-of-Way**

Prohibited uses on any right-of-way within the City of Palm Bay include, but are not limited to, the following: mailboxes other than prescribed by the U.S. Postal Service and the FDOT Roadway and Traffic Design Standards; decorative walls, retaining walls; barriers/obstructions of any kind; construction materials (except for those construction materials intended for permitted use within the right-of-way and that are stored for a period of time not to exceed the duration of the permit); soils and/or debris of any kind; trees and shrubs (except as defined and outlined in the Highway Beautification and Landscape Management Rule Chapter 14-40, F.A.C. or most current edition); wells; recreational devices of any kind; sanitary facilities; benches; planters; unauthorized bus shelters; decorative statues; privately owned irrigation systems or irrigation systems not installed by a government entity, unless specifically approved by the Public Works Department; governmental or off-premises direction/guidance signs not permitted by law; any improvements for personal or private use, except in the case of approved private security lights, supplied and installed by a franchised electrical power company; the servicing or repairing of any vehicle except the rendering of emergency service and the storage of vehicles being serviced or repaired and the display of unauthorized advertising; except that any portion

of a right-of-way may be used for an art festival, parade, fair or other lawful events if permitted by the City of Palm Bay Code of Ordinances.

(2) Easements

It is also prohibited to install, place, locate or construct any improvement for personal or private use within easements. Any improvement requiring a permanent foundation or which can not be readily removed is also prohibited.

### **3.4 RIGHT-OF-WAY USE PERMIT – WHEN REQUIRED AND WHEN NOT REQUIRED**

#### **3.4.1 Required**

A Right-of-Way Use Permit shall be obtained from the Public Works Department prior to installing, placing constructing or replacing as described in the City Code of Ordinances, any improvement within any right-of-way, including but not limited to the following: all excavation, jack and bores regardless of bore method used, all poles, regardless of design used and all above-ground improvements that create an obstruction. All public street lights shall require a Right-of-Way Use Permit but shall be exempt from the right-of-way use permit fee.

#### **3.4.2 Not Required**

A Right-of-Way Use Permit shall not be required for the following:

##### **3.4.2.1 Driveways**

Refer to TITLE 17, Chapters 179.075 thru 179.079 within the City of Palm Bay Code of Ordinances.

##### **3.4.2.2 Franchisee or Registered Telecommunication Utility**

Only when the proposed improvement within the City right-of-way meets all the following conditions:

- (1) Will not disturb any paved areas.
- (2) Will not disturb any other improvements/infrastructure in the area.
- (3) Will not disturb vehicular or pedestrian traffic to any degree.
- (4) Will not disturb an area larger than 100 square feet in any shape.
- (5) Will not exceed a depth below grade of 48 inches.
- (6) Will be restored to a condition as good as or better than existed before the effort. The disturbed soil will be stabilized with like sod in front of developed areas or seed and mulch in front of undeveloped areas, except sod shall be used on all disturbed areas with a slope angle of 3 to 1 or greater.
- (7) Underground service connection, when the trench width is twelve inches (12”) or less.
- (8) Is not a jack-and-bore of any kind, regardless of intended method of underground piercing to be used.

##### **3.4.2.3 Work**

When the effort of the proposed work will be confined within the public utility and drainage easements and not within the rights-of-way and easements as defined in Section 1 of this manual.

### **3.5 LIABILITY**

The issuance of a Right-of-Way Use Permit and inspection or re-inspection of the proposed improvements shall not be construed to create liability or hold the City responsible or liable for any damage to persons or property.

### **3.6 PERMIT PROCEDURES AND REQUIREMENTS**

Application for a permit shall be made to the Public Works Department on forms provided by the City for this purpose. The application shall meet the following requirements.

#### **3.6.1 Applicant**

Any person who can meet the requirements as set forth in the City Code of Ordinances and shall be the owner(s) or legal agent representing the owner(s) of the proposed improvements and not a subcontractor or other persons. If a permit application is submitted by an authorized agent representing the owner(s), a legal document demonstrating such authorization must accompany the permit application.

#### **3.6.2 Permit Time Limitations**

In no case shall construction commence before a permit is issued except in the case of Emergency, as defined in Section 3.1 - Definitions. A permit issued by the City shall be valid for a period of one-hundred and twenty (120) days from the date of issuance. If a period in excess of 120 days is required because of the scope of the work, approval shall be obtained in advance of the issuance of the permit and the permit validation period shall reflect such extension. In no event shall any permit be valid for more than one (1) year from the date of issuance.

After the issuance of the permit, the permittee shall notify the City a minimum of 48 hours (2 business days) prior to commencing construction. This notification will allow for scheduling of inspections. If a road closing is required, the permittee shall submit a Maintenance of Traffic (MOT) plan with the permit application, to include all proposed road closings, with an expected time of duration for each closing. Road closing shall require separate approval by the Public Works Department. A minimum of 72 hours (3 business days) notification shall be required prior to the commencement of the closure. If a road closing is approved, the permittee shall follow protective measures as outlined in The Code of Ordinances. Road closing of less than fifteen (15) minutes shall not require notification, although protective measures shall be followed.

#### **3.6.3 Permit Fee – (refer to Section 2. EXEMPTIONS, of this manual)**

Fees and other charges for Land Development Code applications, administration, reviews & other related purposes shall be established by City Council by resolution. Such fees or other charges and their adoption by City Council, shall be considered administrative by nature and shall be considered a part of the Land Development Code or a Land Development regulation (Amended Ordinance 2006-44)

#### **3.6.4 Design Plan**

All applicants shall submit, with the permit application a DUPLICATE SET of design plans folded to a size not to exceed 8 ½ x 14 inches, except in the case of projects that require Growth Management Department “Site Plan Approval”. In such a case one set of design plans are acceptable. The design plans shall describe the following: materials to be used, type, quantities, pipe, conduit or cable size; pipe schedule if applicable or wall thickness, use of pipe or cable (power with voltage, gas with maximum allowable operating pressure, etc.) and all other pertinent details. One or more typical cross sections and/or profiles and plan views adequately reflecting the location of the improvement within the Right-of-Way shall be shown.

IN ALL CASES, DIMENSIONS SHALL BE REFERENCED FROM THE RIGHT-OF-WAY OR EASEMENT LINE IN ADDITION TO ANY OTHER DIMENSIONS THAT MAY BE SHOWN. All existing improvements located with the work area shall be shown. If proposed improvements involve only one side of the right-of-way, only the existing improvements on that side of the right-of-way need to be shown. The minimum vertical clearance above or below the pavement and grade shall be shown. In all cases, permittee shall list all right-of-way and easement users that may be affected and notify each of them. A simple key map showing the location of the improvement along with the proper Port Malabar Unit number or Country Club Unit number or subdivision name, whichever is applicable, shall be included.

In addition to the above requirements, any proposed improvements that consist of any of the following improvements shall require a design plan at a minimum scale of 1" = 50' and all references to grade and drainage elevations shall be NGVD 1929.

- (1) A water or gas main of six inches (6") or larger in diameter
- (2) A sanitary force main of six inches (6") or larger in diameter.
- (3) Electrical distribution line or telecommunication lines or community antenna television (CATV), cable plants when any have a cable or combined conduit size of six inches (6") or larger in diameter.
- (4) Gravity sewer mains.
- (5) Improvements that will require a trench line excavation width larger than eighteen inches (18").

### **3.6.5 As-Built**

The as-built site plan shall be at a minimum scale of one inch (1") equals fifty feet (50') (1" = 50') and all references to grade and drainage elevations shall be NGVD 1929. As-builts shall include a plan view elevation and location of effected drainage swales, culverts, manhole rims, roads, curbs and any other similar improvements.

As-built site plans shall be required for any of the following circumstances and shall be supplied to the City prior to the permit expiration.

- (1) Water or gas main six inches (6") or larger in diameter.
- (2) Sanitary force main six inches (6") or larger in diameter.
- (3) Electrical distribution lines or telecommunication lines or community antenna television (CATV), cable plants with a cable or combined conduit size of six inches (6") or larger in diameter.
- (4) Gravity sewer mains.
- (5) Improvements that will require a trench line excavation width larger than eighteen inches (18").

### **3.6.6 Authorized Signature**

The City shall require any franchise/registration agreement user of the rights-of-way and easements to submit annually a list of authorized parties within their concerns who may sign the Right-of-Way and Easement Use Permits for the current fiscal year. The list shall include the position, printed name and demonstrated signature of each authorized individual.

### **3.7 DESIGN, MATERIAL, TESTING AND REPORTS**

The purpose of this section is to specify the limits on open pavement cuts, to describe the improvement location zones within the right-of-way, to detail the improvement's minimum clearance and coverage requirements and also to specify accepted materials and testing methods to be used within the rights-of-way.

#### **3.7.1 Design Requirements**

##### **3.7.1.1 Location (Also, refer to the Standard Utility Location Detail)**

Improvements shall be located as determined by subsection a and b below. IN ALL CASES, DIMENSIONS ARE TO BE REFERENCED FROM THE RIGHT-OF-WAY LINE. The permittee may use additional reference at his own discretion.

###### **(1) Electric, Telecommunications, and CATV Cable Plant Improvements**

Permittee may, at their own discretion but with the limits of the City Code of Ordinance, locate electric, telecommunications and CATV cable plant improvements underground or aerial. The City encourages the use of rear and side property line utility easements and arterial and collector road rights-of-way for all aerial improvements. When aerial improvements are permitted within a road right-of-way, only one side of the road right-of-way will be reserved for aerial improvements. However, improvements may be allowed on the opposite side of the road right-of-way when the location is required. Where feasible and practical, street lights should be attached to existing poles that otherwise meet the City's criteria, thereby eliminating additional poles.

###### **(2) Aerial/Underground Location Zones**

All aerial improvements shall be located in a zone of between zero (0) and two feet (2') inside the road right-of-way line, except in a case where the concrete pole base exceeds two feet (2') in width. The additional size shall be accommodated if sufficient space is available. All underground improvements shall be located in a zone of between zero (0) to six feet (6') inside the road right-of-way line.

###### **(3) Water, Sewer and Natural Gas Location Zones**

All water, sewer and natural gas improvements located within a road right-of-way shall be installed underground. The location shall be in a zone of between six feet (6') to ten feet (10') inside the right-of-way line.

(4) In cases where conflict exists that would prevent the location of proposed underground improvements in the location zones provided for above, the following shall apply: If sufficient right-of-way width exists to provide for the proposed underground improvements to be located outside of the dedicated zones and excavation will not be required within (5) five feet of the edge-of-payment, the proposed location shall be considered for approval. The final decision shall, in all cases, be that of the Public Works Director or designee and shall be binding on the permittee.

##### **3.7.1.2 Clearance**

The minimum clearance requirements for installation of improvements shall be as follows:

###### **(1) Aerial Improvement**

All aerial facilities shall have a minimum clearance of eighteen feet (18') above the road surface. Other government agencies or codes may require a greater clearance for certain applications. In such cases, the greater clearance requirements shall prevail. Traffic signalization

improvements may be exempt from the minimum eighteen foot (18') clearance at the discretion of the Public Works Director or designee.

