

**CHAPTER 200**  
**REGULATIONS FOR ACTIVITIES**  
**WITHIN RIGHT-OF-WAY**

## CHAPTER 200

### Regulations for Activities Within Right-Of-Way

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#### 200.01 Introduction

The following subsection is a digitally reproduced copy of the Regulations for Activities Within Public Right-Of-Way. The original regulations were adopted October 2001 and were readopted by Resolution No. 89, 2006, December 2006. These were updated in cooperation with the Department of Public Works, Engineering and were put forward to the Board of the Department of Business and Neighborhood Services for adoption on May 3, 2021.

Regulations for Activities Within Right-Of-Way provides standards, restrictions, procedures, and testing requirements for any construction activities within the City of Indianapolis's right-of-way pursuant to Sect. 645-323 of the Revised Code.

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#### 200.02 Standards for Traffic Control

Standards for traffic control for construction and maintenance operations in, on, under and over the public right-of-way.

1. Traffic control for construction and maintenance activities in, on, under and over the public right-of-way shall conform to and be in accordance with the Indiana Manual of Uniform Traffic Control Devices, latest edition, and all other applicable state and federal laws.
2. The permit applicant or permit holder may propose to DBNS that traffic control less stringent than those described above in paragraph 200.02.1 be implemented as part of a specific permit. If in the opinion of the DBNS, conditions exist that would allow the use of less stringent traffic control, DBNS may issue the specific permit submit to the less stringent control. However, at a minimum, the traffic control measures must include:
  - A. All traffic control devices shall:
    - 1) conform to the applicable specifications contained in the Indiana Manual on Uniform Traffic Control Devices in effect at the time.
    - 2) be installed prior to commencement of operations.
    - 3) be properly maintained and utilized during operations, and
    - 4) be removed immediately upon completion of the work.
  - B. Barricades and sign supports shall be constructed and erected in a careful, diligent, professional, and skillful manner and should be constructed as per the current version of the INDOT – Indiana Design Manual in regards to impact yield requirements.
  - C. Where illumination is required; street or highway lighting is not regarded as meeting this requirement.
  - D. A vehicle having an arrowboard shall be placed near said work area in such a position that the flashing light or arrowboard is visible to approaching traffic in the lane in which such work is being performed for at least 1,000 feet if the speed limit in the work area is 30 mph or less or 1,500 feet if the speed limit is greater than 30 mph. In addition, traffic cones or barrels shall be used to the extent required by DBNS to protect the public and the workers on the scene.
  - E. Initial and secondary warning signs need not be used if a vehicle having a flashing light or arrowboard is placed near such work area in such a position that the flashing light or arrowboard is visible to approaching traffic in the lane in which such work is being performed for at least 1,000 feet if the speed limit in the work area is 30 mph or less or 1,500 feet if such speed limit is greater than 30 mph.

3. The DBNS may suspend work or operations at any worksite which it determines endangers the traveling public or the workers on the scene until the circumstance which endangers the traveling public or the workers on the scene is corrected or eliminated.

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#### 200.03 Restrictions Within the Public Rights-of-Way

The License and Permits Administrator may, when necessary, place additional restrictions on work done in the IHCP and Regional Center in order ease traffic flow and protect the character of the district.

Immediately before and during any special event, including but not limited to the named Civic Sponsored Events listed in Sec. 986-104 of the Revised Code, the License and Permits Administrator may deny or delay the issuance of permits in the area surrounding the special event in furtherance of safety and traffic flow.

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#### 200.04 Time Restrictions on Work Hours

Except in case of an emergency as defined by these regulations, any work within the right-of-way must be performed during the following times:

|                   |                 |
|-------------------|-----------------|
| Thoroughfares     | 8:15am – 4:00pm |
| Non-Thoroughfares | 7:00am – 6:00pm |
| Regional Center   | 9:00am – 3:00pm |

Property owners or occupants shall not be denied access to the abutting street unless 48 hours' notice has been provided in advance.

Upon written request of the applicant, DBNS may approve work outside of these parameters as deemed appropriate.

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#### 200.05 Minimum Standards for Compaction or Deflection

Compaction shall be performed in accordance with one of the following methods.

1. Up to the final 12 (12") inches of fill, maximum loose lifts and compact each layer by mechanical means to at least ninety-five percent (95%) of its maximum wet density, or
2. Up to the final 12 (12") inches of fill, 24 (24") inch maximum loose lifts and compact each layer by a combination of saturation and mechanical means to at least ninety-five percent (95%) of its maximum wet density, maximum dry density shall be determined in accordance with ASTM Designation D 698.
3. The final 12 (12") inches of fill shall be compacted to 100% of its maximum dry density.

