



**Bergen County Operations Division  
Roadway Opening and Use Ordinance**

Bergen County Department of Public Works  
Operations Division  
Administration Building  
One Bergen County Plaza, 4<sup>th</sup> Floor  
Hackensack, New Jersey 07601  
Office: (201) 336 - 6446  
Fax: (201) 336 - 6762

## Ordinance

#\_\_\_\_\_, 1/\_\_\_/2020

**WHEREAS**, N.J.S.A. 27:16-1 --- gives the Bergen County Board of Chosen Freeholders (“Board”) the control and maintenance of its roadways which includes safeguarding the surfaces thereof; and

**WHEREAS**, N.J.S.A. 27:16-30 --- gives the Board the authority to ascertain and establish the location and boundaries of all roads under its control, and prevent and remove all obstructions and encroachments thereon, and

**WHEREAS**, N.J.S.A. 27:16-31 – gives the Board the control to regulate the disturbance, excavation or obstruction of any roadway under its control for any purpose thereof; and

**WHEREAS**, N.J.S.A. 27:16-35 --- gives the Board the authority to place, or cause to be placed, along and at the intersection of all public County roads, suitable signboards with proper inscriptions thereon for the convenience and information of travelers, and may remove all other signboards, whether advertising, cautionary or directory, within the limits of a County road, and

**WHEREAS**, N.J.S.A. 40:24-2 – gives the Board the authority to prescribe penalties for the violation of any ordinance it may have authority to pass, either by imprisonment in the County jail for a period not exceeding ninety days or by a fine not exceeding \$200.00 (two hundred dollars or both); and

**WHEREAS**, various improper conditions have arisen with respect to County Roadways; and

**WHEREAS**, various unauthorized and improper closures of County Roadways and County Right-of-Ways have been made, and obstructions and impediments placed upon the various County Roads and Right-of-Ways without proper permission; and

**WHEREAS**, this Board is delegated and required by law to maintain all County Roadways and keep them safe and convenient for the traveling public during all seasons of the year and during all times of the day;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Chosen Freeholders of the County of Bergen that it hereby authorizes the Bergen County Department of Public Works to issue permits in accordance with all applicable laws prescribed; according to the rules and regulations promulgated by the same.

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**Section I – Title**

This ordinance is being adopted by the Board of Chosen Freeholders of the County of Bergen in accordance with law and the delegated responsibilities for the purpose of preventing damage to Bergen County Roadways and Bridges under its maintenance and jurisdiction, and for keeping them same safe and convenient for the traveling public during all times. This authority includes controlling access by public and private utilities by specifying terms of use, occupation and location within the rights of way or easements associated with said Roadways. It also includes the right and responsibility of the County to ensure safe and unobstructed passage of

traffic, including vehicular and pedestrian traffic by approving and inspecting all roadway and sidewalk closures and detours to ensure they are established in accordance current standards established by the Federal Manual for Uniform Traffic Control Devices (MUTCD) and New Jersey Department of Transportation (NJDOT) standards and specifications.

## **Section II – Definitions**

The following terms as used in this Ordinance shall have the meaning and scope herein given:

Agreement – a legally binding document between the County of Bergen and any private or public entity or individual allowing and specifying terms for a permanent or long-term activity or installation in, on, above or under the County right-of-way or easement. An agreement is usually accompanied by a permit for the specific activity.

Application – a written document of specified form requesting permission to enter upon the County roadway system for the purpose of constructing a specified use of the Roadway or Roadway/Lane Closure

Applicant – Any individual, utility, firm, governmental agency or other entity wishing to initiate construction or road/lane closure for the purpose of installing, removing or maintaining any private or public facility in, under, above or abutting any portion of the County right-of-way, encroach on the County rights-of-way, attachment to County bridge, connection to drainage structures, or transporting oversized or overweight vehicles or loads on County roadways.

Base Course – The layer or layers of specified or selected material of designed thickness placed on a subbase or subgrade to support a surface course.

Bergen County Board of Chosen Freeholders – referred to as “Board”, the legislative body consisting of seven (7) duly elected officials of Bergen County.

Bridge – a structure 20 feet or more in span, carrying a road, path, railroad, or canal across a river, ravine, road, railroad, or other obstacle.

Buffer Strip – the space between the sidewalk and curb to provide separation.

Catch Basin/Inlet - a concrete or brick structure along the edge of the roadway, in the roadside, or in the travel way for the explicit purpose of collecting surface water and transmitting it to an underground/under road drainage system. The catch basin/inlet is covered by a cast iron frame, grate and curb piece (for certain types of inlets)

Conduit – a metallic or plastic tube for protecting electric wiring.

County Engineer - a licensed engineer appointed by the Board of Chosen Freeholders who has supervisory and technical responsibility and control over The Engineering Division and all County roadways and bridges.

County Road Inspector – a County employee who has the training and responsibility to inspect all Roadway Openings and restoration thereof.

County Supervisor of Roads – an individual appointed by the Board of Chosen Freeholders to exercise supervisory, training and maintenance responsibility over the Department of Public Works Division of Operations and the County’s Roadways.

Crosswalk – a portion of a roadway designated for pedestrian crossing that can be either marked or unmarked. NJ Title 39:1-1 defines “Crosswalk” as that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on

opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

Curb – a stone, asphalt or concrete edging to a roadway, street or path.

Curb Ramp – a combined ramp and landing to accomplish a change in level at a curb, intended to provide a transition between streets and sidewalks for pedestrians and wheel chairs.

Detectable Warning – a standardized surface built in or applied to walking surfaces or other elements to warn people who are blind or visually impaired.

Directional Boring – a method of constructing a linear utility or pipe without excavating the roadway. This can be accomplished by directional drilling and/or pushing/pulling the utility from one location to another. Borings normally require a boring pit and a receiving pit at either end of the installation. These pits are considered openings under this ordinance.

Emergency Opening – defined as the replacement or repair of an existing facility under a County road or Right-of-Way which has broken or becomes inoperable and needs immediate repair to maintain service.



Encroachment – any permanent structure in, under, on, or above a County Roadway, Right-of-way or permanent easement. This may include fences, walls, facades, awnings, doorways, buildings, underground storage tanks, underground vaults or cellars, signs, utility poles, banners, vegetative screens, etc.

Guide Rail – A barrier whose primary function is to prevent penetration and to safely redirect an errant vehicle away from a roadside or median hazard.

Hand Hole – a small covered opening in any part of the right-of-way designed to provide access to a meter or a valve to control an underground utility or service.

Maintenance Bond – a bond issued by a surety for the purpose of insuring that issues of defective workmanship, material, or equipment that occur within a specified time frame after acceptance of a project are corrected either by the contractor or the surety.

Median – The portion of a divided roadway separating the traveled ways for traffic in opposite directions.

Manhole – a below grade inspection chamber, with a removable cover, in the roadway or other surface to allow a person to enter for maintenance and inspection of a sewer or utility.

Minor Bridge/Culvert – a bridge structure five (5) feet or more but less than twenty (20) feet in span.

Municipality – Defined as the local governing body and its departments and is a political subdivision of the State of New Jersey. Quasi – Public agencies, Commissions, Authorities, etc. shall be considered as a municipality for the purposes of this ordinance.

Pavement Structure – the combination of subbase, base course and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

Pedestrian – a person walking or travelling by means of wheelchair, electric scooter, crutches or other walking devices or mobility aids. This also includes those pushing or pulling strollers, carriages, carts, wagons, and those walking bicycles.

Performance Bond – a bond issued by a surety, usually in the amount of a project, that guarantees completion of a project.

Permit – a document issued by the Supervisor of Roads granting permission for any entity to close or enter into or use the County Roadway system for the purpose of constructing or monitoring a specified improvement or installation. The permit will be specific as to the installation, time frame and restoration requirements. It will also identify specific traffic control and any other requirements that may be deemed by the Supervisor of Roads, the County Engineer, or the Board of Chosen Freeholders as

appropriate for a specific improvement.

Permit fee – A fee assessed by the County to cover the administrative and inspection costs and use of County Roadways (See Section X).

Pipe Culvert – a structure, less than five (5) feet in span.

Point Excavation – a point excavation is limited in nature to a small area not characteristic of a trench.

Right-of-Way – A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to transportation purposes.

