

PERMIT ID# _____

HIGHWAY ACCESS AND WORK PERMIT

**Town of Derby
124 Main Street
Derby, VT 05829**

Owner's/Applicant's Name, Address & Phone No. _____

Co-Applicant's Name, Address & Phone No. (if different from above) _____

The location of work (street name, distance to nearest intersection & which side)

Description of work to be performed in the highway right-of-way (attach plan) _____

Property Parcel ID #: _____

Date applicant expects work to begin: _____

Date applicant expects work to be completed: _____

Owner/Applicant: _____
(print name above)

Signature: _____

Co-Applicant: _____
(print name above)

Signature: _____

Date: _____

Instructions:

- Contact the Town of Derby to determine what plans and other documents are required to be submitted with your permit application request.
- Read both sides of the Application Form then complete and attach all necessary documents and submit it to the Town of Derby. We require this application to be signed by the property owner or their legal authorized representative. Original signatures are required on an original Form
- **The owner/Applicant and co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

PERMIT APPROVAL

The work is subject to the restrictions and conditions on the reverse page, plus the following Special Conditions: _____

By: _____
Town of Derby Road Commissioner

Date: _____

NOTICE: This permit covers only the Town of Derby's jurisdiction over this highway under VAS Title 19 Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit addresses only access to, work within, and drainage affecting the Town Highway Right of Way.

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant or a secondary Owner/Applicant under a joint permit application.

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

"Town" means the Town of Derby

GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all the restrictions and conditions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Derby Selectboard within 30 days of permit issuance and prior to starting any work. No work will be authorized by the Town, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 (Dig Safe) requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, please note that the Town is not a member of Dig Safe and will need to have their utility facilities investigated with due diligence prior to starting excavation activities in or on the Town road right-of-way.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the Town right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the Derby Road Commissioner, all work in the Town highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the Town.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The owner/Applicant must comply with all federal state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use a pre-approved Blast Plan. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.

All temporary and permanent traffic control measures and devices shall be NUTCD compliant.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Town to supervise such work.

The Town may modify or revoke the permit at any time for safety-related reasons, without rendering the Town liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Town may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Town may physically close the work area and take corrective action to protect the safety of highway users.

Any approved variance from the permitted plans is to be recorded on "as-builts" with copies provided to the Town.

ACCESS:

This permit (if for access) does not become effective until the owner/applicant records the front page of this application in the Derby Municipal Clerks Office.

As development occurs on land abutting the highways, the Town may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a town highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither his permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Derby Road Commissioner, to preclude interference with drainage of the Town highway. Direct connections shall not be allowed without written approval.

UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the Town in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the Town highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 ft to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Town.

Poles and appurtenances shall be located out of conflict with intersection sight distance, guardrail, ditches, signs, culverts, etc.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the Town highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Town before making an open cut.

JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit.