



NEW BERN

NORTH CAROLINA

Public Works Department
PO Box 1129, 1004 S. Glenburnie Road
New Bern, NC 28563-1129
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Encroachment/Construction Permit

Date: _____

Contractor/Permittee: _____

Address: _____

Contact Name: _____ Contact#: _____ Email: _____

Work Limits covered under this Permit shall begin from the street intersection closest to the proposed work location and extend halfway to the next street intersection towards the direction of the proposed work. Multiple Permits may be required if the proposed work extends past the Permit boundaries.

Work Location (provide map if necessary): _____

Work Description (provide plans if necessary): _____

Date of Proposed Work: _____

***Contractor/Permittee must give 24-hour notice to City of New Bern Public Works Department before work may begin.**

The City of New Bern allows this work to be performed with the following conditions:

***Any excavation, boring, and/or digging within the rights-of-ways maintained by the City of New Bern is considered new work.**

- As of July 28th, 2023, pneumatic boring methods for trenchless installations are not allowed for any street crossings in the City of New Bern.
- The Contractor/Permittee binds and obligates themselves to install the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel within the city.

- The Contractor/Permittee agrees to provide during construction: proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets & Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained by visiting www.mutcd.fhwa.dot.gov.
- The Contractor/Permittee agrees to indemnify and save harmless the City of New Bern from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.
- The Contractor/Permittee is to follow the City of New Bern construction specifications.
- It is clearly understood by the Contractor/Permittee that the City of New Bern will assume no responsibility for any damage that may be caused to such facilities, within the rights-of-ways limits, in carrying out its construction.
- The Contractor/Permittee agrees to restore all areas disturbed during construction to the satisfaction of the City of New Bern Director of Public Works or an appointee **within 10 business days of disturbance**. The Contractor/Permittee agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any construction operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or **otherwise** reestablish the grass cover to meet the satisfaction of the City of New Bern Director of Public Works or an appointee.
- The Contractor/Permittee agrees to assume the actual cost of any inspection of the work considered to be necessary by the City of New Bern Director of Public Works or an appointee.
- The Contractor/Permittee agrees to have available a copy of this agreement at the encroaching site, at all times, during construction, showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.
- Any excavation, boring, and/or digging within the City of New Bern right-of-way shall be limited to Monday through Friday between the hours of 7 AM to 5 PM. No excavation, boring, and/or digging is permitted on weekends or recognized City of New Bern holidays (City of New Bern holiday calendar may be viewed at: https://www.newbernnc.gov/departments/human_resources/holiday_calendar.php).
- All vehicles of Contractor/Permittee shall be clearly marked, on the outside of the vehicle, with the name of Contractor/Permittee.
- Contractor/Permittee shall post temporary signage clearly delineating the beginning and end of the work area. If the work area exceeds 500 LF, additional temporary signs (minimum 18" x 24") must be placed at intervals of no less than 500 LF throughout the work area. All signage must show company name and contact phone number.
- On the first business day of each week, Contractor/Permittee shall provide the City of New Bern Public Works Department a list of all current / scheduled work within any City of New Bern maintained right-of-way.
- After the work is complete the Contractor/Permittee shall remove all utility flagging that was marked for the work and clean and remove any debris, trash, and other items resulting from the work.
- The minimum depth of bury using trenchless methods to install utility pipe or conduit shall follow the guidance provided in the North Carolina Department of Transportation's Utilities Accommodation Manual, Table 3-1 (shown below). The Contractor/Permittee should be aware that "Driving/Moling/Pneumatic Hammer" methods are not allowed for street crossings in the City of New Bern.

Table 3-1. Minimum Bury Depths using Trenchless Methods

Method	Minimum Depth of Cover
Bore and Jack or Auger ^a	3 feet
HDD ^b (transverse installations under pavement)	
Drilledream hole diameter (Inches)	
2-8	5 feet
>8-15	12 times hole diameter
>15-36 ^c	15 feet or greater
HDD ^b (longitudinal installations parallel to pavement and outside theoretical 1:1 slope from edge of pavement)	
Drilledream hole diameter (Inches)	
Any size	3 feet
Pipe ramming	
Pipe or casing diameter (Inches)	
2-8	4 feet
>8-14	6 times pipe diameter
>14-72	8 feet
Drilling/Moiling/Pneumatic Hammer	3 feet or 10 times the diameter, whichever is greater
Tunneling	3 feet or 1.5 times the diameter of the bore, whichever is greater

^a Auger is limited to 8" or less in diameter.
^b These minimum cover depths apply to HDD installations on roadways with limited controlled access, partially controlled access, or non-controlled access. The minimum cover depth for transverse HDD installations of any size on fully controlled access roadways is 15 feet. Minimum cover depth for longitudinal installations is 3 feet for all highways, with horizontal alignment outside of the theoretical 1:1 slope from edge of pavement and as close to right of way line as practical.
^c The minimum cover depth for HDD installations of pipe greater than 36 inches in diameter shall be 15 feet and may be greater. These large HDD installations will be reviewed on a case-by-case basis.

Regardless of which trenchless method is used, the minimum depth for crossing under ditches is 2 feet under the unsalted original ditchline. See also Section 3.5.2.2 for HDD installations near structures.

3.4.2.2 Open Cut Method

The minimum depth of bury for cased and uncased utility construction shall be as shown in Table 3-2.

- The Contractor/Permittee shall contact the City of New Bern immediately for all utility strikes that occur to City owned utilities so that a determination can be made on how to address the repair. All costs associated with the repair work will be the responsibility of the Contractor/Permittee.
- That in the case of noncompliance with the terms of this agreement by the Contractor/Permittee, the City of New Bern reserves the right to stop all work until the facility has been brought into compliance or removed from the rights-of-ways at no cost to the party of the first part.
- That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization.
- The Contractor/Permittee must provide Certificate of Liability Insurance naming City of New Bern as additional insured.

Contractor / Permittee Representative: _____
 Signature Print

City of New Bern Public Works Department: _____
 Signature Date of Authorization