(2) Underground Improvements

All underground improvements shall be a minimum of thirty inches below the existing grade. Any crossing or parallel installations of improvements to include storm drain culverts shall have a minimum separation of twelve inches (12"). Manhole tops, valve boxes and meter boxes shall be located no higher than existing grade. Where the construction specifications of any other governmental agency having jurisdiction over the permittee are more stringent than that of the City's, the more stringent requirements shall govern.

**3.7.2 Material Standards**

**3.7.2.1 Non-Paved Areas**

(1) Backfill

Backfill materials shall be of AASHTO Specification M 145, soil classification of A-3 or better. Said materials shall be free of unsuitable materials such as muck, humus, peat, spongy material, roots, stumps, paving materials or concrete.

Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 Edition of "Standard Specifications for Road and Bridge Construction", Section 121 – Flowable Fill, Subsections 121-1 thru 121-6, or the most current edition.

(2) Seed

When excavation occurs in front of undeveloped areas, utilization of seed and mulch is permissible. When utilized, permanent type grass seed shall consist of a mixture of 20 parts of Bermuda seed and 80 parts of Pensacola Bahia seed and shall be of a common variety with a minimum pure seed content of ninety five percent (95%) with a minimum germination of eighty-five percent (85%). Pensacola Bahia seed shall have a minimum pure seed germination of forty percent (40%) and a total germination of eighty percent (80%) including firm seed.

(3) Mulch

Mulch shall be used with seed, as specified herein. Mulch shall be dry mulch which shall be straw or hay consisting of oat, rye, wheat, straw, or of pangola, peanut coastal Bermuda or Bahia grass hay. Only undeteriorated mulch which shall be readily cut into the soil shall be used.

(4) Sod

When excavation occurs in front of developed areas, said disturbed area shall be sodded with the same type of sod as existed prior to excavation. If no sod existed, seed and mulch as provided for in Section 7, B, 1, b and c, shall be utilized. In the event a discrepancy should arise as to the existence or non-existence of sod prior to excavation, in all cases sod shall be used, at the permittee's expense.

(5) Watering

All affected areas whether seeded or sodded shall be maintained and regularly watered to ensure eighty percent (80%) standing growth.

(6) Concrete, i.e., Driveways, Bikeways, Etc. (Also refer to the driveway construction details and the standard concrete bikeway/sidewalk tooling detail.)

Any concrete that is removed shall be replaced with concrete that meets the minimum requirement of 3000 PSI, Class 1, concrete or shall be replaced by like construction, and size whichever is greater. (Refer to driveway construction details)

### 3.7.2.2 Paved Areas

#### (1) Backfill

Backfill material shall be of AASHTO Specification M 145, soil classification of A-3 or better. Said materials shall be free of unsuitable materials such as muck, humus, peat, spongy material, roots, stumps, paving materials or concrete.

Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 Edition of "Standard Specifications for Road and Bridge Construction", Section 121 – Flowable Fill, Subsections 121-1 thru 121-6, or the most current edition. Base materials as specified herein shall be used in conjunction with flowable fill in all paved areas.

#### (2) Base Materials

The following types of material are acceptable for base materials:

(a) Limerock: Limerock shall be of Miami or Ocala formation. The composition of limerock materials shall consist of a minimum percentage of carbonates of calcium and magnesium to be seventy (70). The maximum percentage of water-sensitive clay mineral shall be three (3). The liquid limit shall not exceed thirty-five (35) and the material shall be non-plastic. Limerock material shall not contain cherty or other extremely hard pieces, lumps, balls or pockets of sand or clay size material in sufficient quantity so as to be detrimental to the proper bonding, finishing or strength of a limerock base. Gradation requirements shall be that ninety-seven percent (97%) by weight of the material shall pass through a three and one half inch (3 1/2") sieve and the material shall be graded uniformly down to dust. The fine material shall consist entirely of dust fracture. All crushing or breaking up that might be necessary in order to meet such size requirements shall be done before the material is placed on the road. Limerock base shall have an LBR value of not less than one hundred (100).

(b) Cemented Coquina Shell Material: Cemented coquina shall be defined as material from the Anastasia Formation composed essentially of whole or broken shells, coral and the skeletal remains of other marine invertebrates which have been cemented together by carbonates, silicates or other natural cementing agents. The material shall not contain loose shell or silica sand in sufficient quantity to prevent proper bonding. Material that shows a significant tendency to slake or undergo chemical or physical change on exposure to weather will not be acceptable. The minimum percentage of carbonates of calcium and magnesium in the material shall be fifty (50). At least ninety-seven percent (97%), by weight, of the material shall pass a three and one-half (3 1/2") sieve. Not more than twenty percent (20%), by dry weight, of the material shall pass through two hundred (200) sieve by washing. The portion of the material passing the No. 40 sieve shall be non-plastic. The material shall have an LBR value of not less than one hundred (100).

#### (3) Prime Coat

Prime coat will be Cut-Back or Emulsified Asphalt. Permittee shall submit a current design that shall conform to the following specifications:

(a) Cut-Back Asphalt: Cut-Back Asphalt shall be grade RC-250 rapid-curing cut-back asphalt conforming to the requirements of AASHTO M81 except that the penetration range shall be from 60-120 instead of 80-120.

(b) **Emulsified Asphalt:** Emulsified asphalt shall be Grade SS-1 conforming to the requirements of AASHTO – 140 (for anionic) and M208 (for cationic).

(4) **Tack Coat**

Tack Coat shall be emulsified asphalt, Grade RS-2, SS-1 or SS-1H meeting the requirements of AASHTO M140 (for anionic) and M208 (for cationic) except that the viscosity requirements shall not apply.

(5) **Asphaltic Concrete**

Asphaltic concrete for use as surface courses on City of Palm Bay streets shall be Type S-1 or Type S-111, conforming to the 2004 FDOT Standard Specifications for Road and Bridge Construction (Supplemental Edition and/or most current edition). Permittee shall submit a current design that shall conform to the above specifications prior to placement.

(6) **Pavement Markings**

Striping materials shall be replaced with existing like material with prior approval from the Public Works Director or designee.

**3.7.3 Testing and Reports When Required – (Also refer to Section 8, C and D of this manual)**

In unpaved areas, when trench widths are greater than twelve inches (12”) and/or greater than forty-eight inches (48”) below existing grade, testing reports shall be in full accordance with the Code of Ordinances.

In paved areas, trenching of any kind shall be tested in accordance with the Code or Ordinances.

All testing reports shall be by a qualified testing laboratory, both signed and sealed by the laboratory’s Florida certified professional civil engineer. Reports shall be submitted to the Public Works Department in a timely fashion. Test reports shall be received by the City prior to the expiration of the permit. The expense for testing shall be borne by the permittee and testing shall be done to the following specifications:

**3.7.3.1 Backfill Unpaved Areas**

(1) Moisture density relationships shall be in accordance with AASHTO T-180-86 for every material change.

(2) In place density shall be in accordance with AASHTO T-204-86 or T-238-86.

(3) Testing shall begin at the improvement bed if the bedding was disturbed. If the bedding was not disturbed and is suitable as a foundation to support the improvement, the first test shall begin at a maximum distance of twelve inches (12”) above the improvement and continue in twelve inch (12”) layers to the surface.

(4) Tests shall be taken at a frequency of once every uninterrupted compaction effort and twelve-inch (12”) layer of compacted material or once every two-hundred (200) linear feet and twelve-inch (12”) layer of compacted material, whichever is the shortest distance.

(5) Backfill around improvements such as manholes, inlets, and the like, shall be tested to a distance not to exceed five (5) feet away from the improvement in the manner prescribed in this section. All tests shall be representative of the entire compaction effort around the improvements.

(6) Density test results will be accepted on stabilized, non-yielding surfaces only.

(7) Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 edition of *Standard Specifications for Road and Bridge Construction*, Section 121-Flowable Fill, Sections 121-1 through 121-6, or the most current edition.

### **3.7.3.2 Backfill Paved Areas**

(1) Moisture density relationships shall be in accordance with AASHTO T-180-86 for every material change.

(2) In-place density tests shall be in accordance with AASHTO T-204-86 or T-238-86.

(3) Testing shall begin at the improvement bed to determine that the bedding was not disturbed and is a suitable foundation to support the improvements. Tests shall continue in twelve-inch (12") layers to the bottom of the base material.

(4) Trenching parallel with the road: Tests shall be taken at a frequency of once every uninterrupted effort and twelve inch (12") layer of compacted material or once every two hundred (200) linear feet and twelve-inch (12") layer of compacted material, whichever is the shortest distance.

(5) Trenching perpendicular to the road: Tests shall be taken at a frequency of once for each lane width of traffic and for each twelve-inch (12") layer of compacted backfill.

(6) Density test results will be accepted on stabilized, nonyielding surfaces only.

(7) Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 edition of *Standard Specifications for Road and Bridge Construction*, Section 121-Flowable Fill, Subsections 121-1 through 121-6, or the most current edition. Base materials as specified herein shall be used in conjunction with flowable fill in all paved areas.

### **3.7.3.3 Base Material**

(1) Limerock bearing ratio (LBR) shall be tested in accordance with FDOT Florida Method (FM) 5-515 for LBR and FM 5-514 for carbonates. Sampling for the above tests shall be in accordance with FM 5-504. The minimum frequency for testing LBR and carbonates is one test for each day's production and/or every material change.

(2) Moisture density relationship shall be in accordance with AAHTO T-204-86 or T-238-86. Said testing shall occur for each six inch (6") layer of compacted base material for each lane width of traffic to the bottom of the asphaltic concrete.

### **3.7.3.4 Asphaltic Concrete**

Hot mix materials aggregate testing shall be for stability, extraction (bitumen content) and gradation at a minimum frequency of one A.M. and one P.M. for each day's work.

### **3.7.3.5 Concrete**

Twenty-eight (28) day compressive strength test shall be in accordance with ASTM C-39 at a minimum frequency of one (1) set of four (4) cylinders and slump for each day's pour or for each fifty (50) cubic yards whichever is greater.

## **3.8 CONSTRUCTION PROCEDURES**

All work authorized by the permit shall be completed in accordance with the construction specifications as described in the City of Palm Bay Code of Ordinances. Where the construction specifications of any other governmental agency having jurisdiction over the

permittee are more stringent than that of the City's, the more stringent requirements shall govern.

### **3.8.1 Protective Measures and Traffic Flow**

Whenever any activity on a right-of-way is permitted, the permittee shall meet the requirements of the Florida Department of Transportation Roadway and Traffic Design Standards – Traffic Control through Work Zones, Index 600; (most current edition).

Permittee shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project. Permittee shall also take all necessary safety measures to assure the safety of all employees on the project and other persons who may be affected by any construction. Permittee shall take all measures necessary to protect and prevent damage to any project materials or equipment to be incorporated into the project, whether in storage on or off the site and other property or improvements at the site or adjacent thereto, including but not limited to trees, shrubs, lawns, drainage swales, walks, pavement areas, roadways, and/or any other improvements not designated for removal, relocation or replacement in the course of construction.

Permittee shall comply with all applicable laws, ordinances, rules, regulations and orders of any governmental agency having jurisdiction over permittee' activities. Permittee's duties and responsibilities for the safety and protection of the project shall continue until such time as all the work is completed and the permit is closed out.