Roadway – A general term denoting a public way for purposes of vehicular and pedestrian travel, including the entire area within the right-of-way lines. In urban areas – roadway or street; in rural areas – roadway or road.

Roadway Access Permit – A permit granting permission for the connection of a public street or residential or business driveway to a County roadway.

Roadway Opening – defined as any excavation in or under a County roadway, street or road surface.

Roadside – the area adjoining the outer edge of the roadway. The term may be referred to as “border” or “sidewalk area” on streets.

Shared Roadway – a roadway which accommodates both bicycle and motor vehicle travel. This may be a roadway or street with wide curb lanes, paved shoulders, or designated lanes to be shared by motor vehicles and bicycles.

Shoulder – the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles for emergency use, for lateral support of the base and surface courses. The shoulder may be used for bicycle travel where allowed. It may also be used for pedestrians in the absence of a sidewalk.

Sidewalk – an exterior pathway with a prepared surface (concrete, bituminous, stone, brick, etc.) intended for pedestrian use.

Sight Distance – the length of roadway visible to the driver of a vehicle at a given point on the roadway when the view is unobstructed.

Sign – any placard depicting traffic control measures, directions, information, roadway warnings, regulatory information or commercial information. Signs may be permanently mounted on poles or on temporary stanchions, depending on usage. Location and usage of all roadway signs are controlled by the current edition of the Manual for Uniform Traffic Control Devices (MUTCD).

Stopping Sight Distance – The distance required by a driver of a vehicle, travelling at a given speed, to bring the vehicle to a stop before reaching an object on the roadway after the object has become visible. (The distances used in design are calculated on the basis of the driver’s ability to see a 2 foot high object in the road ahead when the driver’s eye level is 3.5 feet above the roadway surface).

Structure – A structure, for the purposes of this document is defined as a bridge or a culvert intended to separate a Roadway from an obstacle, either by elevating the Roadway over the obstacle or to lift the obstacle over the Roadway. Examples may be bridges or minor bridges over waterways, railroads or other roadways.

Subbase – the layer or layers of specified or selected material placed on a subgrade to support a base course.

Subgrade – the surface upon which the roadway pavement structure (Subbase, Base Course, and Surface Course), including shoulders, are constructed.

Surface Course – one or more layers of pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegration effects of climate.

Traffic – vehicles, bicycles or pedestrians moving along a public roadway.

Traffic Barrier – A device used to prevent a vehicle from striking a more severe obstacle or feature located on the roadside or in the median, or to prevent crossover median accidents.

Traffic barriers include roadside barriers, median barriers, bridge railings and crash cushions.

Traffic Control Devices – signs, signals, pavement markings and devices placed or erected for the purpose of regulating, warning or guiding traffic by authority of a public body or official having jurisdiction over the roadway.

Traffic Control Plan (TCP) – A plan for maintaining traffic in or around a work zone.

Travelled Way – the portion of the roadway provided for the movement of vehicles, exclusive of shoulders, auxiliary lanes and bicycle lanes.

Trench – a ditch of varying length or width commonly used to bury an underground facility.

Utility – a public or private overhead or underground facility designed to convey services of a public nature to consumers and subject to the regulations of the State of

New Jersey Board of Public Utility Commissioners. Services may include but not be limited to water, sewer, electric, gas and communication.

Violation – any act, intentional or unintentional, that is contrary to this ordinance and its intent. Any violation may be punishable by a fine not exceeding \$200 or imprisonment up to 90 days or both. (N.J.S.A. 40:24-2)

Work Area – A location where construction, maintenance or utility/permit operations are being performed.

Work Zone – The work area and the section of roadway used for traffic control devices related to the work area.

## **Section III – Requirements**

### **A. General Requirements**

It shall be unlawful for any person or persons, firm, corporation, or municipality to close, or make any excavation in, or to open, or tear up the surface of any County roadway where the jurisdictional and maintenance responsibility rests with the Bergen County Board of Chosen Freeholders, for any purpose whatsoever, without the written approved permit first obtained from the County Engineer and/or the County Supervisor of Roads or their duly authorized representative for the County of Bergen as hereafter provided.

It shall be unlawful for any persons or persons, firm, corporation, or municipality to close, or make any excavation in, or to open, or tear up any portion of the County Right-of-Way or permanent easement outside of the County road pavement, for any purpose whatsoever, without the written approved permit first obtained from the County Engineer and/or the County Supervisor of Roads or their duly authorized representative for the County of Bergen as hereafter provided.

Any person or persons, firm, corporation, or municipality desiring to tear up, open, or make any type of excavation in any County Roadway shall first submit a completed application in writing for a permit(s) therefore, together with two (2) sets of detailed plans indicating and describing in detail the work proposed to be performed and the estimated length of time required to perform same. This information shall be completed on forms provided by the Bergen County Operations Division. As a minimum, the permit application will be accompanied by a clear drawing showing:

- the location of the excavation
- the horizontal and vertical dimensions of the excavation
- north arrow
- distance and location to 2 known fixed points
- location of any potential underground conflicts
- location of bridges, culverts, and drainage structures including pipe, catch basins, inlets, and manholes.
- a clear description of the work or installation to be accomplished
- a detailed Traffic Control Plan (TCP)

A permit will be required for any trench or point excavation of any size for any purpose into or through the pavement.

One permit will be required for each distinctly different opening. The fee and bond required for each permit will be dependent on the size, length and appurtenances in each opening (See Section X).

Any entity installing a new or replacement facility that results in disuse of an existing facility SHALL remove said existing facility unless waived by the County Engineer or Road Supervisor.

At no time will any new facility other than drainage pipe be allowed within 3 feet of each side of the curb or edge of pavement or less than 36 inches below the roadway surface unless waived by the County Engineer or Road Supervisor.

## **Section IV Fees/Bonds/Insurance**

Fees, Bonds, and Insurance requirements shall apply as stated in the Bergen County Roadway Opening and Use Fee Schedule at Section X of this Ordinance. Fees under this ordinance may be increased by up to 5% on each third anniversary of the ordinance, beginning September 1, 2023.

### **A. Permit Fee**

All of the various permits in this ordinance carry fees as indicated in the Bergen County Roadway Opening and Use Permit Fee Schedule at Section X of this Ordinance. Single projects requiring multiple types of permits shall only be charged one application fee for the project.

At the discretion of the County Engineer, the Director of Public Works or County Roads Supervisor fees may be waived upon written request by the applicant.

### **B. Bonds**

Any permit designated to require a bond in the Bergen County Roadway Opening and Use Permit Fee Schedule at Section X of this Ordinance shall carry a requirement of a minimum of a \$2,500.00 (twenty-five hundred and no cents) performance and maintenance bond. This bond may be increased by formula based on the scope and size of the project and prevailing cost estimates at the time of submission of the application. The Bond shall have an effective period of two (2) years from the acceptance of the final restoration by the County Supervisor of Roads.

The County of Bergen may accept at its discretion, in lieu of any deposit required for any permit to be granted hereunder, a written guarantee, contract, or Ordinance from the person, persons, party, or municipality making such application, for such permit agreeing to make prompt and satisfactory restoration and repair of the County Roadway.

The bond may be in the form of a Performance and Maintenance Bond issued by a Surety Bonding Company authorized to conduct business in the State of New Jersey, or a Cash Bond in the form of a Certified Check in the full cash amount of the work to be performed as determined above by the County Engineer, County Supervisor of Roads or their duly authorized representative. The Certified Check or Bond will be held in escrow for a full two (2) year period and returned to the applicant upon approval of the final restoration by the County Supervisor of Roads.

## **C. Insurance**

Any and all applications for any type of permit shall be accompanied by a Public Liability Insurance Policy or a Certificate of Insurance in the minimum amounts of at least \$1,000,000.00 to \$3,000,000.00 for bodily injuries or death, and \$2,500,000.00 for property damage, issued by an insurance company authorized to conduct business in the State of New Jersey and indemnifying and protecting the County of Bergen from all liability by reason of property damage or personal injuries or death which may result or may be a claim as a result of any accident occurring as a result of the activity being permitted.