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#### 200.06 Enforcement Provisions

Enforcement of the provisions of Article VII and/or the regulations are as follows:

1. DBNS shall have the authority to assess a Two Hundred Fifteen dollars (\$215.00) administrative fee each instance where enforcement of the provisions of Article VII or where the regulations require DBNS to re-inspect the worksite.
2. A violation of this section is subject to the enforcement procedures and penalties provided in Section 103-3 of the Revised Code of the Consolidated City and County, Indianapolis, Marion County, Indiana; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The City controller

shall cause any fines collected under this section to be deposited into an account for the use and benefit of DBNS.

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#### 200.07 Bonding and Insurance

General liability insurance policy. The applicant shall either file or have on file with the City of Indianapolis a general liability insurance policy. The statement of insurance shall be on file with DBNS. The insurance company shall be licensed to do business in the State of Indiana. The amount of insurance shall be not less than five hundred thousand dollars (\$500,000.00) for injury to one person and not less than one million dollars (\$1,000,000.00) for injuries to more than one person and not less than two hundred fifty thousand dollars (\$250,000.00) for damages to property. The insurance policy shall have a rider attachment for all listed general contractors to be covered on the permit.

Bonds. The performance bond posted with respect to each permit shall not be released until an approved inspection is received on the restoration of the public right-of-way. The applicant shall either file or have on file with DBNS a performance and maintenance bond. The company writing the bonds shall be licensed/listed to do business in Marion County. The performance bond shall be in the penal amount of not less than Ten Thousand Dollars (\$10,000.00) for a single street cut or One Hundred Thousand Dollars (\$100,000.00) for unlimited multiple street cuts in any one calendar year. The bond shall be in effect for a duration of three (3) years from the date of issuance of each permit. The applicant shall also furnish the DBNS with a maintenance bond for each application which shall be in effect for a minimum period of three (3) years after completion of the work. All bonds shall be for the use and benefit of the DBNS and the City of Indianapolis.

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#### 200.08 Enforcement Procedures

Procedure for enforcement. The following procedure will be employed by the DBNS for the enforcement of the provisions of this regulation.

1. DBNS inspectors will be responsible for the inspection of all work done within the public right-of-way regardless of whether such work is done under a valid permit or not.
  2. If inspection discloses that the work was not done in accordance with any regulation or ordinance adopted by the City of Indianapolis, the inspector will issue a Notice of Violation to the permit or license holder if one exists, and/or the individual or contractor performing the work if no permit exists, and/or to the owner of the adjacent land where appropriate. The Notice of Violation will include the following:
    - A. The exact nature of the violation, including the Ordinance or regulation section violated.
    - B. The specific corrective action needed in order to come into compliance.
    - C. The exact amount of time allowed for the violator to come into compliance.
  3. Each violation listed on the Notice of Violation constitutes a separate offense.
  4. If the violator fails to come into compliance as required by the Notice of Violation, the DBNS will refer the matter to the City Prosecutor for further action.
  5. In addition to a Notice of Violation, DBNS may issue a Stop Work Order to any work proceeding without a valid permit or exceeding the scope of a valid permit.
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## 200.09 Standards for Right-of-Way Excavation

In general. All work within a public right-of-way for which a right-of-way excavation permit is required shall be performed in accordance with, and conform to, the standards of this section.

Worksites. The permit holder/contractor is responsible for having uniformed police officers at the site at all times if the site is located within the Regional Center or on a major thoroughfare. All such officers shall have Indiana Law Enforcement Association Certification (ILEA) or Indiana Police Department (IPD) Academy training. The number of officers required will be determined by the DBNS.

Color coding. All work in the right-of-way which disturbs roadway surfaces, improved shoulders, improved curbs and sidewalks shall be color coded using the Color Coding System described in IC 8-1-26-18. to the extent not conflicting with the above, the following color code shall also be used:

Silver – All work performed by the city agencies which is not designated by the above color codes shall be identified by silver color.

1. Temporary and partial restoration shall be color coded with a paint, which will remain visible until the final restoration is complete.
2. No paint shall be used on brick pavement or brick sidewalks within the Regional Center.