### **3.8.2 Protection of Adjoining or Adjacent Property and Improvements**

In Performing the Work Authorized by the Permit, the Permittee shall:

- (1) Keep all drainage improvements within the area of the construction free and unobstructed at all times. Permittee shall store, retain and take proper measures to prevent silt discharge, etc., for all surplus water resulting from the work, in conformance with all current regulations and permits.
- (2) Sweep and clear all obstructions, dirt and debris of any kind from roadways, sidewalks, bike paths and other public thoroughfares daily.
- (3) Insure that any excavation or other activities do not interfere with the access to fire hydrants, fire stations, valve housings, emergency vehicles or other similar equipment that is vital to the safety, health and welfare of the citizens of Palm Bay.
- (4) Be required to use rubber-tired vehicles and not tracked vehicles, where necessary, to prevent damage to existing paved surfaces which would not otherwise be subject to repair or replacement as a direct result of construction, authorized by the permit. It shall be acceptable to place a minimum of two inches (2") of soil or rubber tire casings between the tracks and the paved surface to prevent damage.
- (5) Insure that all excavated material retained on site be placed, removed or located so as not to endanger the safety of workers, pedestrians or traffic, and so as not to present an inconvenience to adjoining property or traffic. The permittee shall take measures to reduce noise, dust, and unsightly debris at all times.

### **3.8.3 Trenching – Unpaved Areas (Also, refer to the Standard Trench Detail)**

- (1) Length

The maximum allowable size of any trench to be opened in one (1) day is hereby limited to the size of trench that can be properly backfilled in accordance with the provisions of this ordinance during any one (1) day's work.

(2) Cover

Underground installations shall be a minimum of thirty inches below the existing grade. Any crossing or parallel installations of improvements to include storm drain culverts shall have a minimum separation of twelve inches (12"). Manhole tops, valve boxes, and meter boxes shall be located no higher than existing grade. When the construction specifications of any other governmental agencies having jurisdiction over the permittee are more stringent than that of the City's, the more stringent requirements shall govern.

(3) Compaction

When improvements can be installed in a trench width of twelve inches (12") or less and no deeper than forty-eight inches (48") below existing grade, a compactive effort shall be required, however no testing is required.

(4) Width

When improvements are installed in trenches with a width of greater than twelve inches (12") and/or greater than forty-eight inches (48") below existing grade, the trench width shall be a minimum of the diameter of the improvement plus twenty-four inches (24"); that shall be twelve inches (12") on each side of the improvement. All compactive efforts and testing shall be required as specified in Section 7, B and C, and Section 8, C, of this manual.

(5) Unsuitable Material Below Improvement

Wherever excavation of the trench exposes unsuitable materials, as described in Section 7, B, 1, a, of this Manual, in the bottom of the trench and is an unsuitable foundation upon which to lay or support the improvement, such unsuitable materials shall be removed. The trench shall then be backfilled and compacted to a density of ninety-five percent (95%) of AASHTO T-180-86, for each eight inches (8") of suitable material to the bottom of the improvement. The placement of three-quarter inch rock gravel to the necessary depth may be used as an alternative to the above method.

(6) Backfill (Also refer to Standard Trench detail)

Only good quality backfill, as provided for in section 7, B, 1, a, of this manual shall be used. All soft and yielding material and other portions of the subgrade which will not compact readily shall be removed and replaced with suitable material. Backfill shall be compacted in two (2) stages. The first stage of compaction shall be up to a point of one-half (1/2) the diameter of the improvement. The second stage of compaction shall start at a point one (1) foot above the improvement and continue in twelve-inch (12") layers to the surface. Each layer's compaction effort from one (1) foot above the improvement shall achieve a minimum of ninety-five percent (95%) of maximum density in accordance with AASHTO T-180-86. Each layer shall be compacted to the required density and tested as provided for in this subchapter, prior to placing the next layer. Density tests shall be accepted only on stabilized, non-yielding surfaces. Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 Edition of Standard Specifications for Road and Bridge Construction, Section 121-Flowable Fill, Subsections 121-1 through 121-6, or the most current edition.

(7) Removal and Use of Excavated Material

All excavated soils from any project deemed suitable as fill material shall be utilized on the permitted project or delivered to a City facility designated by the Public Works Department. All excavated soils deemed unsuitable as fill material shall be disposed of by the permittee at their own expense and in a lawful manner. If it is determined that the backfill material on site will not

readily compact, it may be exchanged on a one-for-one basis with suitable material. Proper records for this exchange shall be supplied to the City each day of the exchange.

(8) Dewatering

Construction shall be accomplished in a dry trench. To maintain a dry trench, wellpointing or other approved methods of dewatering will be carried out. When dewatering is necessary, a plan shall be submitted to the Public Works Department for approval prior to installation. The plan will describe the proposed system, i.e, length of points, size of headers, etc. The plan will show the expected gallons per day of discharge. The plan will describe the locations of the points of discharge along with the proposed siltation protection plan. No dewatering wellpoints shall be placed within five feet (5') of the edge of pavement, except in the case of a permitted road cut. Restoration of wellpointing holes and voids shall be accomplished by hydrolic backfilling with clean sand and done in conjunction with the removal of the wellpoints. Be advised – other permits, specifications and conditions may apply.

(9) Trench Box, Sheeting, Shoring and Back Sloping

A trench box, sheeting, shoring and back sloping shall be used to protect the work site, to include but not limited to, the preservation of the roads, adjacent property and improvements; also to protect the health, safety and welfare of all persons on site. All trench boxes, sheeting, shoring and back sloping shall conform to current OSHA Standards.

**3.8.4 Trenching – Paved Areas (Also, refer to the Standard Trench/Pavement Restoration Detail)**

Shall be the same as Section 8, C, Trenching – Unpaved Areas, of this manual, with the following exceptions and additions:

Pavement cuts are prohibited unless one or more of the following conditions exist:

- Subsurface obstructions, such as other existing improvements are in conflict;
- Existing conditions of the road will require reconstruction;
- The road is scheduled by the City for reconstruction within two (2) years. The final decision on all road cuts shall be made by the Public Works Department. When pavement cuts are permitted, said cuts shall be perpendicular to the edge of pavement and construction methods are to be in accordance with the City Code of Ordinance.

(1) Compaction

A compactive effort and testing shall be required in all paved areas. Also refer to Section 7, B, 2, of this manual.

(2) Backfill

Only good quality backfill, as provided for in Section 7, B, 2, of this manual, shall be used. All soft and yielding material and other portions of the subgrade which will not compact readily shall be removed and replaced with suitable material. Compaction shall begin on the first eight inches (8") of bedding backfill or on the exposed bottom to assure the bedding is suitable as a foundation to support the improvement, and continue in twelve- inch (12") layers to the bottom of the base material. Each layer of the compaction effort shall achieve a minimum of ninety-eight percent (98%) density in accordance with ASHTOT T-180-86. Each layer shall be compacted to the required density and tested as provided for in this subchapter, prior to placing the next layer. Density tests shall be accepted only on stabilized, non-yielding surfaces. Flowable fill may be used as backfill. Flowable fill shall meet or exceed the minimum standards as set forth in the Florida Department of Transportation 2007 Edition of *Standard Specifications*

for *Road and Bridge Construction*, Section 121-Flowable Fill, Subsections 121-1 through 121-6, or the most current edition. Base materials, as specified herein, shall be used in conjunction with flowable fill in all paved areas.

(3) Base Material

The materials used shall be in accordance with Section 7, B, 2, b (1) and (2) of this manual. The base course shall be placed to a minimum depth of twenty-four inches (24"), in six inch (6") compacted layers, below the surface course. The base backfill trench shall be forty-eight inches (48") wider than the limits of the backfill trench, twenty-four inches (24") on both sides. The compaction shall be in six inch (6") maximum layers. Compacted density shall not be less than ninety-eight percent (98%) of maximum density of a representative sample as determined by AASHTO T-180-86. Each layer shall be compacted to the required density and tested prior to placing the next layer. Density tests shall be accepted on stabilized, nonyielding surfaces only. The Public Works Department shall reserve the right to substitute tests at random locations to verify compaction.

(4) Prime Coat

The materials used shall be in accordance with Section 7, B, 2, c, (1) and (2) and d, of this manual. In paved areas, application of prime coat shall be on all exposed surfaces and joints prior to asphaltic concrete being placed, the prime coat shall be applied at a rate of 0.1 - .015 gallons of emulsified asphalt per square yard and shall be applied thoroughly and uniformly with no excess. In no case shall asphalt be placed on any prime coat prior to that materials specified curing time.

(5) Surface Coat

The materials used shall be in accordance with Section 7, B, 2, e, of this ordinance. The surface treatment shall not be less than one inch (1") thick or consistent with existing pavement thickness whichever is greater. Installation shall be on a continuous plain without humps or depressions. The asphaltic concrete shall exceed the base course by twenty-four inches (24"), twelve inches (12") on both sides along neat sawcut lines.

### **3.8.5 Jack and Bore/Directional Bore**

Bore casings of any kind shall extend past the edge of pavement by a minimum of five feet (5'). Excavation of any kind shall not be performed within five feet (5') of the edge-of-pavement. The backfill in excavated bore pits within the rights-of-way and easements shall be compacted to a stabilized and nonyielding condition. The backfill density shall be accomplished by a compaction effort in twelve inch (12") layers, starting with the first twelve inch (12") above the exposed bottom of the pit and the last compaction effort on this surface. No density testing shall be required unless requested by the Public Works Department. In such cases density specifications shall be provided.

### **3.8.6 Restoration**

In performing the work authorized by the permit, permittee shall at their own expense, restore and repair all adjacent property and improvements to a condition as good as or better than the condition that existing prior to the permittee's activities. Refer to Section 7, B, 1, b, c, d, and e, of this manual.

## **3.9 EMERGENCY WORK**

Nothing in this manual shall be construed to prevent any action deemed necessary for the preservation of life, limb or property or for the immediate location of trouble in an improvement

for the purpose of making EMERGENCY repairs, as defined in Section 3.1 – Definitions of this manual.

### **3.10 PRESERVATION OF MONUMENTS**

It shall be unlawful for any person to damage, remove, alter or destroy, or cause to be damaged, removed, altered or destroyed, any monument, stake or other distinctive mark placed or made to establish boundaries of section corners, quarter-section corners, quarter-quarter section corners or points marking street or property lines on or within the City Limits.

### **3.11 COST OF INSTALLATION, CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE, REMOVAL, RELOCATION AND TESTING**

Payment of all costs incurred by permittee to install, construct, re-construct, repair, maintain, alter, remove, relocate, and test, or any other costs incurred by the permittee, shall be the sole responsibility of the permittee, subject only to any applicable rules and regulations of the Florida Public Service Commission, and shall not be charged against the City or any of its citizens. If it is necessary to relocate a City maintained improvement, prior written approval from the Public Works Director or designee shall be required. All associated costs shall be borne by the permittee. The City has the right to require any improvement not in use to be removed or filled with suitable material. Improvements that are not in use shall be removed if the right-of-way or easement is needed for other City improvements.