## **Section V Permits**

### **A. Roadway Opening Permits**

Roadway Opening Permits will be required for but not be limited to the following activities:

- Manhole, Hand Hole or Valve Box installation, reconstruction or modification
- Inlet or Catch Basin installation, reconstruction or modification
- Repair or reconstruction of underground or under road utilities or other facilities
- Connection of services to existing utilities
- Junction Box installation
- Installation of pipe or conduit between any two existing or new structures
- Removal or installation of any type of foundation or structure
- Test pits or core borings
- Installation of monitoring wells
- Repair of damage to the road structure
- Removal or installation of Underground Storage Tanks (UST)
- Installation of new utility or signal poles
- Installation of signs
- New or replacement curbs
- Excavation of any type
- Others as may occur

Restoration of excavations in the County Roadway will be as per the details at the end of this ordinance. At no time will recycled concrete (RCA) or recycled asphalt (RAP) be used as backfill material. Striping, signs and pavement markings in the disturbed area shall be replaced.

No earlier than ninety (90) days or more than one hundred twenty (120) days after completion, the applicant shall return to the site to construct a final Surface Course for the excavation. If placement of concrete base is required, the applicant shall return no earlier than thirty (30) days

or later than ninety (90) days to place the concrete base followed by final Surface Course. Linear trenches will be milled and resurfaced in accordance with the requirements of the issued permit. Point excavation will be resurfaced using infrared. Upon completion of restoration, all pavement markings and Raised Pavement Markers (RPMs) shall be replaced in kind unless waived by the County Engineer or Road Supervisor.

Between the completion of the installation and the application of the final Surface Course, the applicant shall return to the site at least every thirty (30) days or as needed to provide maintenance to the trench by applying and compacting additional asphalt to fill the settled trench.

Prior to the issuance of a Road Opening Permit the applicant must enter into a Road Opening Agreement with the County of Bergen.

### **1. Fees**

See the published Fee Schedule at Section X

### **B. Roadway/Driveway Access and Curb Construction Permit**

Any person or persons, firm, corporation, or municipality desiring to connect to any County Road and/or Public Right-of-Way shall first submit a completed application in writing for a permit(s) therefore, together with two (2) sets of detailed plans indicating and describing in detail the work proposed to be performed and the estimated length of time required to perform same. This information shall be completed on forms provided by the Bergen County Division of Roads.

Should the applicant be constructing a new driveway, new roadway, intersection or modifying an existing driveway or roadway intersection, the applicant must provide written approval from the municipality and apply for a Roadway/Driveway Access Permit from the County Operations Division. A Driveway/Roadway Access Permit shall not be granted without written approval from the County Engineer. . The applicant shall also apply for the required accompanying Roadway Opening Permit.

If the roadway(s)/driveway(s) in question are part of a site plan approved by the County Planning Board, then the applicant shall apply for a Roadway/Driveway Access Permit and submit it to the Division of Operations. The submission of plans is not required. The applicant shall also apply for the required accompanying Roadway Opening Permit when applicable.

Applicant is required to comply with MUTCD, Municipal, and County requirements.

When constructing a concrete driveway apron or a concrete paver driveway apron, a drop curb must be constructed, even if one doesn't presently exist.

A separate Roadway/Driveway Access Permit is required for each of the following:

- Driveway – residential, business, or parking lot.



- Roadway (Side Street)

A plan of the proposed work must be submitted along with the application form. The proposal will be reviewed, and a letter sent to the applicant within fifteen (15) business days. The letter will either approve the plan, request modifications or deny.

#### 1. Fees

See the published Fee Schedule at Section X.

### **C. Bridge Attachment Permit**

Applicants proposing to connect any structure, pipe, conduit, sign, or any other object to a bridge or culvert or bore under said bridge or culvert under the ownership, maintenance or jurisdictional control of the County of Bergen, are required to file a written request with and obtain a Bridge Attachment Permit from the County Engineer.

The applicant shall agree to the following terms and conditions required by the County of Bergen prior to new utility installations on bridges and culverts:

- No facility on a bridge or culvert shall be installed, replaced or modified without the written approval of the Bergen County Engineer.
- Applicants should meet with the County Engineering Division to discuss the concept and nature of the proposed bridge attachment prior to performing any detailed design and submitting a written request to attach. Applicants are advised that there is no guarantee a requested utility attachment will be approved.
- The applicant shall be responsible for providing all applicable engineering calculations, plans, construction details and technical specifications to the County Engineer for review and approval prior to receiving a permit to perform any attachment work on a County structure.
- The applicant agrees that, in the event the bridge or culvert is to be rehabilitated, reconstructed or replaced that the applicant is responsible for all permanent and temporary relocation costs as determined by the County. The County of Bergen shall not incur any costs as result of granting an applicant the privilege of installing the facilities on the County structure.
- The applicant is responsible for any damage caused to the structure as a result of the bridge attachment installation, maintenance, use, etc.
- If the County determines, at its sole discretion, that it is in the best interest of the County to have the bridge attachment removed from the bridge and culvert structure, the utility shall perform such work in a timely manner and at the applicant's sole expense within a time frame established by or negotiated with the County.

The applicant shall submit to the County Engineer at least two (2) sets of proposed construction plans and structural and/or drainage calculations prepared by a Licensed Professional Engineer registered by the State of New Jersey Board of Professional Engineers and Land Surveyors indicating that the proposed work and/or attachment will not adversely affect the structural or operating capacity and functional characteristics of the bridge and/or culvert.

Installation and Work Plan Requirements for a Bridge Attachment Permit:

- Proposed bridge attachments must be fully compliant with all design standards including but not limited to the County of Bergen, New Jersey Department of Transportation, American Association of State Highway Transportation Officials (AASHTO), and the Federal Highway Administration (FHWA).
- The placement of utilities on the bridge sidewalk areas or attachment to the railings or parapet is not permitted. Exposed installation of attachments at the outside fascia of the structure are not permitted.
- Adequate access for the maintenance and inspection of the proposed attachment and of the structure must be provided.
- Existing structure under clearance must be maintained if the low chord of the bridge is in the flood hazard area.
- Structural integrity of the bridge components shall be preserved. The structural calculations submitted with the application shall show that the additional load from the installation of the attachment will not overstress the bridge components.
- Welding of the attachment to the existing structural elements is prohibited.
- Placement of anchor bolts or other inserts into the bridge deck is prohibited.
- Pipes installed through abutment back walls shall be placed in galvanized steel sleeves that are set in non-shrink grout. The opening between the pipe and sleeve shall be packed with jute or similar material to prevent leakage through the back wall.
- Pipes carrying liquids or gases under pressure in trenches shall be sleeved within ten (10) feet of the abutments.
- All pipelines carrying liquids or gasses under pressure shall extend through the supporting structure without changes in alignment. Changes in alignment shall be outside the structure limits. Loads developed at alignment change locations shall be carried by thrust blocks or other means completely independent of the bridge structural elements.

- The plans provided with the application must include a plan view with a North reference arrow, an elevation and a cross section of the structure showing the existing structural members and the location of the proposed bridge attachment.
- The outside diameters, the thickness and the weights of the pipe must be shown on the plans.
- Applicants are responsible for all costs related to bridge attachment requests and installation including but not limited to engineering review fees including contracted consultants, fulltime inspection of construction including contracted inspection services; required corrective actions resulting from bridge attachment; and permanent and temporary relocation costs.

After the review of the application is complete, the County Engineer will forward the Bridge Attachment Permit request to the Bergen County Board of Chosen Freeholders for their approval or denial. After the Board of Chosen Freeholders approval, the County Engineer, or the County Supervisor of Roads will issue the necessary permit(s).

#### 1. Fees

See the published Fee Schedule at Section X.

#### **D. Lane/Road Closures and Lane Shifts**

Lane/Road Closures and Lane Shifts for any reason must be approved by the County Engineer and a Lane/Road Closure/Shift Permit will be issued by the Operations Division. No entity other than the Board of Chosen Freeholders, the County Engineer or the County Road Supervisor has the authority to close one or more lanes on any County Roadway without the declaration of an emergency.

This includes closures for construction projects, street fairs, parades or any similar activity but does not apply to bona fide public safety emergencies, such as fires, police emergencies or pressurized main breaks.

Lane or Road closures must also be coordinated with the local Municipality. This coordination does not, under any circumstance, other than a bona fide emergency, negate the requirement for a County-issued permit. Road or lane closures that require the use of a municipal road shall receive approval of the municipality.