Removal of surface. As a general rule, the minimum size of all cuts shall be four (4') feet by four (4') feet, unless a lesser size is specifically allowed by the DBNS. One by one (1 x 1) disconnect cuts with a vacuum truck will be allowed as needed. Where applicable, erosion control shall be addressed and approved by the inspector prior to beginning work.

1. Concrete Streets and Alleys. Two methods of concrete surface removal are acceptable:
  - A. All cuts shall be saw-cut to one-third (1/3) the depth of the pavement with a concrete saw. A minimum saw cut depth of two (2") inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.
  - B. All cuts shall be saw-cut full depth of the pavement with a concrete saw.
  - C. All cuts shall be made at pavement joints. When any portion of a panel is cut on Class I Streets or Class II Streets, the entire panel shall be removed and replaced. The minimum panel length shall be ten (10') feet.
2. Asphalt Streets and Alleys.
  - A. All cuts shall be saw-cut to a minimum of one-third (1/3) the depth of the pavement and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. A minimum saw cut depth of two (2") inches is required.
  - B. Before final repairs are made, the cuts shall be "squared". The edges of all cuts are to be straight.
3. Brick Streets and Alleys. All bricks from the Brick Restoration Area shall be salvaged for use in permanent restoration.
4. Asphalt over Concrete or Brick.
  - A. All cuts shall be saw cut to the full depth of the asphalt and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. The edges of the asphalt are to be straight.
  - B. Brick Removal. All bricks removed (excluding those described in paragraph (3) above) may become the property of the DBNS at the direction of the DBNS and shall be delivered to off-site storage within the city, as directed by the Inspector.

5. Shot Seal Streets and Alleys. All cuts shall be made by a mechanical hammer equipped with a suitable chisel. The edges are to be straight and parallel.
  6. Stone and/or Gravel Streets and alleys. All cuts can be made by mechanical or manual means.
  7. Sidewalks and Driveways.
    - A. One method of concrete surface removal is acceptable:
      - 1) All concrete surface cuts shall be saw-cut to one-third (1/3) the depth of the pavement with a concrete saw. A minimum saw cut of two (2") inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. All cuts shall be made at pavement or panel joints. All cut panels shall be removed and replaced.
    - B. One method of asphalt surface removal is acceptable:
      - 1) All asphalt surface cuts are to be saw-cut to a minimum depth of two (2") inches and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. The edges of all cuts are to be straight.
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#### 200.10 Standard for Restoration of Public Right-of-Way

In general. Upon completion of work, restoration of the public right-of-way shall be performed in accordance with the following standards:

Specifications of materials. All materials, unless specifically stated otherwise, shall be in accordance with the current version of the Indiana Department of Transportation Standard Specifications:

##### 1. BACKFILL

###### A. FLOWABLE FILL

COMPRESSIVE STRENGTH 50 TO 150 PSI  
FLOW TEST SPREAD DIAMETER > 8 inches

- 1) Mix design is required by the DBNS. A trial batch demonstration may be required. The mix design shall include a list of all ingredients, the source of all materials, the gradation of all aggregates, the names of all admixtures and the dosage rates, and the batch weights. Except for adjustments to compensation for routine moisture fluctuations, minor mix design changes after the trial batch verification shall be documented and justified prior to implementation by the permit holder. A change in the source of materials, or addition or deletion of admixtures or cementitious materials will require the mix design to be resubmitted for approval. The permit holder may be required to provide test data from a laboratory inspected by the Cement and concrete reference Laboratory, and approved by the DBNS, which shows that the proposed mix design is in accordance with the requirements listed below.
- 2) The test for flow shall consist of filling a three (3") inch diameter by six (6") inch high open ended cylinder placed on a smooth, level, nonporous surface to the top with the flowable fill. The cylinder shall be pulled straight up within five (5) seconds. The spread of the fill shall be measured. The minimum diameter of the spread shall be eight (8") inches. This test may be performed by the DBNS or DPW at the site prior to placement of fill.

###### B. GRANULAR BACKFILL SAND OR No. 53 stone

##### 2. CONCRETE

- A. All concrete shall be in accordance with section 502 of current version of the INDOT Standards and Specifications.
- B. Retempering concrete by adding water or by other means will not be permitted for continuous operation. When concrete is delivered in transit mixers or agitators, water may be added and additional sizing performed in particular cases to increase the slump. The addition of water and mixing may be under the direction of a DPW or DBNS representative.