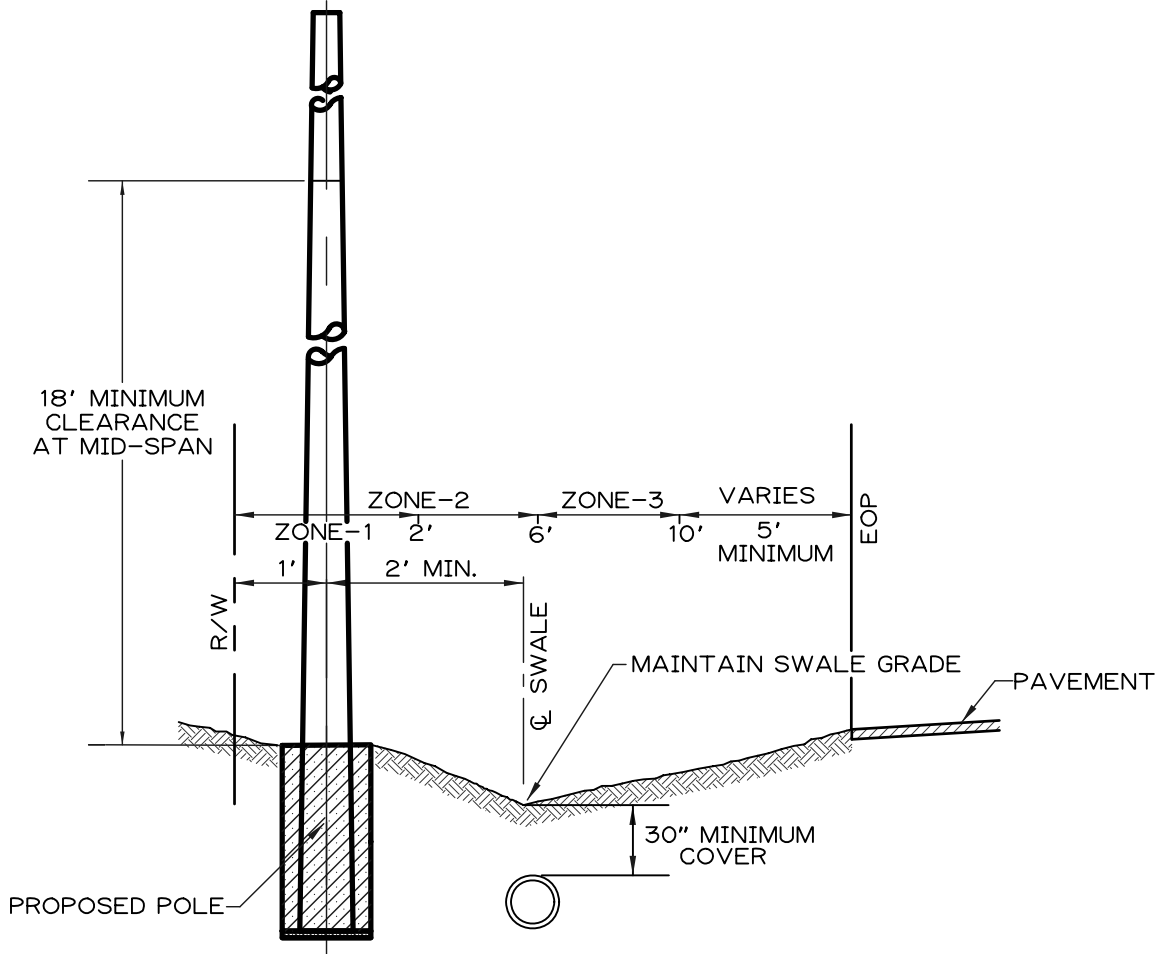
### **3.12 PENALTY**

(1) Any person violating any of the provisions of the Right-of-Way and Easement Use Ordinance shall be cited and punished as prescribed in TITLE 1, Chapter 10.99 and TITLE 5, Chapter 52.080 thru 52.096, of the City of Palm Bay Code of Ordinance.

(2) Any person damaging any City road or other public property located within Rights-of-Way and easements shall be required to either restore the damaged area to its condition prior to the damage and such restoration shall be accepted by the Public Works Director or designee or the person shall pay to the City of Palm Bay the sum of money determined by the Public Works Director or designee to be necessary to restore the damaged area. Additionally, any permittee who has previously failed to restore the damage as required by the City of Palm Bay Code of Ordinances, shall not be issued further permits from the City of Palm Bay until such damage is restored and accepted by the Public Works Director or designee, or the entire cost of restoration incurred or anticipated by the City of Palm Bay to make such restoration has been paid in full by the person or permittee. In the event discrepancies arise as to the responsibility for damage, the burden of proof shall in all cases be that of the person or permittee to establish that the person or permittee is not responsible.

### **3.13 POWER OF INTERPRETATION**

Where discrepancies exist between the City and persons or permittees, the Public Works Director or his designees shall have the power of interpretation to execute final judgement.



**GENERAL NOTES:**

1. ELECTRIC, TELECOMMUNICATIONS, AND CATV CABLE PLANT IMPROVEMENTS SHALL BE LOCATED IN:  
     ZONE 1 - AERIAL IMPROVEMENTS  
     ZONE 2 - UNDERGROUND IMPROVEMENTS
2. WATER, SEWER AND NATURAL GAS IMPROVEMENTS SHALL BE LOCATED IN  
     ZONE 3
3. AERIAL IMPROVEMENTS SHALL HAVE A MINIMUM CLEARANCE OF EIGHTEEN (18) FEET ABOVE EXISTING GRADE, AT MID-SPAN.
4. UNDERGROUND IMPROVEMENTS SHALL BE A MINIMUM OF THIRTY (30) INCHES BELOW THE EXISTING GRADE.
5. UNDERGROUND IMPROVEMENTS SHALL HAVE A MINIMUM SEPARATION OF TWELVE (12) INCHES FROM OTHER STRUCTURES.
6. EXCAVATION SHALL NOT BE PERMITTED WITHIN FIVE (5) FEET OF THE EDGE OF PAVEMENT.
7. OTHER CONDITIONS MAY APPLY, REFER TO THE PALM BAY CODE OF ORDINANCES FOR ADDITIONAL DETAILS.

**UTILITY LOCATION DETAIL**

(N.T.S.)



**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

**STANDARD RIGHT OF WAY  
DETAIL**

**SRW - 02**

DATE: AUG 2007

APPROVED: \_\_\_\_\_

SOIL STABILIZATION  
REQUIRED ON ALL DISTURBED  
AREAS, REFER TO NOTE 10.

NO EXCAVATION  
NO DEWATERING  
ZONE 5' MINIMUM

EDGE OF  
PAVEMENT

SLOPE/SHORE  
REQUIREMENTS,  
REFER TO NOTE 4.

BACK FILL SOIL IN 12"  
COMPACTED LAYERS TO 95%  
MAXIMUM DENSITY REFER TO  
NOTES 5 ,6, 7, 8 & 9.

BACK FILL SOIL TO A LEVEL  
OF ONE (1) FOOT ABOVE PIPE IN  
6" COMPACTED LAYERS TO 95%  
MAXIMUM DENSITY.  
REFER TO NOTES 2 ,3, 4, 5, & 9.

8"

12" d 12"

PIPE BEDDING, REFER TO  
NOTES 2&3

TRENCH WIDTH

**GENERAL NOTES:**

1. A 30" MINIMUM COVER SHALL BE MAINTAINED WITHIN THE RIGHTS OF WAY AND 24" WITHIN P.U. & D. EASEMENTS.
2. THE MINIMUM TRENCH WIDTH SHALL BE 24" + d AT THE BED LEVEL.
3. UTILITY OR PIPE INSTALLATION SHALL BE PLACED ON 8" MINIMUM COMPACTED SOIL BACK FILL, IF THE EXPOSED MATERIAL IS UNSUITABLE OR DISTURBED. THE PIPE BED BACK FILL SOIL SHALL BE COMPACTED TO 95% MAXIMUM DENSITY, AS PER AASHTO T180 D METHOD. 3/4" ROCK GRAVEL, NUMBER 57 STONE, NATURAL SAND, IMPORTED QUARRY WASTE OR A MIXTURE THEREOF MAY BE USED AS THE ALTERNATIVE TO COMPACT SOIL. SAMPLES OF THE MATERIAL SHALL BE SUBMITTED SUFFICIENTLY IN ADVANCE OF THE INTENDED USE TO ENABLE INSPECTION, TESTING AND APPROVAL OR REJECTION THEREOF. DO NOT PLACE COARSE AGGREGATE WITHIN FOUR (4) FEET OF THE ENDS OF THE TRENCH. USE NORMALLY ACCEPTED BACKFILL MATERIAL AT THE ENDS.

(CONT. ON SHEET 2)

**TRENCH DETAIL**

(N.T.S.)



**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

**STANDARD RIGHT OF WAY  
DETAIL**

**SRW - 01 (1 OF 2)**

DATE: AUG 2006

APPROVED: \_\_\_\_\_

(CONT. FROM SHEET 1)

**GENERAL NOTES:**

4. USE OF A SLOPE TRENCH WALL, TRENCH BOX, SHEETING OR SHORING SHALL MEET FLORIDA DEPARTMENT OF TRANSPORTATION AND OCCUPATIONAL SAFETY HEALTH ACT GUIDELINES.
5. CONSTRUCTION SHALL BE ACCOMPLISHED ONLY IN A DRY TRENCH. NO DEWATERING WITHIN 5' OF THE EDGE OF PAVEMENT.
6. BACKFILL SOILS SHALL BE COMPACTED IN 12" LAYERS (MAX.) TO 95% MAXIMUM DENSITY, AS PER AASHTO T180 D METHOD. COMPACTION SHALL BE ACCOMPLISHED BY SUITABLE EQUIPMENT SPECIFICALLY DESIGNED FOR THIS PURPOSE.
7. IN PLACE DENSITY TESTING SHALL BE IN ACCORDANCE WITH AASHTO-T 310-06.
8. DENSITY TEST SHALL BE ACCEPTED ON STABILIZED, NON-YIELDING SURFACES ONLY.
9. FLOWABLE BACKFILL MAY BE USED AS AN ALTERNATIVE TO COMPACTED SOIL. REFER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION 2000 EDITION OF STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 121-FLOWABLE FILL, SUBSECTIONS 121-1 THROUGH 121-6, OR MOST CURRENT EDITION FOR THIS APPLICATION.
10. DISTURBED SURFACE AREAS SHALL BE STABILIZED BY THE USE OF MATCHING SOD IN FRONT OF DEVELOPED AREAS OR THE USE OF SEED AND MULCH IN ACCORDANCE WITH FDOT INDEX 105. SEED GERMINATION SHALL BE 80% OR GREATER. IF THE SLOPE EXCEEDS 3 TO 1 THEN SOD SHALL BE USED.
11. OTHER CONDITIONS MAY APPLY REFER TO THE PALM BAY CODE OF ORDINANCES FOR ADDITIONAL DETAILS.