Prior to the approval of a Lane/Road Closure or Lane Shift, the applicant must provide a detailed Traffic Control Plan (TCP) as defined in this ordinance for review.

Lane closures are discouraged and the use of lane shifts is preferred.

##### 1. Fees

See the published Fee Schedule at Section X.

#### **E. Oversize/Overweight Vehicle Permits**

A permit is required for each one-way trip of an oversize or overweight vehicle that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84.

The County reserves the right to designate the routes of travel, speed limits, exact day and time of operation, or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

##### 1. Permit Applications

Information to be provided by the applicant for a permit shall include, but not be limited to, the following:

- The name, address and telephone number of the permit applicant;

- The vehicle information including, but not limited to, the type of tractor and trailer combination;
- The vehicle height, length and width;
- The axle configuration and weight over each axle;
- The overall gross vehicle weight;
- The dates of travel;
- The details of the anticipated route of travel;
- The name of insurance provider and policy number and details of coverage.

Applicants are encouraged to have a pre-application meeting with the Engineering Division as far in advance of the anticipated move as possible. Applications must be received by the County at least ten (10) business days prior to the anticipated date of travel.

Applications for permits will be reviewed for the structural adequacy of the structures along the proposed route in conjunction with the vehicle's load and axle configuration.

Applications will be rejected where the vehicle's load and axle configuration overstress the structures along the anticipated route of travel. Applicants can either modify the vehicle's load, or axle spacing to lessen the load impact or choose an alternative route.

The applicant shall be responsible for determining if the vehicle can safely travel the proposed route without adversely affecting traffic. Specific factors which must be investigated include:

- Road and lane widths
- On-Street Parking
- Turning Radii at intersections
- Under clearances at Bridges
- Under clearances at traffic signals and other utilities

## 2. Liability for Damage

Any person driving any vehicle in excess of statutory weight limitations and permit requirements upon any County roads or County structures shall be liable for all damage which the road or road structure may sustain as a result of any such operations.

The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the authorized size and weight limitations or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided in this subsection if damage is caused to roadways or structures posted for weight limits less than those set forth by statute.

Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage.

An application for a permit shall not be accepted unless the applicant provides proof of coverage by insurance in the following minimum limits:

- \$ 1,000,000 for bodily injury or death to any one person in any one occurrence;
- \$ 3,000,000 for bodily injury or death to two or more persons in any one occurrence;
- \$ 1,000,000 for damage to or destruction of property in any one occurrence.

The insurance policy shall contain a provision that there will be ten (10) day prior notice to the County in the event of cancellation or termination of the insurance.

The insurance provisions above shall not be required in the case of an oversize permit issued for the operation of a private utility trailer, house-type trailer or semitrailer. In such cases, the provisions of the Compulsory Motor Vehicle Insurance Law (N.J.S.A. 39:6B-1 et seq.) and the Security-Responsibility Law (N.J.S.A. 39:6-23 et seq.) will apply.

### 3. Invalidity of Permits

Permits shall not be valid for any of the following conditions:

- For the operation of a vehicle or combination of vehicles transporting a load that can be dismembered, dismantled or divided in such a manner, so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not exceeded, except for sealed containers of the type commonly used for the conveyance of freight transportation in international oceangoing commerce, bearing the seal of the United States Custom Service, the seal of another governmental agency or the seal of the shipper.
- For the operation of a vehicle registered or required to be registered in New Jersey unless the vehicle is registered in this State at the maximum registration weight permitted under N.J.S.A. 39:3-20.
- When the gross weight of the vehicle or combination of vehicles, including load, exceeds 800 pounds per inch in width of tires on all wheels, or when the load is distributed so as to impose a weight of more than 800 pounds per inch in width of tire on any one wheel.
- The operation of a vehicle or combination of vehicles on any roadway where clear space available for use by passing traffic is less than ten feet, including roadway and improved shoulder.

- The operation of a vehicle or combination of vehicles on the following holidays: New Year's Day, Memorial Day and the Friday before Memorial Day, Independence Day, Labor Day and the Friday before Labor Day, Thanksgiving Day and the Wednesday before Thanksgiving Day and Christmas Day. If the holiday falls on a Sunday, the operation shall not be permitted on the following Monday. If the holiday falls on a Saturday, the operation shall not be permitted on the preceding Friday.
- During the nighttime hours of sunset to sunrise.
- When visibility is limited to a distance of less than 500 feet during the daylight hours of sunrise to sunset.
- When hazardous road conditions exist.

#### 4. Escort vehicle requirements

Two escort vehicles shall be required (one preceding, one following) when the width, including load, exceeds twelve (12) feet or when the length exceeds ninety (90) feet.

When the height, including load, exceeds 14 feet 5 inches, a front escort vehicle shall be required, and be equipped with a Height Pole Indicator.

The preceding escort vehicle shall maintain a distance of 200 feet minimum to 400 feet maximum from the lead vehicle of the escorted combination of vehicles.

The following escort vehicle shall maintain a distance of 75 feet minimum to 200 feet maximum from the rearmost vehicle of the escorted combination of vehicles.

Low beam headlamps and red tail lamps shall be illuminated on all escort vehicles, the towing vehicle and the towed vehicle.

If an Escort Vehicle is used, the Escort Company will be responsible to verify that the permit has been obtained and that the Scheduled Route, Permitted Route and Route Actually Travelled are the same. The Escort Company will be liable for the same fines and penalties as the Transport Company.

#### 5. Warning signs

The minimum size of a warning sign shall be six feet wide by one foot high.

The term "WIDE LOAD" or "OVERSIZE LOAD" shall be displayed on the sign in black

letters of 10 inches minimum height on a yellow background.

A warning sign shall be displayed on the front of the preceding escort vehicle and on the rear of the following escort vehicle.

When no escort vehicles are required, warning signs shall be displayed on the front and rear of the oversize vehicle combination.

#### 6. Warning flags

A warning flag shall be red in color and its minimum size shall be 18 inches square.

Warning flags shall be displayed on the two front corners of the preceding escort vehicle.

Warning flags shall be displayed on the two rear corners of the following escort vehicle.

Warning flags shall be placed at the four corners of an oversize vehicle.

When a vehicle, is transporting a load which projects beyond the sides of the vehicle, the warning flags shall be placed at the four corners of the load rather than the vehicle.

If the load projects only beyond the rear of the transporting vehicle, two flags shall be placed on the two rear corners of the load.

If the projecting load is round or some other shape without distinguishable corners, a warning flag shall be placed at the outermost extremity of the load on each side and/or to the rear of the vehicle.

#### 7. Oversize private utility or house-type trailer or semitrailer

Except as set forth below, a permit shall not be valid for the operation of any private utility or house-type trailer or semitrailer, on its own wheels, with a width of more than 14 feet.

Any such vehicle whose width exceeds 14 feet shall be transported on a commercial-type low-bed trailer, semitrailer or properly registered dolly wheels.

The towing vehicle shall be a truck, truck tractor or road tractor equipped with dual wheels on the drive axle and a heavy-duty towing hitch.

If the trailer or semitrailer is not more than ten (10) feet wide, the towing vehicle shall have a capacity of 3/4 ton or more, and if the trailer or semitrailer is more than ten (10) feet wide, the towing vehicle capacity shall be 1.5 tons or more.



A private utility or house-type trailer or semitrailer in excess of twelve (12) feet in width, or its towing vehicle, shall be equipped with and have in operation two sway control devices between the towing vehicle and the towed vehicle.

Notwithstanding (a) above, a permit shall be valid for the operation of a house-type trailer or semitrailer with an outside width of no more than 16 feet if the vehicle is a manufactured home on a transportation system that is designed in accordance with the "Manufactured Home Construction and Safety Standards," 24 CFR Part 3280.901, promulgated by the United States Department of Housing and Urban Development, as amended and supplemented. A manufactured home with an outside width of more than 16 feet shall be transported on a commercial-type low-bed trailer, semitrailer or properly registered dolly wheels.

#### 8. Fees

See the published Fee Schedule at Section X.