### 3. ASPHALT

#### A. HMA, INDOT SECTION 402 MIXES

- 1) The INDOT Standard Specifications, Section 402, shall apply with the exceptions as noted herein. The current version of the INDOT Specifications, Recurring Special Provisions, and Supplemental Specifications are applicable.
  - a. Description: This work shall consist of one or more courses of HMA base, intermediate, surface mixtures or other miscellaneous HMA application, produced from an INDOT Certified HMA plant, in accordance with Indiana Test Method (ITM) 583.
  - b. Design Mix Formula and Mixture Type: The design mix formula, prepared in accordance with 402.05, shall be based on the following table: (See Table 1)

**Table 1:**

| Mixture Type             | Type A *           | Type B*            | Type C*           | Type D *           |
|--------------------------|--------------------|--------------------|-------------------|--------------------|
| Design ESAL              | 200,000            | 2,000,000          | 9,000,000         | 11,000,000         |
| AADT                     | <4000              | 4000- 15,000       | 15,000-30,000     | >30,000            |
| Surface                  | 9.5, 12.5 mm       | 9.5, 12.5 mm       | 9.5, 12.5 mm      | 9.5, 12.5 mm       |
| Surface - PG Binder      | 64-22              | 64-22              | 70-22             | 76-22              |
| Intermediate             | 9.5, 12.5, 19.0 mm | 9.5, 12.5, 19.0 mm | 9.5, 12.5, 19.0mm | 9.5, 12.5, 19.0 mm |
| Intermediate - PG Binder | 64-22              | 64-22              | 64-22             | 76-22              |
| Base                     | 25.0 mm            | 25.0 mm            | 25.0mm            | 25.0 mm            |
| Base - PG Binder         | 64-22              | 64-22              | 64-22             | 64-22              |

\*A higher category mix may be used for a lower category application.

- c. Mixture Designation:  
Surface course Mixture Designation shall be 9.5 mm for all mixture types unless otherwise specified in the Drawings. Intermediate course Mixture Designation shall be 19.0 mm for all mixture types unless otherwise specified in the Drawings. Base course Mixture Designation shall be 25.0 mm for all mixture types unless otherwise specified in the Drawings.

#### 2) Recycled Materials

- a. Recycled Asphalt Pavement: (RAP):  
Type A & B & C  
 Surface: Maximum 25% RAP, no change in PG Binder grade.  
 Base & Intermediate: Maximum 35% RAP, no change in PG Binder grade for 25% or less RAP, for greater than 25% RAP change PG Binder Grade as shown below.  
Type D  
 Surface: Maximum 15% RAP, no change in PG Binder grade.  
 Intermediate: Maximum 25% RAP, no change in PG Binder grade for 15% or less RAP, for greater than 15% RAP change PG Binder Grade as shown below.

Base: Maximum 35% RAP, no change in PG Binder grade for 25% or less RAP, for greater than 25% RAP change PG Binder Grade as shown below:

PG 64-22 to PG 58-28

PG 70-22 to PG 64-28

PG 76-22 to PG 70-28

b. Recycled Asphalt Shingles (RAS)

RAS may be used as a substitute for new materials. RAS shall consist of waste from a shingle manufacturing facility or tear-off shingles from roofs (post-consumer). RAS shall meet AASHTO specification MP 15, Standard Specification for Use of Reclaimed Asphalt Shingle as an Additive in Hot Mix Asphalt and the mix design shall be done according to AASHTO PP 53 Standard Practice for Design Considerations When Using Reclaimed Asphalt Shingles in New Hot Mix Asphalt.

Up to 5% RAS may be used when the source is manufacturer waste. Up to 3% RAS can be used when source is post-consumer. For equivalent RAP calculation, 1% of RAS shall be counted as equivalent to 5% RAP. Maximum allowable percentage of RAP plus equivalent RAP shall not exceed the limits listed under Recycled Asphalt Pavement (RAP) above.

Asphalt binder grade should be selected based on the total RAP according to the guideline listed under Recycled Asphalt Pavement (RAP). When shingles are included as part of the allowable RAP percentage the ratio of added new asphalt binder to total asphalt binder shall be 70% or greater ((added binder/total binder) x 100 >= 70)

c. Surface Aggregate Type:

For Type C Mixtures, surface aggregates shall meet the requirements for less than 3,000,000 ESAL in Section 904.03(d).

For Type D mixtures, surface aggregates shall meet the requirements for less than 10,000,000 ESAL in 904.03(d).

d. Density

The HMA mixture shall be compacted with equipment in 409.03(d) immediately after the mixture has been spread and finished. Rollers shall not cause undue displacement, cracking, or shoving. (See Table 2)

**Table 2:**

| Number of Roller Applications |                                                  |          |          |          |                                                  |          |
|-------------------------------|--------------------------------------------------|----------|----------|----------|--------------------------------------------------|----------|
| Rollers                       | Courses < 440 lb/syd<br>(240 kg/m <sup>2</sup> ) |          |          |          | Courses > 440 lb/syd<br>(240 kg/m <sup>2</sup> ) |          |
|                               | Option 1                                         | Option 2 | Option 3 | Option 4 | Option 1                                         | Option 2 |
| Three Wheel                   | 1                                                | 2        | 3        | 4        | 1                                                | 2        |
| Pneumatic Tire                | 2                                                |          | 4        |          | 4                                                |          |
| Tandem                        | 2                                                | 4        |          |          | 4                                                |          |
| Vibratory Roller              |                                                  |          |          | 6        |                                                  | 8        |

e. Acceptance of Mixtures: Acceptance shall be based on 402.09. The HMA Certification shall include the PG Binder grade sent to the project.

B. TACK COAT shall be used in accordance with Section 406 of the current version of the INDOT Standard Specifications

C. MULTIGRADE COLD MIX

1) Description. A bituminous patching material of a composition suitable for premixing, stockpiling and storage prior to use.

- 2) Aggregate. The aggregate shall be of a grading such that the specified composition is obtained. A single aggregate or a blend of aggregates may be used. The aggregate used shall meet the requirements of AASHTO M43 for coarse aggregates Class A except the percent weight of fractured pieces shall be minimum 85% and the absorption shall be 3.0% maximum.
- 3) Bituminous Materials. Bituminous material shall be CM-300 and CM-150 meeting special provisions. The CM-300 mix shall be used between November 30 and April 1. The dates are subject to change at the direction of the DBNS.
- 4) Composition. The completed mixture shall have a composition as directed by the Engineer within the following limits:

| Sieve | % Passing |
|-------|-----------|
|-------|-----------|

|        |       |
|--------|-------|
| 1 1/2" | 100   |
| 1      | 70-98 |
| 3/4"   | 50-90 |
| 1/2"   | 30-70 |
| 3/8"   | 20-60 |
| #4     | 15-35 |
| #8     | 3-30  |
| #30    | 2-20  |
| #300   | 0-5   |

Bitumen 3.0-4.5 CM-150 (Summer)  
4.5-6.0 for CM-300 (Winter)

4. Topsoil, agricultural limestone, fertilizer, grass seed, mulch, soil, curing compound and joint material are to be according to current version of the INDOT Standard Specifications.

Backfill. All excavations shall be backfilled as follows. All cuts made in, on or under any road surface, or road that is to be constructed where infrastructure will be placed, shall be backfilled with flowable fill or approved granular material. Where a cut is outside the road surface, flowable fill or approved granular material shall be placed in that portion of the cut located within five (5') feet of the road surface on all thoroughfares. All cut areas not under pavement but under sidewalk shall be backfilled with an approved granular material. All cut areas not under pavement or sidewalk shall be topped with twelve (12") inches of topsoil for final restoration.

For storm and sanitary sewers, pipe bedding shall be in accordance with the City's Stormwater Design and Construction Specifications Manual, the Indianapolis Sanitary District Standards for the Design and Construction of Sanitary Sewers and Pipe Manufacturer's recommendations.

The following general backfill requirements are established:

Cuts made in streets shall be backfilled with flowable fill. Compacted granular backfill may be used when the trench is greater than four (4') feet in width.

The backfill operation shall be completed using one of the following methods.

1. Flowable fill.
  - A. Placement. The mixture shall be discharged from mixing equipment by a reasonable means into the space to be filled. Each filling stage shall be as continuous as is practicable. Concrete may be placed on fill as soon as bleeding water has subsided. All pavements shall be placed according to flowable fill manufacturer's recommendations.
  - B. Limitations. Flowable fill shall be protected from freezing until the material has stiffened and bleeding water subsided. As the temperature nears freezing, additional curing time may be needed.

2. Granular backfill.
  - A. Placement. All granular backfill material shall be placed in maximum twelve (12") inch loose lifts. The first lift of fill surrounding the pipe will be allowed in one (1) loose lift of two (2') feet to allow for the protection of the line being placed. Each lift of material must be compacted by mechanical means or by a combination of saturation and mechanical means to achieve at least ninety-five (95%) percent of its maximum wet density. If any method other than listed above is used, random testing may be required. The permit holder shall provide compaction testing. The test shall be performed and certified to DBNS by properly certified personnel.