**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

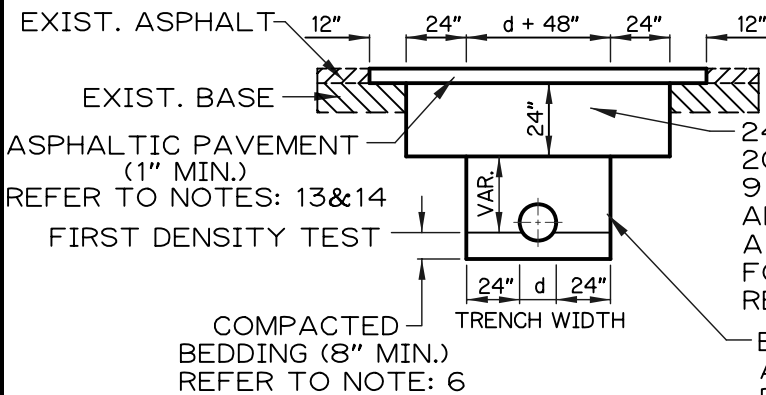
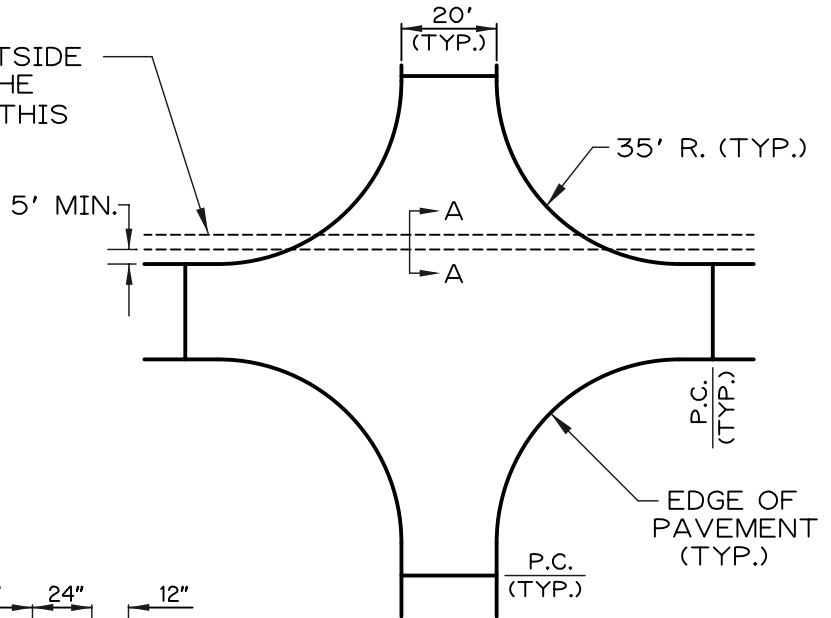
**STANDARD RIGHT OF WAY  
DETAIL**

**SRW - 01 (2 OF 2)**

DATE: AUG 2006

APPROVED: \_\_\_\_\_

FOR TRENCH WORK OUTSIDE OF PAVED AREA SEE THE SPECIFIC DETAIL FOR THIS APPLICATION.



24" LIMEROCK OR COQUINA BASE AS PER 2004 FDOT SPECIFICATIONS (SECTIONS 911 AND 915) - BASE TO BE COMPACTED AND TESTED IN 6" LAYERS (MAX.) A DENSITY TEST SHALL BE REQUIRED FOR EACH LANE WIDTH OF TRAFFIC. REFER TO NOTES: 8, 10, 11 & 12.

BACKFILL TO BE COMPACTED AND TESTED IN 12" LAYERS (MAX.) BEGINNING AT THE PIPE BED. A DENSITY TEST SHALL BE REQUIRED FOR EACH LANE WIDTH OF TRAFFIC. REFER TO NOTES: 3,4,5,6,7,8,&9.

**SECTION A-A**

**GENERAL NOTES:**

1. TRANSVERSE CUTS:  
THE ACTUAL RESURFACING REPAIR WIDTH MINIMUM SHALL BE 10' + PIPE DIAMETER OR AS WIDE AS NECESSARY TO PROVIDE NEAT SAWCUT LINES AT RIGHT ANGLES TO PAVEMENT CENTERLINE.
2. LONGITUDINAL CUTS:  
THE PAVEMENT SHALL BE RESURFACED ALONG NEAT SAWCUT LINES FOR THE FULL LANE WIDTH FOR EACH LANE WITHIN WHICH THE CUT EXTENDS. REFER TO THE SPECIFIC DETAIL FOR THIS APPLICATION.
3. USE OF A SLOPE TRENCH WALL, TRENCH BOX, SHEETING OR SHORING SHALL MEET FLORIDA DEPARTMENT OF TRANSPORTATION AND OCCUPATIONAL SAFETY HEALTH ACT GUIDELINES.
4. CONSTRUCTION SHALL BE ACCOMPLISHED ONLY IN A DRY TRENCH.

(CONT. ON PAGE 2)

**TRENCH / PAVEMENT RESTORATION DETAIL**



**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

**STANDARD ROAD DETAIL**

**SR - 10 (1 of 2)**

DATE: AUG 2006

APPROVED: \_\_\_\_\_

(CONT. FROM PAGE 1)

GENERAL NOTES:

5. THE MINIMUM TRENCH WIDTH SHALL BE 48"+d AT THE PIPE BED LEVEL.
6. UTILITY OR PIPE INSTALLATION SHALL BE PLACED ON 8" MINIMUM COMPACTED SOIL BACKFILL IF THE EXPOSED MATERIAL IS UNSUITABLE OR DISTURBED. THE PIPE BED BACKFILL SOIL SHALL BE COMPACTED TO 98% MAXIMUM DENSITY, AS PER AASHTO T180-D METHOD. 3/4" ROCK GRAVEL, NUMBER 57 STONE, CLEAN NATURAL SAND, IMPORTED QUARRY WASTE OR A MIXTURE THEREOF MAY BE USED AS AN ALTERNATIVE TO COMPACTED SOIL. SAMPLES OF THE MATERIAL SHALL BE SUBMITTED SUFFICIENTLY IN ADVANCE OF THE INTENDED USE TO ENABLE INSPECTION, TESTING AND APPROVAL OR REJECTION THEREOF.
7. BACKFILL SOIL SHALL BE COMPACTED IN MAXIMUM 12" LAYERS 98% MAXIMUM DENSITY, AS PER AASHTO T-180D METHOD. IN PLACE DENSITY TEST SHALL BE IN ACCORDANCE WITH AASHTO-T 310-06 METHOD. COMPACTION SHALL BE ACCOMPLISHED BY SUITABLE EQUIPMENT SPECIFICALLY DESIGNED FOR THIS PURPOSE.
8. LIMEROCK BASE SHALL HAVE AN LIMEROCK BEARING RATIO-LBR VALUE OF NOT LESS THAN ONE HUNDRED (100%) .
9. FLOWABLE BACKFILL MAY BE USED AS AN ALTERNATIVE TO COMPACTED SOIL. REFER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARDS FOR THIS APPLICATION.
10. THE BASE SHALL BE RECONSTRUCTED A MINIMUM OF 12" BEYOND THE EDGE OF PAVEMENT.
11. LIMEROCK OR COQUINA BACKFILL SHALL BE COMPACTED IN 6" LAYERS (MAX.) TO 98% MAXIMUM DENSITY, AS PER FM-1-T180 METHOD "D".
12. DENSITY TEST SHALL BE ACCEPTED ON STABILIZED NON-YIELDING SURFACES ONLY.
13. PRIME COAT ALL SURFACES AND EDGES. THE RATE OF APPLICATION SHALL BE 0.10 TO 0.15 GALLONS OF SS 1 EMULSIFIED ASPHALT PER SQUARE YARD AND SHALL BE APPLIED THOROUGHLY AND UNIFORMLY WITH NO EXCESS. CLEAN ALL SURFACES PRIOR TO PAVING.
14. ASPHALTIC PAVEMENT SHALL BE FDOT TYPE S-I OR TYPE S-III (1" MIN.) OR CONSISTENT WITH EXISTING PAVEMENT THICKNESS (WHICHEVER IS GREATER) AND SHALL BE INSTALLED ON A CONTINUOUS PLANE WITHOUT HUMPS OR DEPRESSIONS.
15. OTHER CONDITIONS MAY APPLY, REFER TO THE PALM BAY CODE OF ORDINANCE AND PUBLIC WORKS MANUAL.



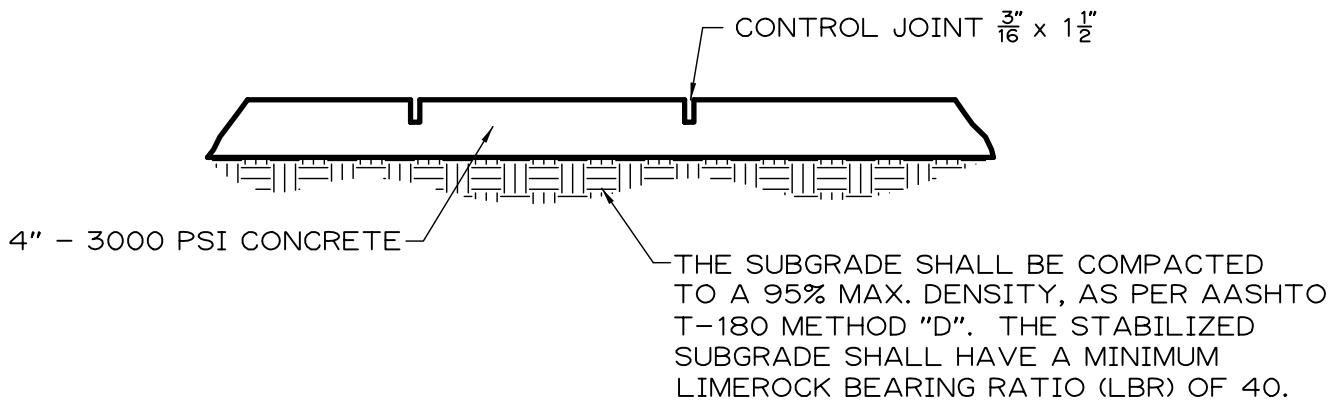
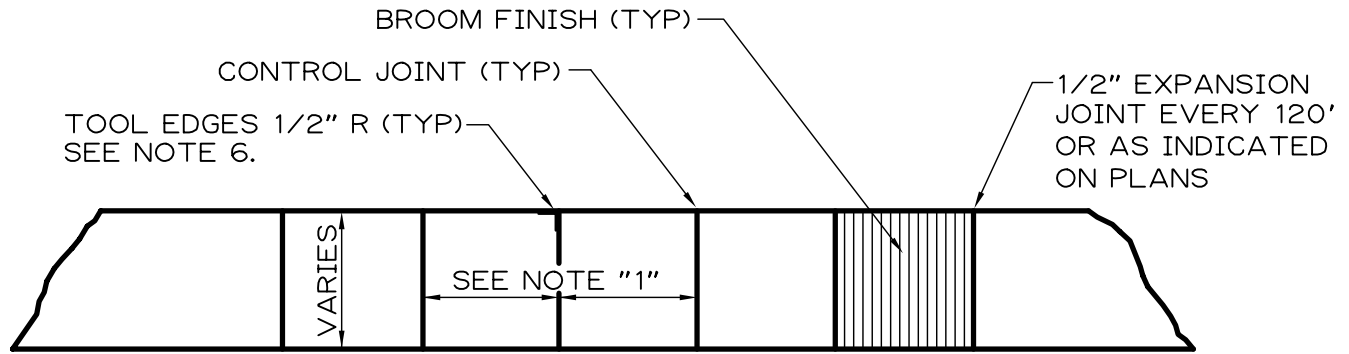
**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