### F. **Drainage Connection Permit/Agreement**

It shall be unlawful for any individual, corporation, government agency or other entity to collect, concentrate, reroute and discharge water of any kind, from any source, and transmitted by any man-made or artificial conveyance (ditch or pipe) onto the surface of a County roadway. The individual, corporation, government agency or other entity may seek to connect its drainage to an existing County storm water system.

It shall be unlawful for any individual, corporation, government agency or other entity to connect its discharge to any County storm water system or to place its own system within a County Roadway without the permission of the County Engineer and without obtaining a County Drainage Connection Permit from the County Supervisor of Roads.

Prior to seeking a Storm Drain Connection Permit the applicant must provide the following to the County Engineer for review and approval (Some or all of these requirements may be waived for residential sump pumps or rain gutter leaders):

- Detailed survey and plans showing the drainage area that contributes to the discharge
- Detailed construction plans showing the connection, size of pipe, pertinent inverts, inlets, manholes and the extent of the new system within the County right-of-way
- Detailed stormwater calculations showing that the existing system has the capacity for the additional drainage transmitted by the connection
- The plans and calculations must be performed, signed and sealed by a Professional Engineer licensed to practice in the State of New Jersey unless waived by the County Engineer.

The County of Bergen reserves the right to revoke a drainage connection license at any time if any adverse condition is caused by this connection to a county drain or pipe at the sole discretion of the County Engineer.

Applications under review by the County Planning Board

1. Fees

See the published Fee Schedule at Section X.

**G. Encroachment Permit/Agreement**

The County of Bergen has the obligation to maintain all Roadways under its jurisdiction for the safe and efficient use of the travelling public, including vehicles, bicycles and pedestrians. It shall be unlawful for any entity to erect or cause an encroachment into any public Right-of-Way without first obtaining an agreement with the County allowing the encroachment. The agreement shall specify the extent and limits of the allowable encroachment and dictate the terms of the use and removal of the encroachment.

In order to obtain an Encroachment Agreement, the applicant must provide detailed plans of the location of the encroachment and the encroachment itself. These plans shall include the location of buildings, streets, doorways, cellar doors, curbs and sidewalk and all other existing conditions in the County Roadway. This plan shall be signed and sealed by land surveyor licensed to practice in the State of New Jersey. If the encroachment is structural in nature – vaults, awnings, walls, etc.; structural calculations and plans, signed and sealed by a licensed engineer or architect must also be provided.

At no time shall an encroachment be allowed that provides an unsafe condition or limits the sight distance for the travelling public.

Upon identification, existing encroachments must be brought to the attention of the County Engineer and an agreement must be initiated. Should an existing encroachment be deemed by the County Engineer to be unsafe or hazardous to the public, the Owner shall be directed to remove the encroachment. Any encroachment shall be removed at the direction of the County Engineer if at any time it is determined to be unsafe or it becomes necessary for widening or realignment of the County Roadway.

1. Fees

See the published Fee Schedule at Section X.

**Section VI Utilities**

All utilities, whether municipal (water, sewer, and storm), public (electric, gas or phone) or private (water, sewer, storm, electric, gas, phone or telecommunication) may use the County Right-of-way with written approval. However, the County of Bergen exercises its rights and responsibility to the public to efficiently and effectively manage said use by dictating locations and conditions of those utilities.

Private utilities must enter into a right-of-way agreement with the County prior to occupying space in the County Roadway.

All utilities must apply for appropriate permits prior to constructing any new or existing services or connections to existing facilities within the County Roadway.

The County reserves the first three (3) feet in front of and behind the curb or edge of any County Roadway (for a total of 6 feet) and the top 36 inches below the surface of the full width of the County Roadway for its own use.

If a utility with an existing system in, under or above the County Roadway, takes the old system out of use, the old system SHALL be removed from the County Roadway by the owner unless waived by the County Engineer or Road Supervisor. This includes gas, electrical, water, storm, sanitary, phone or telecommunication installations and poles.

Owners of utility poles are required to know what other utility providers have facilities located on their utility poles. A list of all utility providers existing on a given pole shall be provided to Bergen County upon request for the purpose of coordinating utility relocations for County infrastructure projects. No utility is permitted to locate their facilities within the County Right of Way without an executed Rights of Way Agreement.

The installation of any new utility abutting, crossing over or under, or attached to a County bridge or culvert shall require written approval by the County Engineer.

## **Section VII Roadside and Streetscape**

### **A. Landscape**

At no time shall any property owner, tenant, or government agency place any landscaping in the public Right-of-way or create any other condition that establishes an unsafe condition for the travelling public. This shall include prohibiting landscaping and obstructions that restrict safe sight distance at intersections and on horizontal curves. It also includes barriers, constraints or obstacles that prevent safe pedestrian travel.

N.J.S.A. 40:48-2.26 grants jurisdiction to keep all brush, hedges, and other plant life growing within ten feet of any roadway and within twenty-five feet of the intersection of two roadways, cut to a height of not more than two and a half feet.

### **B. Streetscape**

Any entity or municipality that wishes to streetscape any portion of a County roadway for the purpose of beautifying the area must first apply to the County Engineer and provide detailed plans of the improvement.

## **Section VIII Traffic Control**

Any project, permit or other activity which causes any change or constraint to traffic flow on a County Road must obtain prior approval of a Traffic Control Plan (TCP) through the County Engineer's Office. As a minimum, the requirements found in the Federal Manual on Uniform Traffic Control Devices (MUTCD), as currently revised, shall be followed. (<http://mutcd.fhwa.dot.gov/>)

The County Engineer's Office may impose additional requirements as necessary.

### **A. Traffic Control Plan (TCP)**

The traffic control plan must reflect the actual conditions at the site; the plan shall not consist solely of a typical detail. As a minimum, it must show the following:

- The actual road where the work will take place
- Nearest intersections
- North Arrow
- Key Map
- Scale (or noted "NTS")
- Limits of work
- Lane widths
- Actual signs to be installed, along with distance between signs
- Actual devices to be installed (such as cones, drums, etc.) along with distance between devices
- Dates and times of proposed work
- Speed Limits and Length of tapers
- Detour routes and signage along said routes
- Advance notice signage
- If sidewalks or crosswalks are closed or rerouted by the project, pedestrian detours must be designated

### **B. TCP Submission Requirements**

Any and all entities desiring to conduct a project or activity on a Roadway or Sidewalk must submit a TCP. Hiring a Traffic Officer may be part of the TCP but does not negate the requirement to have an approved TCP in place. The following entities must have a TCP approved by the County Engineer prior to a permit being issued:

- Utility Companies
- Private Contractors
- Counties
- Municipalities

- New Jersey Transit
- New Jersey Department of Transportation
- New Jersey Turnpike Authority
- Railroads
- Utility Authorities
- Private Developers
- Other Public or Private Agencies or Authorities

**C. Projects Requiring a Traffic Control Plan**

The following general types of projects require an approved TCP before a permit is issued:

- Road Work (Including curbs, sidewalks, and any other roadway appurtenances)
- Bridge Work
- Underground Utility Work
- Above-Ground Utility Work
- Underground Tank Work
- Work on a building or property
- Delivering and/or installing equipment for a building or property
- Storage of equipment of material or fencing in the roadway

**D. Requirements**

Any work that involves the closure of a lane, including turning lanes, and also including any roadway area that is normally used by turning vehicles but may not be striped as a separate lane, shall only occur between 9AM and 3PM unless specifically approved by the County Engineer. The County may require concurrence from the municipality.

The presence of Police does not negate the requirement for an approved TCP.

If traffic is proposed to be detoured over non-County roads, then approval must be obtained from the entity having jurisdiction of those roads, and submitted to the County with the application.

Proposed traffic control plans must be submitted at least ten business days prior to the anticipated start date of construction.

**E. General Notes (to be included on all Traffic Control Plans)**

- Construction shall not proceed on any portion of the project until all traffic control devices have been installed by the contractor, and inspected and certified to be installed in accordance with the plan by the TCP designer.
- The contractor shall cover any existing permanent and construction signs with opaque material whenever the message is not applicable. Such signs shall be uncovered when the

message is applicable.