**STANDARD ROAD DETAIL**

**SR - 10 (2 of 2)**

DATE: AUG 2006

APPROVED: \_\_\_\_\_

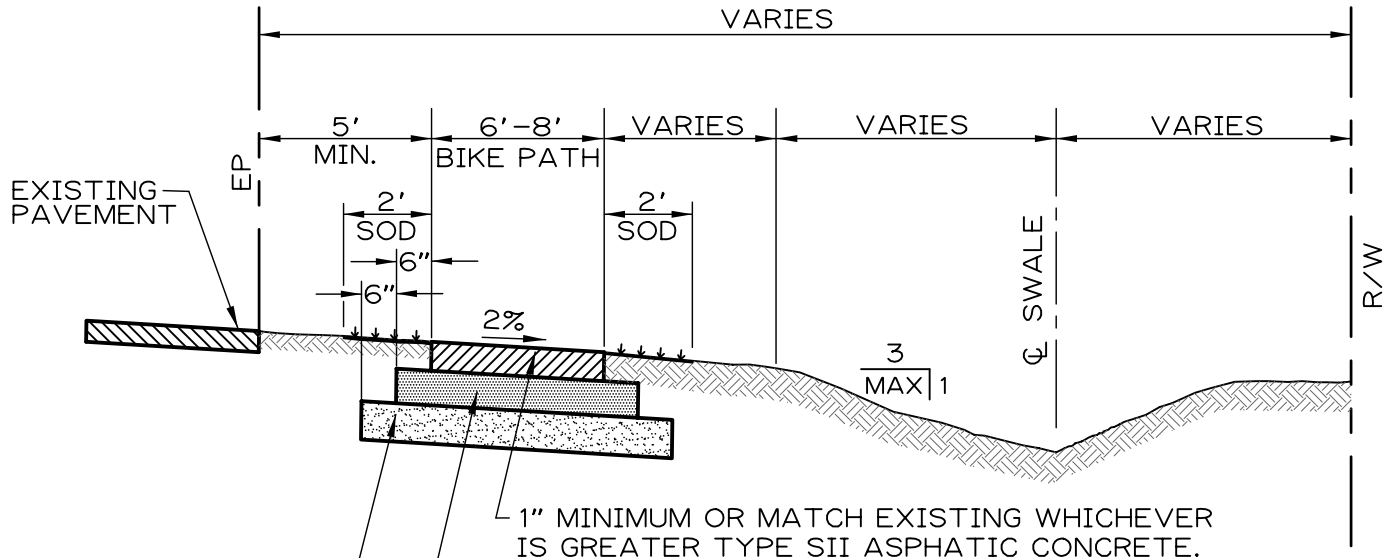


**GENERAL NOTES:**

1.
 

	SIDEWALK		BIKEWAY	
WIDTH	4'	5'	6'	8'
CONTROL JOINT	5'		8'	
2. ALL SAWCUTS TO BE MADE AT A CONTROL JOINT.
3. THE MINIMUM BIKEWAY/SIDEWALK REPAIR SHALL BE ONE FULL SECTION BETWEEN CONTROL JOINTS.
4. REMOVE ACCUMULATED DEBRIS FROM THE SITE AND DISPOSE OF IN A LAWFUL MANNER.
5. STABILIZE THE DISTURBED AREAS ABUTTING THE BIKEWAY/SIDEWALK WITH A MINIMUM TWO (2) FOOT WIDE STRIP OF MATCHING SOD.
6. TOOL EDGES SHALL BE USED WHERE EXISTING SIDEWALKS HAVE BEEN CONSTRUCTED WITH SIMILAR FINISHES.
7. EXPANSION JOINT MATERIAL REQUIRED AROUND ALL MANHOLES AND STRUCTURES.

**CONCRETE BIKEWAY/SIDEWALK TOOLING DETAIL**  
(N.T.S.)



1" MINIMUM OR MATCH EXISTING WHICHEVER IS GREATER TYPE SII ASPHATIC CONCRETE.

8" OF LIMEROCK OR COQUINA BASE. COMPACTED TO A 95% MAX. DENSITY AS PER AASHTO T-180 D METHOD. THE LIMEROCK OR COQUINA BASE MATERIAL SHALL HAVE A MINIMUM LIMEROCK BEARING RATIO (LBR) OF 100.

THE SUBGRADE SHALL BE DRY AND NON-YEILDING. ANY ORGANIC OR OTHER DELETERIOUS MATERIAL SHALL BE REMOVED DURING THE GRADING PROCESS. THE COMPACTION SHALL BE A MINIMUM OF 95% MAX. DENSITY AS PER AASHTO T-180 D METHOD. THE STABILIZED SUBGRADE SHALL HAVE A MINIMUM LIMEROCK BEARING RATIO-(LBR) OF 40.

#### GENERAL NOTES:

1. ALL SAW CUTS SHALL BE AT RIGHT ANGLES TO THE BIKEWAY/SIDEWALK CENTER LINE.
2. THE MINIMUM EDGE OF BIKEWAY/SIDEWALK REPAIR WIDTH SHALL BE ONE (1) FOOT.
3. REMOVE ACCUMULATED DEBRIS FROM THE SITE AND DISPOSE OF IN A LAWFUL MANNER.
4. STABILIZE THE DISTURBED AREAS ABUTTING THE BIKEWAY/SIDEWALK WITH A MINIMUM TWO (2) FOOT WIDE STRIP OF MATCHING SOD.

### **6'-8' ASPHALT BIKE PATH DETAIL**

(N.T.S.)



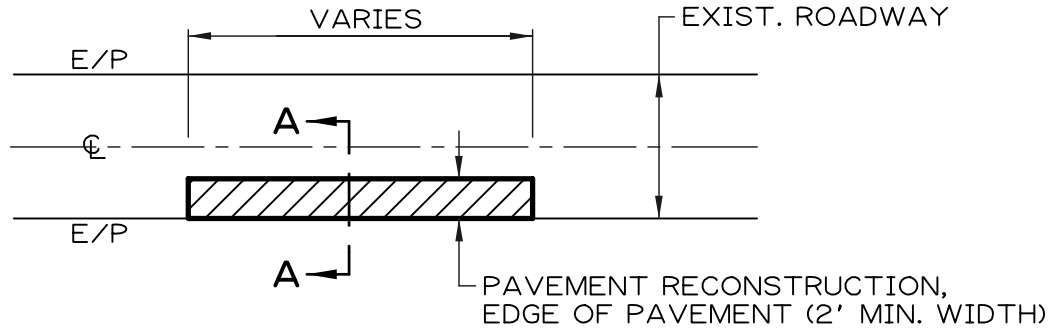
**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**

**STANDARD SIDEWALK DETAIL**

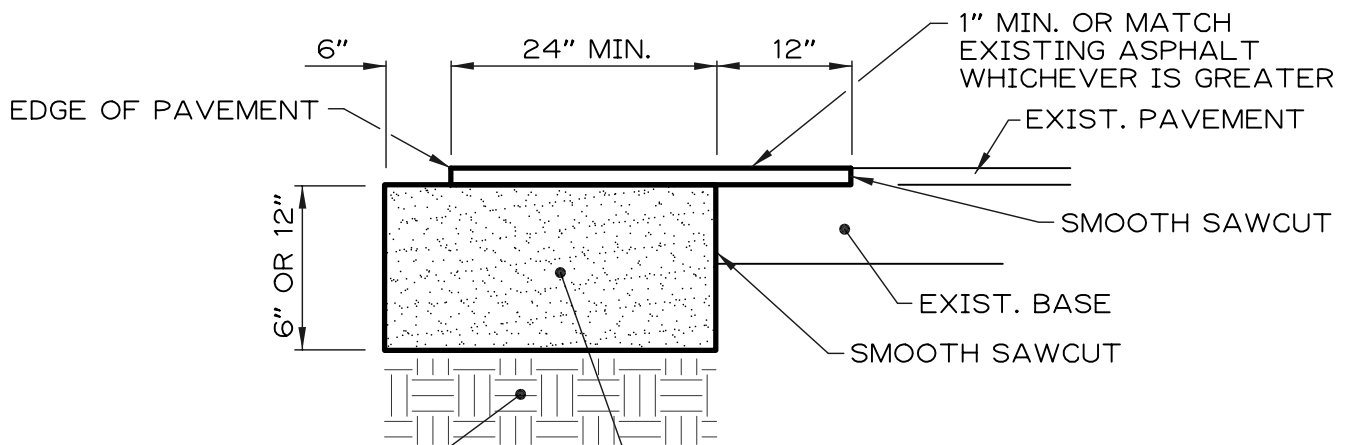
**SW - 03**

DATE: AUG 2006

APPROVED: \_\_\_\_\_



**PLAN VIEW**



COMPACTED SUBGRADE  
 DRY AND NONYIELDING  
 (DENSITY TESTS MAY  
 BE REQUIRED)

- 1) 12" OF LIMEROCK OR COQUINA BASE COMPACTED IN TWO 6" LAYERS OR
- 2) 6" OF ASPHALT COMPACTED IN TWO 3" LAYERS - LIMEROCK BEARING RATIO (LBR), DENSITY AND/OR VARIOUS ASPHALT TESTS MAY BE REQUIRED

NOTE:  
 ASPHALT TYPE FDOT S-I OR S-III, VERIFICATION REQUIRED

**SECTION "A-A"**

**GENERAL NOTES:**

- 1. LONGITUDINAL CUTS SHALL BE NEAT SAWCUT LINES PARALLEL TO EDGE OF PAVEMENT.
- 2. TRANSVERSE CUTS SHALL BE NEAT SAWCUT LINES AT RIGHT ANGLES TO PAVEMENT CENTERLINE.
- 3. BASE SHALL BE RECONSTRUCTED 6" OUTSIDE OF EDGE OF PAVEMENT.