- Location of signs may be modified to adjust for actual field conditions.
- The cost of supplying, erecting, maintaining, relocating, covering, and uncovering signs and other traffic control devices during construction, and their removal as indicated on the plans, specifications, or as directed by the County, shall be borne by the applicant.
- Advance Notice of Construction signs shall be installed two weeks prior to road/bridge closings.
- Access to all driveways must be maintained at all times.
- Signs with orange backgrounds shall consist of Type IV-B (fluorescent orange) sheeting. Other sign faces shall be retroreflective sheeting. Sheeting types are listed in Section 916.17 of the NJDOT Specifications.
- “ROAD CLOSED” signs and M4-10 detour signs shall be mounted on breakaway barricades. All other signs shall be mounted on approved temporary stands (tripods or similar).
- All existing pavement markings in conflict with the traffic control plan shall be removed, and replaced at the applicant’s expense at the conclusion of the project.
- The Division of Operations (201-336-7680) and the municipal police department must be notified of the work at least 48 hours in advance.

**Section IX Prohibited Activities**

**A. Penalties**

Penalties set forth for the violation any provision of this ordinance shall be no greater than two hundred dollars (\$200.00) or ninety (90) days imprisonment in the County Jail or both (N.J.S.A. 40:24-2).

**B. Prohibited Activities**

1. Wheel Locking on a County Road

The disturbance or tearing up of any County roadway or right-of-way by the locking of wheels of any vehicle or attaching a drag or other mechanism to the same is hereby prohibited.

2. Obstruction or Damage of a County Road

The obstruction or damage to any County Roadway by the spilling, filling, flowing or throwing of stones, dirt earth, foreign objects, or any other materials thereon is hereby prohibited.

3. Filling of Gutters on a County Road

The filling of gutters along any County Roadway with dirt, fill, earth, foreign objects or any other materials is hereby prohibited irrespective of the manner or distance by which the dirt, fill, earth, foreign objects, or any other material shall travel before reaching the County road.

4. Diversion of Runoff onto a County Road

The diversion of surface and other runoff waters to and upon a County Roadway, drainage basin, gutter, bridge, or culvert is hereby prohibited.

An applicant must file for and obtain an approved Drainage Connection Permit for the controlled runoff to be permitted to flow into the County drainage system.

5. Interference with Drainage on a County Road, Bridge or Culvert

No persons, firm, corporation, or municipality shall place any earth, dirt, stones, foreign objects, or any other materials or articles upon any part thereof except in accordance with the provisions of this Ordinance, and no person, persons, firm, corporation or municipality shall do or cause to be done any act including the construction of buildings, private or public roadways, grading, landscaping or otherwise, which shall cause or result in the accumulation of dirt, silt, earth, foreign objects or any other materials upon the County roadway or Right-of-Way, storm water drainage facilities, gutter, bridge, or culvert.

6. Interference with Sight Distance on a County Road

No person, persons, firm, corporation, or municipality shall place any earth, dirt, stones, foreign objects, or any other materials or articles upon any part thereof except in accordance with the provisions of this Ordinance, and no person, persons, firm, corporation or



municipality shall do or cause to be done any act including the construction of buildings, private or public roadways, grading, landscaping or otherwise, which shall cause or result in unacceptable sight distance restrictions or allowances which would jeopardize the safety of the general public in any way.

No person, persons, firm, corporation, or municipality shall place any earth, dirt, stones, foreign objects, or any other materials or articles which will affect the sight distance at any intersection of a roadway or driveway with a County Roadway, including the construction of buildings, private or public roadways, driveways, grading, landscaping, or otherwise, within the County Roadway and within the sight distance standards, even if the area is contained within a private property, which would cause or result in jeopardizing the safety of the general public in any way.

The owner of the intersecting road, driveway, or access shall be required to provide adequate sight distance and to maintain any such landscaping within the County right-of-way, including but not limited to trees, brush, grass, and vegetation which presently exists or should grow in the future in such a fashion so it does not obscure any sight distance.

7. Tunneling under a County Road

Tunneling under County Roadways will not be permitted under any circumstances and shall be an unlawful exercise of the privilege under any such permit(s) and a violation thereof without the permission of the County Engineer.

8. Emergency Work without notification on a County Road

In the case of an emergency Roadway Opening (broken existing services or main lines for a utility company, private or public residence; for example water, electric, gas, or telephone lines), or private or public residence, such repairs will be allowed at any time, provided the Applicant has informed the Division of Operations of the emergency before the start of work.

The applicant will be required to obtain the necessary permit(s) the next business day.

9. Failure to Perform Restoration on a County Road

In the event any applicant violates the conditions of its permit, or otherwise fails to restore any road, street, or Right-of- Way in sufficient manner required hereunder, then the County Engineer or Supervisor of Roads shall contact the applicant's bond and the bonding company shall be responsible to complete the restoration. Should the County have to rely on the bonding company to complete restoration, the applicant may be denied any future permits on Bergen County Roadways.

10. Work without an approved permit on a County Road

It is unlawful for any person, persons, firm, corporation, utility, or municipality conduct work on a County Roadway without a permit issued by the Supervisor of Roads unless such work meets the definition of emergency work as defined in this ordinance.

11. Placing of snow into County Road

It shall be unlawful for any person, persons, firm, corporation, utility, or municipality to push, place, or cause any snow, ice, frozen objects or any type of materials or articles upon any part of the traveled County roadway or upon any County bridge by any means, which results in any accumulation on the traveled County roadway, no matter how far it may have traveled before reaching the County road.

It shall be unlawful for any person, persons, firm, corporation, utility, or municipality to push, place, or cause any snow, ice, frozen objects or any type of materials or articles upon any part of the intersection of any roadway, driveway, etc. within a County roadway, as to cause a site obstruction, no matter how far it may have traveled before reaching the County road.

Failure to remove snow, ice, or other frozen material or articles placed upon any part of the County road or within an intersection with a County road, so as to cause a site obstruction or an obstruction to vehicular or pedestrian traffic, no matter how it was placed there by any person, persons, firm, corporation, contractor, utility, or municipality is unlawful.

**12. Storage on a County road or Right-of-Way without authorization**

It shall be unlawful for any person, persons, firm, corporation, utility, or municipality to store any equipment, materials, structures, etc. on the County Roadway System without first obtaining a Storage Permit issued by the County Supervisor of Roads.

**13. Placing of debris into a County Road**

The placing of brush, trees, growth, or any other type of article upon any County roadway by any means by any person, persons, firm, corporation, contractor, utility or municipality is hereby prohibited.

**14. Unauthorized closure of County Road**

It shall be unlawful for any person, persons, firm, corporation, utility or municipality to close any road or lane on a County Roadway without first obtaining a Road Closure Permit issued by the County Supervisor of Roads, unless said closure is a result of a bona fide emergency.

**C. Enforcement Powers**

The County Engineer, the County Supervisor of Roads, the County Sheriff or the local Chief of Police or their duly authorized and designated representative are charged with the enforcement of all provisions and regulations stipulated in this Ordinance and is hereby designated as the Agent acting on behalf of the Bergen County Board of Chosen Freeholders.

## **Section X - Schedule of Fees**

### Bergen County Roadway Opening and Use Permit Fee Schedule

#### **Types of Permits**

##### **Roadway Opening:**

Application Fee – \$350.00, plus \$0.75 per linear foot over 100 linear feet

Review Fee – \$150.00 if over 100 linear feet up to 500 feet

Additional Review Fee – \$.25 per linear foot in excess of 500 feet

Inspection Fee – \$300.00, includes up to 4 inspections (additional inspections shall be \$75.00 per hour with a 1 hour minimum). Actual costs for contracted inspection service if needed.

Daily Fee – N/A

Bond – \$2,500.00 minimum (based upon value of improvements)

Insurance – Yes

Comments – 2, 3, 9

##### **Bridge Attachment:**

Application Fee – \$1000.00

Review Fee – \$250.00 for internal review. Actual costs for a consultant review.

Additional Review Fee – \$20.00 per LF for Arch, Thru Girder and Truss

Opening Fee – N/A

Inspection Fee – \$75.00 per hour for internal inspection. Actual costs for contracted inspection service if needed.

Daily Fee – N/A

Bond – Yes

Insurance – Yes

Comments – 1, 2

##### **Road/Lane Closure:**

Application Fee – \$100.00

Review Fee – \$150.00

Additional Review Fee – N/A

Opening Fee – N/A

Inspection Fee – N/A

Road Closure (requires detour)

- 24 hour road closure fee - \$1000 per day per direction of travel closed to traffic – road remains continuously closed.
- Daily road closure fee - \$500 per day per direction of travel closed to traffic – road is fully restored and safely re-opened at the end of each work day.