**EDGE OF PAVEMENT RECONSTRUCTION DETAIL**



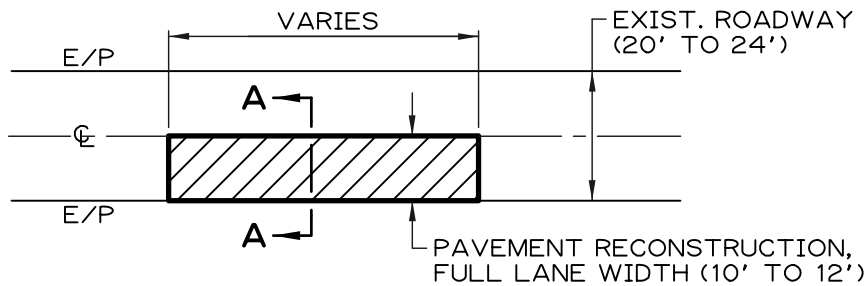
**CITY OF PALM BAY  
 PUBLIC WORKS DEPARTMENT**

**STANDARD ROAD DETAIL**

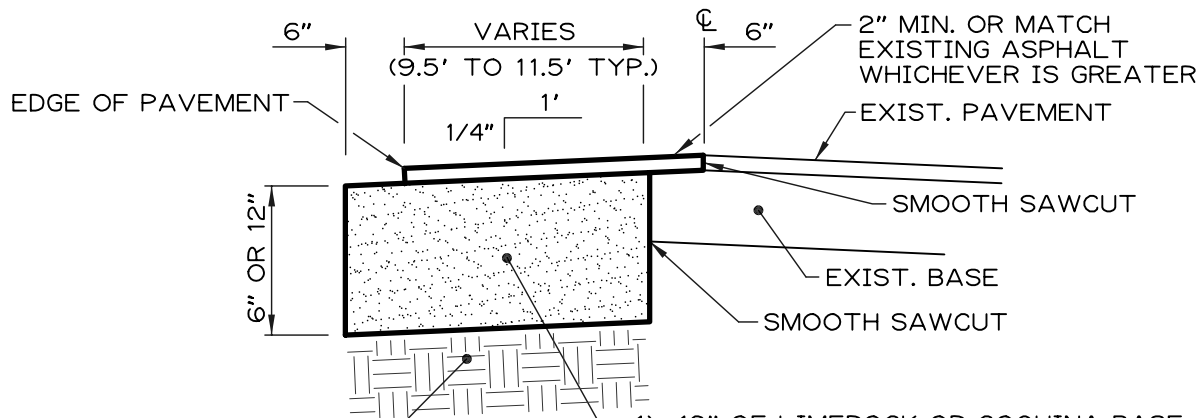
**SR - 09**

DATE: AUG 2006

APPROVED: \_\_\_\_\_



**PLAN VIEW**



COMPACTED SUBGRADE  
 DRY AND NONYIELDING  
 98% MAX. DENSITY AS PER  
 AASHTO T-180 METHOD "D"

- 1) 12" OF LIMEROCK OR COQUINA BASE COMPACTED IN TWO 6" LAYERS OR
- 2) 6" OF ASPHALT COMPACTED IN TWO 3" LAYERS - LIMEROCK BEARING RATIO (LBR), DENSITY AND/OR VARIOUS ASPHALT TESTS MAY BE REQUIRED

**NOTE:**

ASPHALT TYPE FDOT S-I OR S-III, VERIFICATION REQUIRED

**SECTION "A-A"**

**GENERAL NOTES:**

1. LONGITUDINAL CUTS SHALL BE NEAT SAWCUT LINES PARALLEL TO EDGE OF PAVEMENT.
2. TRANSVERSE CUTS SHALL BE NEAT SAWCUT LINES AT RIGHT ANGLES TO PAVEMENT CENTERLINE.
3. BASE SHALL BE RECONSTRUCTED 6" OUTSIDE OF EDGE OF PAVEMENT.
4. LIMEROCK OR COQUINA BACKFILL TO BE COMPACTED TO 98% MAXIMUM DENSITY, AS PER AASHTO T-180 METHOD "D".
5. IN PLACE DENSITY TESTS SHALL BE IN ACCORDANCE WITH AASHTO T-204-86 OR T-238-86 METHODS.
6. DENSITY TESTS SHALL BE ACCEPTED ON STABILIZED NONYIELDING SURFACES ONLY.
7. PRIME COAT ALL SURFACES AND EDGES. THE RATE OF APPLICATION SHALL BE 0.10 TO 0.15 GALLONS OF SS 1 EMULSIFIED ASPHALT PER SQUARE YARD AND SHALL BE APPLIED THOROUGHLY AND UNIFORMLY WITH NO EXCESS. CLEAN ALL SURFACES PRIOR TO PAVING.
8. ASPHALTIC PAVEMENT SHALL BE FDOT TYPE S-I OR TYPE S-III, 2" MIN. OR CONSISTENT WITH THE EXISTING PAVEMENT THICKNESS (WHICHEVER IS GREATER) AND SHALL BE INSTALLED ON A CONTINUOUS PLANE WITHOUT HUMPS OR DEPRESSIONS.

**FULL LANE WIDTH PAVEMENT RECONSTRUCTION DETAIL**



**CITY OF PALM BAY  
 PUBLIC WORKS DEPARTMENT**

**STANDARD ROAD DETAIL**

**SR - 08**

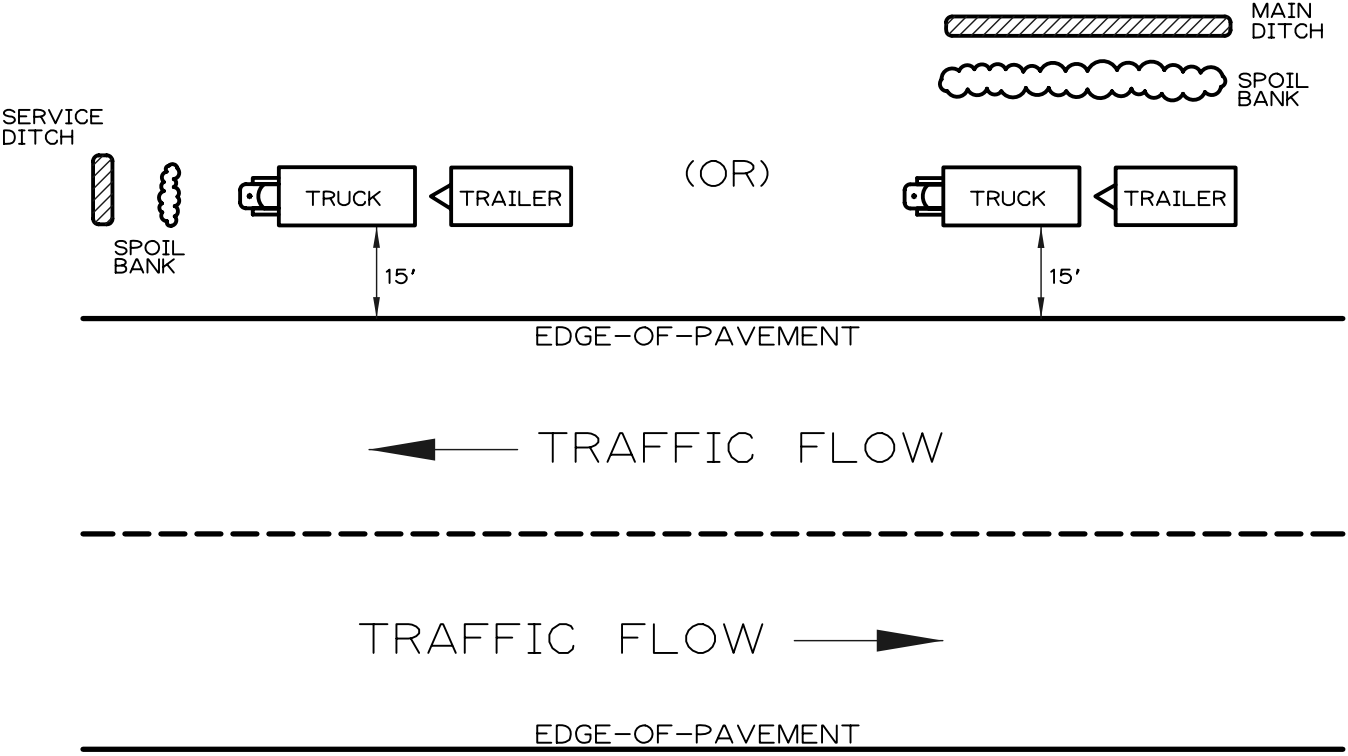
DATE: AUG 2006

APPROVED: \_\_\_\_\_

SITUATION SUMMARY	
LANES OF TRAFFIC	2
SIDES OF WORK	1
LANES CLOSED	0
OFF PAV'T	+15'

**SAFETY NOTICE:**

IF THE PROPOSED WORK ZONE SITE CONDITIONS MEET OR EXCEED THE EXAMPLE SHOWN, A MOT PLAN IS NOT REQUIRED. IF THE WORK ZONE IS CLOSER THEN 15' TO THE EDGE-OF-PAVEMENT, REFER TO GENERAL NOTE 3.



**GENERAL NOTES:**

1. TWO LANES, TWO WAY TRAFFIC, ONE SIDE OPERATION, NO LANE CLOSURE. WORK AREA MORE THAN 15' OFF PAVEMENT.
2. WORK AREA PROTECTION IS NOT NECESSARY WHEN VEHICLES, EQUIPMENT, WORKERS AND THEIR ACTIVITIES ARE MORE THAN 15' FROM THE EDGE-OF-PAVEMENT. TRUCK FLASHER LIGHTS SHALL BE USED.
3. FOR ANY WORK CLOSER THAN 15' TO THE EDGE-OF-PAVEMENT OR ON THE PAVEMENT, REFER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION "ROADWAY AND TRAFFIC DESIGN STANDARDS" INDEX 600 (MOST CURRENT EDITION). THE APPLICABLE INDEX 600 STANDARD SHALL BE USED IN ALL CASES.

**MAINTENANCE OF TRAFFIC**  
(N.T.S.)

	<b>CITY OF PALM BAY</b> <b>PUBLIC WORKS DEPARTMENT</b>	<b>STANDARD MAINTENANCE</b> <b>OF TRAFFIC</b>	DATE: <u>  AUG 2007  </u>
		<b>SMOT - 01</b>	APPROVED: _____

**PUBLIC WORKS DEPARTMENT**  
 RIGHT-OF-WAY SERVICES  
 RIGHT-OF-WAY USE PERMIT SECTION  
 1050 MALABAR ROAD SW  
 PALM BAY, FLORIDA 32907 – (321) 953-8985  
[RIGHTOFWAYUSE@PALMBAYFLORIDA.ORG](mailto:RIGHTOFWAYUSE@PALMBAYFLORIDA.ORG)



OFFICIAL USE ONLY

PERMIT NUMBER: \_\_\_\_\_  
 RECEIVED: \_\_\_\_\_  
 REVIEWED: \_\_\_\_\_  
 INSPECTED: \_\_\_\_\_  
 RETURNED: \_\_\_\_\_

**CITY OF PALM BAY**  
**RIGHT-OF-WAY AND EASEMENT USE**  
**PERMIT APPLICATION**

**OWNER INFORMATION**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 PHONE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**DESIGN CONTACT PERSON FOR THIS PROJECT**

NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

**PRIMARY CONTRACTOR**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 OFFICE PHONE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 24 HR. EMERGENCY PHONE: \_\_\_\_\_

**PROJECT INFORMATION**

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ UNIT: \_\_\_\_\_  
 SUB. DIV. NAME: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

PROPOSED IMPROVEMENT: \_\_\_\_\_

LINEAR LENGTH OF PROPOSED IMPROVEMENT LOCATED IN THE R.O.W. \_\_\_\_\_ (LF)

**PROPOSED CONSTRUCTION DATES:**

START: \_\_\_\_\_ FINISH: \_\_\_\_\_  
 APPLICANT'S JOB NUMBER: \_\_\_\_\_

**R.O.W. USERS NOTIFIED FOR LOCATES:**

- |  |   |
|--|---|
| <input type="checkbox"/> ONE CALL CENTER       | <input type="checkbox"/> PALM BAY UTILITIES |
| <input type="checkbox"/> FLORIDA POWER & LIGHT | <input type="checkbox"/> _____              |
| <input type="checkbox"/> BELLSOUTH TELEPHONE   | <input type="checkbox"/> _____              |
| <input type="checkbox"/> CATV                  | <input type="checkbox"/> _____              |
| <input type="checkbox"/> FLORIDA CITY GAS      | <input type="checkbox"/> _____              |

I hereby certify that I have read and examined this Permit Application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work shall be implemented. It is understood and agreed by Permittee that commencement by the Permittee is acknowledgment and acceptance of the binding nature of the terms and conditions of this Permit. A duplicate set of plans are required. **(Owner or Authorized Agent Only)**

X \_\_\_\_\_  
 (Authorized Signature)

\_\_\_\_\_  
 (Date)

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

**COMPLETION AND RESTORATION NOTIFICATION**

Upon completion of the work and to initiate the final inspection, the Permittee is to date and sign this portion of the permit and send to:  
 CITY OF PALM BAY, RIGHT-OF-WAY SERVICES, R.O.W. USE PERMIT SECTION  
 1050 MALABAR ROAD S.W., PALM BAY, FLORIDA 32907

Please be advised of the completion of this Permit to City Specifications and Conditions.

(DATE) \_\_\_\_\_ X \_\_\_\_\_  
 (Permittee Signature)

OFFICIAL USE ONLY

RESTORATION INSPECTION DATE: \_\_\_\_\_  
 INSPECTOR'S NAME: \_\_\_\_\_  
 FILE DATE: \_\_\_\_\_

**SEE PAGE 2 OF 2 FOR ADDITIONAL TERMS AND CONDITIONS**

OFFICIAL USE ONLY

1. PERMIT FEE REQUIRED: YES/NO  
 AMOUNT: \$ \_\_\_\_\_  
 RECEIPT: # \_\_\_\_\_  
 DATED PAID: \_\_\_\_\_

2. SURETY BOND REQUIRED YES/NO  
 AMOUNT: \$ \_\_\_\_\_

3. ATTACHMENTS: YES/NO  
 SPECIFICATIONS/CONDITIONS/DETAILS  
 PERMITTED DESIGN PLANS  
 LOCATION MAP  
 SPECIAL INSTRUCTIONS OR CONDITIONS:  
 \_\_\_\_\_

X \_\_\_\_\_  
 RIGHT-OF-WAY USE COORDINATOR

4. CONTACT THE CITY FOR INSTRUCTIONS IF THE PERMITTED ACTIVITY HAS NOT STARTED WITHIN 90 DAYS OF ISSUANCE.

5. THE APPLICANT SHALL COMPLETE THE IMPROVEMENT AND RESTORATION WITHIN \_\_\_\_\_ DAYS FROM THE ISSUE DATE, AFTER WHICH TIME THE PERMIT SHALL BECOME NULL AND VOID.

6. OFF-PREMISE DIRECTIONAL/GUIDANCE SIGN PERMIT EXPIRATION DATE: \_\_\_\_\_

7.  APPLICATION APPROVED:  
 APPLICATION REJECTED:

\_\_\_\_\_  
 PERMIT ISSUE DATE

## **CITY OF PALM BAY RIGHT-OF-WAY & EASEMENT USE PERMIT GENERAL CONDITIONS**

1. Permittee understands and agrees that the rights and privileges herein set out in this Permit are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risks of and indemnify, defend and save harmless the City of Palm Bay from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said Permittee of the aforesaid rights and privileges.
2. The City's Right-of-Way Use Coordinator shall be notified forty-eight (48) hours prior to starting work and again immediately upon completion of work.
3. Permittee shall commence actual construction in good faith within ninety (90) days after issuance of this Permit, and shall complete construction within the time period specified on this Permit. If the beginning date is more than ninety (90) days from the date of permit approval, then the Permittee must review the permit prior to the commencement of construction with the City's Right-of-Way Use Coordinator to make sure no changes have occurred in the facilities that would affect the permitted construction.
4. All work, materials and equipment shall be subject to inspection by the City's Right-of-Way Use Coordinator and shall meet City of Palm Bay standards.
5. Any Permittee damaging any City road or other City improvement within Rights-of-Way or Easements shall be required to either restore the damaged area to its condition prior to the damage and accepted by the Director of Public Works or Designee or shall pay to the City of Palm Bay the sum of money determined by the Director of Public Works or Designee to be necessary to restore the damaged area to its condition prior to the damage. In the event discrepancies arise as to the responsibility for the damage, the burden of proof in all cases shall be that of the Permittee.
6. All plans and installations shall conform to the requirements of the FDOT Utility Accommodation Manual and the City of Palm Bay's Right-Of-Way Use Procedures & Requirements Manual in effect as of the date this Permit is approved by the City of Palm Bay, and shall be made part of this Permit. This provision shall not limit the authority of the City under Paragraph 12 of this Permit.
7. Any disturbed areas must be restored to original grade, unless prior agreement and approval of the revised grade has been pre-approved by the Director of Public Works or Designee. Stabilizing disturbed soil with sod is mandatory if abutting developed lots. Stabilizing disturbed soil with seed and mulch is permissible if the abutting undeveloped lots.
8. When required, elevations shall be NGVD (1929).
9. Whenever any activity on Rights-Of-Way is permitted, the Permittee shall meet the requirements of the Occupational Safety and Health Act (OSHA), the Manual on Uniform Traffic Control Devices (MUTCD), and the Florida Department of Transportation's (FDOT) latest Roadway and Traffic Design Standards and Standard Specifications for Road and Bridge Construction and other approved manuals for site safety and traffic control.
10. The construction and maintenance of such work shall not interfere with the property and rights of the City of Palm Bay or a prior permittee.
11. It is expressly stipulated that this Permit is a license for permissive use only and that the placing of utilities or improvements upon public property pursuant to this Permit shall not operate to create or vest any property rights to the Permittee, except as provided in a previously executed Subordination and Railroad Utility Agreement.
12. Pursuant to Section 337.403(1), Florida Statutes, whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of any public road as determined by the Director of Public Works or Designee, any or all utilities and appurtenances authorized by this Permit, shall be immediately removed from the public road or reset or relocated thereon as required by the Director of Public Works or Designee and at the expense of the Permittee, except for reimbursement rights set forth in a previously executed Subordination and Railroad Utility Agreement.
13. Permittee agrees that in the event the relocation of said utilities are scheduled to be done simultaneously with the City of Palm Bay's construction work, the Permittee will coordinate with the City before proceeding and shall cooperate with the City's contractor to arrange the sequence of work so as not to delay the work of the City's contractor, defend all legal claims of the City's contractor due to delays caused by the Permittee's failure to comply with the approved schedule, and Permittee shall comply with all provisions of the law and the City of Palm Bay's Right-Of-Way Use Procedures & Requirements Manual. The Permittee shall not be responsible for delays beyond its control.
14. In the case of non-compliance with the City of Palm Bay's requirements, in effect as of the date this Permit is approved by the City, this Permit is void and the facilities shall be brought into compliance or removed at no cost to the City, except for reimbursement rights set forth in a previously executed Subordination and Railroad Utility Agreement. This provision shall not limit the authority of the City under Paragraph 12 of this Permit.
15. The granting of this Permit does not presume to give the Permittee the authority to violate or cancel the provisions of any federal, state, county or local laws regulating construction or the performance of construction.
16. The City of Palm Bay executes this Permit only if in doing so the City can place a limit on the City's liability for any cause of action arising out of the Permit, so that its liability never exceeds the agreed sum of \$100.00. Permittee expresses its willingness to enter into this Permit with Permittee's recovery from the City for any action or claim arising from this Permit to be limited to \$100.00. Accordingly, and notwithstanding any other term or condition of this Permit, Permittee agrees that the City shall not be liable to the Permittee for damages in an amount in excess of \$100.00, for any action or claim of the Permittee or any third party arising out of this Permit. Nothing contained in this paragraph or elsewhere in this Permit is in any way intended to be a waiver of the limitation placed upon the City's liability as set forth in Chapter 768, Florida Statutes. Additionally, the City does not waive sovereign immunity, and no claim or award against the City shall include attorney's fees, investigative costs or prejudgment interest.
17. Special Instructions or Conditions, if any, are included as an attachment to this Permit.

**IT IS UNDERSTOOD AND AGREED BY THE PERMITTEE THAT COMMENCEMENT BY THE PERMITTEE IS ACKNOWLEDGMENT AND ACCEPTANCE OF THE BINDING NATURE OF THE TERMS AND CONDITIONS OF THIS PERMIT.**

# Courtesy Information

**Brevard County Animal Control:**

Dispatch (7 AM – 9 PM):  
(321) 633-2024  
Emergencies (After Hours):  
(321) 633-9880

**Brevard County Mosquito Control:**

2870 Greenbrook Street  
Valkaria, FL 32950  
(321) 952-4523

**Brevard County Road and Bridge Dept.:**

2725 Judge Fran Jamieson Way  
Suite 201 A  
Viera, FL 32940  
(321) 690-6877

**Cable:**

Bright House Networks  
720 Magnolia Avenue  
Melbourne, FL 32935  
(321) 242-2926  
• Locates: CALL SUNSHINE

**City of Palm Bay City Hall:**

120 Malabar Road SE  
Palm Bay, FL 32907  
(321) 952-3400

**City of Palm Bay Public Works Dept.:**

1050 Malabar Road SW  
Palm Bay, FL 32907  
• R.O.W. Use: (321) 953-8985  
• Driveway: (321) 952-3403

**City of Palm Bay Growth Management Dept.:**

Land Development Division  
5240 Babcock Street NE  
Suite 300  
Palm Bay, FL 32905  
(321) 733-3042

**Electric:**

Florida Power & Light  
9001 Ellis Road  
Melbourne, FL 32904  
• New Construction: (321) 726-4801  
• Power Outage: (321) 723-7795  
• Locates: CALL SUNSHINE

**FDOT:**

555 Camp Road  
Cocoa, FL 32927  
(321) 690-3230

**Florida Gas Transmission:**

340 Ranch Road  
W. Melbourne, FL 32934  
(321) 723-8998

**Level Three Communications:**

1901 S. Harbor City Blvd.  
Suite 301  
Melbourne, FL 32901  
(321) 308-1000  
1-800-850-9048

**Melbourne-Tillman Water Control Dist.:**

5990 Minton Road, NW  
Palm Bay, FL 32907  
(321) 723-7233

**Natural Gas:**

City Gas Company  
4180 S. Highway #1  
Rockledge, FL 32955-5309  
(321) 636-4644  
• Locates: CALL SUNSHINE

**Solid Waste:**

Waste Management, Inc.  
7382 Talona Drive  
W. Melbourne, FL 32904  
(321) 723-4455  
Admin. Fax: (321) 984-8170  
Ops. Fax: (321) 984-1081

**St. John's River Water Management District:**

525 Community College Pkwy.  
Palm Bay, FL 32909  
(321) 984-4940

**Telephone:**

BellSouth Telephone  
712 Florida Avenue  
Cocoa, FL 32922

- Maintenance: 723-9133 (Bob Moore)
- New Construction & Design/ Eng.  
Allan Weisman (321) 690-6078
- Locates: CALL SUNSHINE

**Utility Locates:**

Sunshine State One-Call of Florida, Inc.  
11 Plantation Road  
DeBary, FL 32713  
1-800-638-4097  
1-800-432-4770  
Fax Number: 1-800-972-8839

**Water & Sewer:**

Palm Bay Utilities Department  
250 Osmosis Drive SE  
Palm Bay, FL 32909  
(321) 952-3410

- Distribution: (321) 952-3482
- Collection: (321) 733-3093
- Locates: CALL SUNSHINE