Lane Closure/Shift (maintains at least one lane of travel in each direction)

- 24 hour lane closure/shift fee - \$250 per day per lane of travel
- Daily lane closure/shift fee - \$125 per day – road is fully restored and safely re-opened at the end of each work day.

Bond – No

Insurance – Yes

Comments – \*

**Lane Shift:**

Application Fee – \$100.00

Review Fee – \$150.00

Additional Review Fee – N/A

Opening Fee – N/A

Inspection Fee – N/A

Daily Fee – \$50.00

Bond – No

Insurance – Yes

Comments – \*

**Shoulder Work:**

Application Fee – \$100.00

Review Fee – N/A

Additional Review Fee – N/A

Opening Fee – N/A

Inspection Fee – N/A

Daily Fee – \$50.00

Bond – No

Insurance – Yes

Comments – \*

**Drainage Connection Less than or equal to 4” Diameter:**

Application Fee – \$100.00

Review Fee – \$50.00

Additional Review Fee –

Opening Fee – N/A

Inspection Fee – N/A

Daily Fee – N/A  
Bond – Yes, to be adjusted at County’s discretion  
Insurance – Yes  
Comments – 1, 2, 5

**Drainage Connection Greater than 4” Diameter:**

Application Fee – \$250.00  
Review Fee – \$250.00  
Connection Fee - \$600.00 per connection  
Additional Review Fee –  
Opening Fee – N/A  
Inspection Fee – N/A  
Daily Fee – N/A  
Bond – Yes  
Insurance – Yes  
Comments – 1, 2, 5

**Overweight/Oversize:**

Application Fee – \$100.00  
Review Fee – \$450.00  
Additional Review Fee – Actual costs of third-party engineer to review. At this time third-party engineer evaluation fee is \$1,200.00 per structure, per move. This fee includes a licensed structural engineer to be at the site for an analysis of the bridge before, during and after the load passes over the structure.  
Opening Fee – N/A  
Inspection Fee – N/A  
Daily Fee – N/A  
Bond – No  
Insurance – Yes  
Comments – 7, 8

**Curb Construction/Driveway/Roadway Access:**

Application Fee – \$250.00 - Application fee does not apply to applicants before the County Planning Board for County Approval.  
Review Fee – N/A  
Additional Review Fee – N/A  
Opening Fee – N/A  
Inspection Fee – N/A  
Daily Fee – N/A

Bond – No  
Insurance – Yes  
Comments – 1, 2, 10

**Encroachment:**

Application Fee – \$100.00  
Review Fee – \$150.00  
Additional Review Fee – N/A  
Opening Fee – N/A  
Inspection Fee – N/A  
Daily Fee – N/A  
Bond – No  
Insurance – Yes  
Comments – 6

**Comments:**

**\* All projects requiring lane shifts or closures or taking place in the travel lanes, parking, shoulders or requiring equipment to be situated on or entering or leaving the roadway shall have a MUTCD compliant Traffic Control Plan (TCP) reviewed by the County Engineer prior to the issuance of a Permit.**

- 1. Requires a Roadway Opening Permit**
- 2. May require a Road Closure or Lane Shift Permit**
- 3. Sidewalks will not require a County Permit. A municipal permit for sidewalk construction may be required.**
- 4. Requires a Right-of-Way Agreement**
- 5. Requires a Drainage Connection Agreement**
- 6. Requires an Encroachment Agreement**
- 7. A Structure is defined as a Bridge, Culvert, or a pipe with a span of 5 feet or more**
- 8. If an Escort Vehicle is used, the Escort Company will be responsible to verify that the permit has been obtained and that the Scheduled Route, Permitted Route and Route Actually Travelled are the same. The Escort Company will be liable for the same fines and penalties as the Transport Company.**
- 9. For Utility Pole Installation: A separate application will be submitted for each Roadway in a pole installation or relocation project. Each individual pole will be considered a separate opening and each opening shall be subject to the all Roadway Opening Fees, including Application, Review, Opening and Inspection. Review Fees will be \$150 for each 10 poles or any part thereof. For each pole on that Roadway within the same project, beginning with the 11th pole, the permit fee shall be \$175.00**

**per pole.**

**10. May require municipal permit.**

## **Section XI – General Permit Procedures**

### **A. General Permit Application Procedures**

1. The Applicant shall complete all appropriate application(s) located in this ordinance that are available online at [www.Bergencountynj.org/roads](http://www.Bergencountynj.org/roads).
2. All applications including the required attachments shall be delivered to the Bergen County Division of Operations.
3. The County Supervisor of Roads will review the application and either accept it or request further information. The County reserves the right to amend an application in order to coordinate closures and detours on the County Road system.
4. If any of the following permits are required, the applicant will also forward a copy of the application and all attachments to the Bergen County Engineering Division.
  - a. Bridge Attachment Permit – Submit plans signed and sealed by an engineer licensed to practice in the State of New Jersey.
  - b. Road/Lane Closure or Lane Shift/Shoulder Permits – Submit detailed Traffic Control Plan (TCP) and detour plans in accordance with the current Manual for Uniform Traffic Control Devices (MUTCD) and New Jersey Department of Transportation guidelines.
  - c. Drainage Connection Permits – Submit a sketch or plans signed and sealed by an engineer licensed to practice in the State of New Jersey as required in this ordinance. The County Engineer may waive this requirement.
  - d. Overweight/Oversize Permits – Submit detailed route and loading calculations signed by an engineer licensed to practice in the State of New Jersey as required by this ordinance.
  - e. Driveway/Roadway Access Permit – Submit detailed plans as required by this ordinance.
  - f. Encroachment Permit – Submit a detailed site plan showing the encroachment signed and sealed by a land surveyor licensed to practice in the State of New Jersey. If a retaining wall or structure is included in the encroachment, submit structural calculations signed and sealed by an engineer licensed to practice in the State of New Jersey.
  - g. Private Utilities – Submit detailed plans showing location and extent of the installation. If the utility is occupying new space, provide plans signed and sealed by

an engineer licensed to practice in the State of New Jersey.

5. The Applicant shall provide the anticipated date of work. If the work is anticipated further in the future than five (5) calendar days, the application shall state the anticipated future date. Prior to that date, the Applicant shall notify the Division of Operations of the revised date of work.
6. Each application will be reviewed by the County Supervisor of Roads and, if required, by the County Engineer.
7. Agreements will be prepared by Bergen County Counsel for drainage connections and encroachments.
8. The Applicant will have forty five (45) working days from issuance of the permit or permits to start work or the permit(s) will be deemed void.
9. Once the permit has been issued and the project started, the permit will run continuously until the project is completed, provided that there is no break in the work for more than five (5) consecutive working days. If a break of in excess of five (5) consecutive working days is anticipated, the applicant shall notify the County Supervisor of Roads prior to the stoppage of work or the permit will expire.

**B. Winter Moratorium**

1. Roadway Opening Permits will not be issued during the winter period, from November 15 through March 15, inclusive. Applicants will not be allowed to perform any work within the County roadway or Right-of-Way during this period without prior authorization.
2. If the Applicant is working under a valid permit on a project that extends into the moratorium period, the County Engineer or the County Supervisor of Roads may suspend the permit until the following spring. At that time, the Applicant shall backfill any excavation and restore the road surface.
3. The County Engineer or County Supervisor of Roads may allow for the issuance of Roadway Opening Permits during the aforementioned winter moratorium for emergency openings.
4. Emergency work does not include the construction of any new main line(s) and new service lateral(s). The County will make a determination if proposed work is an emergency and determine if a permit will be issued.



**C. Working Hours**

1. No work shall be permitted on any Saturday, Sunday or Bergen County Holiday, without the prior written permission of the County Supervisor of Roads and/or County Engineer.
2. Unless there is a valid emergency determined by the County Supervisor of Roads, no work shall be performed within the County road or Right-of-Way which obstructs traffic flow by closing any traffic lane during the rush hours between 6:00 A.M. to 9:00 A.M and 3:00 P.M to 6:00 P.M, Monday through Friday inclusive.
3. Permission to work after hours can only be granted by the County Engineer and/or County Supervisor of Roads.

**D. Roadway Opening Procedures**

1. Excavation and Backfill
  - a. The applicant shall specify on the application for a Roadway Opening Permit, the date the excavation work will begin.
  - b. Should this date change, the applicant shall contact the County Supervisor of Roads, the prior business day to arrange for the new working date.
  - c. The Applicant shall contact the County Supervisor of Roads at least four (4) hours in advance of any backfilling. A County Road Inspector will be assigned to supervise the work.
  - d. All excavating, opening of any County Roadway, or backfilling of the same, or any portion thereof, shall be at the sole expense and liability of the applicant.
  - e. All Roadway Openings shall have sufficient protection to prevent the freezing of water, gas, or sewage in the pipes during and after construction. This protection will be at the sole expense of the applicant.
  - f. It shall be the responsibility and duty of the applicant to ensure the safety of the excavation area by providing suitable traffic control devices (cones, barricades, signs, etc.) and proper notice of such excavation to the traveling public, sufficient lighting and reflective signage during night hours, by such direction or notice as the County Supervisor of Roads shall determine. The Applicant shall be liable to safeguard the traveling public at all times during the work.

- g. All traffic controls shall be provided by the Applicant at the sole expense of the Applicant, and shall adhere to the requirements of the Bergen County Sherriff's Department, the local Municipal Police Department and the Manual on Uniform Traffic Control Devices (MUTCD).
- h. If any excavation is planned for the full width of the County Roadway, only one-half (1/2) of the road shall be excavated, backfilled, and paved before the remaining one-half (1/2) is excavated, backfilled, and paved to allow the public to travel over said road and to ensure the road remains open at all times.
- i. All excavations shall be backfilled and topped with temporary restoration material by the end of each workday.
- j. No temporary restoration material shall be left on any County Roadway after November 1 or for longer than five (5) consecutive calendar days.
- k. All temporary restoration material shall be properly secured and maintained by the Applicant.
- l. When it becomes necessary to open the paved section of any roadway, the Applicant shall conform to the Excavation Details as shown on the Bergen County Standard Detail for Trench Restoration, (See Appendix C).
- m. The minimum trench width shall be equal to the outside diameter of the pipe or the outside width of the structure being installed, with an additional width of one (1) foot on each side or three (3) feet, whichever is greater.
- n. When constructing a narrow width opening, such as a traffic signal conduits, traffic loop detectors, etc., the County Engineer may waive the minimum requirement. The excavated area must be backfilled with concrete or flowable fill to a point three (3) inches below the final pavement grade. The final three (3) inches shall be backfilled with tamped hot mix asphalt surface course, 9.5M64.

## 2. Restoration

- a. Restoration of the County Roadway shall be in accordance with the Bergen County Trench Restoration Standard Details, (See Appendix C).
- b. Temporary restoration will include final backfill in accordance with the aforementioned County standards. The Applicant will be responsible to return to the site at least once per month before final restoration to maintain and backfill the trench as it settles.

- c. Final restoration will not take place until ninety (90) to one hundred twenty (120) days after temporary restoration. If the permit requires concrete base, the final restoration shall be between thirty (30) and ninety (90) days after the temporary restoration is complete. Point or non-linear openings shall be resurfaced using the infrared method. Linear trenches shall be milled and resurfaced.
- d. Repaving of Roadway
  - i. If the trench changes direction at any angle and does not cross the painted centerline, the restoration shall include milling and resurfacing from Curb to Centerline for the entire length of the opening plus an additional 25 feet on either end.
  - ii. If the trench is greater than 200 linear feet, the restoration shall include milling and resurfacing from Curb to Curb for the entire length of the opening plus an additional 25 feet on either end.
  - iii. If the opening crosses the centerline, restoration shall include milling and resurfacing from Curb to Curb for the length of the opening plus an additional 25 feet on either end.
- e. Should any work disturb any pavement line striping or markings, the Applicant shall restripe the disturbed area. Paint shall be used for a temporary pavement restoration. When the final restoration is completed, the Applicant shall restore the line striping with epoxy resin and pavement markings with thermoplastic.
- f. The Applicant must restore the pavement or surface of any road or street in which an excavation has occurred to the same extent and in the same manner as existed prior to said excavations, and in accordance with the County of Bergen Trench Restoration Standards as on file in the office of the Division of Roads.

### 3. Inspection

- a. The Applicant shall notify the County Supervisor of Roads a minimum of one (1) hour before starting backfill.
- b. The backfilling of a road opening or excavation shall be done in the presence of the assigned County Road Inspector. If the County Road Inspector is not present and the Applicant has backfilled the road opening, the Applicant must re-excavate the opening and backfill the opening when the County Road Inspector is present. All this will be done at the sole expense of the Applicant.

- c. All excess materials shall be removed from the County Roadway at the sole expense of the Applicant. Disposal of the excess material shall be the responsibility of the Applicant and shall be disposed of in a lawful way.
- d. One (1) hour prior to installation of the concrete base course, the Applicant shall call the Division of Roads for an inspection of the construction of the base course.
- e. One (1) hour prior to application of the final surface, the applicant shall call the Division of Roads for an inspection of the installation.

#### 4. Permit Closeout

- a. The Applicant must restore any pavement to any road or street excavated to its final restoration within four (4) months from temporary surfacing, or as ordered by the County Engineer or County Supervisor of Roads.
- b. The Applicant shall notify the County Supervisor of Roads two (2) years after application of the final surface restoration for inspection. Upon the approval or certification in writing by the County Supervisor of Roads, the applicant shall be entitled to have the required maintenance guarantee bond cancelled or if a cash bond was posted, a full refund of the cash bond for the work performed.
- c. In the event an Applicant fails to restore the pavement to the satisfaction of the County Engineer or the County Supervisor of Roads within the time frame specified in the ordinance, the County Engineer shall direct the Supervisor of Roads to contact the Applicants bonding company. The bonding company shall be required to complete the restoration.
- d. In the event the maintenance bond is not sufficient to pay the cost of such restoration and repair, the Applicant shall pay the difference immediately upon demand. If the Applicant fails to make a payment, the Applicant shall be in violation of this Ordinance and shall be subject to the penalties provided herein.

#### 5. Maintenance of Roadway Opening

- a. The Applicant shall be responsible to maintain the trench and the pavement or other surface above it for a period of not less than two (2) years from acceptance of the restoration by the Supervisor of Roads.
- b. Maintenance shall include but not be limited to cracks in the pavement, settlement

of the pavement, separation of joint seams, settling of soil outside the roadway, settlement or cracking of concrete sidewalk and curbs, or any other items that included in the excavation or restoration of the project.

E. **Special Procedures**

1. **New Driveways and Intersections**

- a. New Driveways must receive the approval of the County Engineer.
- b. New intersections must receive the approval of the County Engineer.
- c. Driveway intersections at County Roadways shall conform to the details attached hereto (See Appendix C).

2. **Roadway Openings within County roads resurfaced within the last five (5) years**

- a. No Roadway Openings will be permitted within any Bergen County roadway which was resurfaced within the last five (5) years, without the approval of the County Engineer and County Supervisor of Roads.
- b. Approvals will be granted by the County Engineer or County Supervisor of Roads for such Roadway Openings which are deemed an emergency. Whenever an applicant desires to open a County Roadway for any reason before the five (5) years, an application shall be submitted and forwarded to the County Supervisor of Roads. The application and letter shall fully address why the road or roadside opening(s) is necessary. The County Supervisor of Roads shall review and if necessary present the application to the Bergen County Engineer for review and approval.
- c. Permission to open a County Roadway that was resurfaced within the last five (5) years shall not be limited to public utility companies, but may be granted to any adjacent property owner, tenant, or Contractor subject to the provisions of this Ordinance.

3. **Roadway Openings 1,000 Linear Feet or Greater**

- a. Any application for a Roadway Opening Permit that is 1,000 feet or greater, whether continuous or separate opening will not be issued immediately to the applicant. The application will be forwarded to the County Engineer for review and approval.
- b. Restoration for these projects will involve milling and resurfacing from curb line to centerline or from curb line to curb line, depending on the condition of the roadway,

the length of the trench, the location of the trench within the roadway, and last date resurfaced.