3. Earth Backfill. Earth backfill may be used in locations not requiring granular backfill. The earth backfill shall be made compatible with the adjacent surface. In established lawn areas, this includes compacting in not less than two lifts for each five (5') feet of depth of the cut, topping off with topsoil, fertilizing, seeding, mulching and restoring all contours. If the slope is greater than 3:1, restoration of the grass shall be made by sodding or with straw mats.

Temporary surface restoration. Between November 30 and April 1, cuts may be repaired in accordance with this section. Any cut temporarily repaired under this section shall be permanently repaired, by removing the temporary patch in its entirety and permanently restoring the cut as required in Permanent Surface Restoration of this regulation. The temporary patch shall be defined as the material filling the space that the permanent surface restoration will occupy. Final restoration on all cuts shall be made within thirty (30) days of completion of temporary repair with the exception of the Regional Center which shall be restored within fourteen (14) days. All cuts repaired under this section shall have final restoration completed by June 1. The permit holder shall notify the DBNS within two (2) business days of completion of final restoration. It shall be the permit holder's responsibility to maintain the temporary patch until the final surface restoration may be made.

If a temporary surface repair is used, it shall be made as follows:

1. Backfill shall be brought to within twelve (12") inches of the surface, and a concrete cap shall be placed flush and contiguous with the existing pavement grade; or
2. While work is continually in progress, the cut shall be covered with steel plates having a minimum thickness of three-fourths (3/4") inch which shall be secured so as not to move and constitute a hazard when open to traffic.

Permanent surface restoration. All cuts shall be repaired permanently in accordance with this section. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair, at the time of completion and thereafter, will be flush with all contiguous surfaces and will create no dissymmetry with the topography of the roadway. Also, the final surface elevation shall be flush and contiguous with the original surface. The surface restoration may be made by using milling, infrared or future technologies approved by the DBNS, unless a specific method is required by the permit or by the inspector. All restoration shall be made in accordance with ADA Standards for Accessible Designs. The permit section reserves the right to require adherence to interim ADA rules created by the Department of Justice Access Board when it is in the best interest of the public to do so.

The Contractor shall restore all pavement markings within the pavement surface restoration area included but not limited to any special pavement markings. The contractor shall minimize all utility markings within the Regional Center. The Contractor shall obliterate all utility location markings that exceed five (5') feet on either side of the trench, or that exceeds a five (5') foot radius of the work being performed within the right-of-way. Also, the contractor shall obliterate all utility location markings that exceed five (5') feet on either side of the trench, or that exceeds a five (5') foot radius of the work being performed within the right-of-way. Also, the contractor shall obliterate all utility location markings on the curb and sidewalks that are not removed due to restoration.

1. Concrete Streets and Alleys. Final repairs to concrete streets and alleys are to be made with concrete. All streets shall be repaired with concrete in accordance with Section 502 High Early Strength Pavement of the current version of the INDOT Standard Specifications. The existing pavement thickness shall be matched, but a minimum thickness of six (6")

inches is required. When repairing or replacing reinforced concrete, either (a) the steel reinforcement shall be replaced in kind (temporarily bending the reinforcing steel out of the way and then bending it back into position when the concrete is replaced) and properly fastened to the adjacent reinforcement, or (b) #5 bars, two (2') feet long, shall be drilled and grouted into the existing pavement sides one (1') foot deep at two (2') foot center-to-center spacing with a minimum of two bars per side. All new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound white pigment or soy bean oil concrete cure. Seal meeting ASTM c-309 shall be used on all new concrete within the right-of-way. The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum, three-fourths (3/4") inch thickness. These plates shall be secured so as not to move or constitute a hazard when they are open to traffic.

2. Asphalt Streets and Alleys. Restoration on all one by one (1 x 1) cuts will be a final restoration size of two by two (2 x 2) on Class I Streets and Class II Streets. Utility access boxes/covers may be adjusted or replaced without resurfacing. The existing pavement thickness shall be matched, but a minimum thickness of twelve (12") inches for Class I Streets and Class II Streets and seven (7") inches for Class III Streets is required. The base material used in connection with all final repairs to asphalt streets and alleys shall be hot asphalt mix or concrete. One and one-half (1 ½") inches hot asphalt surface shall be used on any asphalt surface street repair, except when repairs are made to any street which has been assigned a DPW project number for resurfacing, in which case the one (1 ½") inch HMA surface may be deleted and the base material brought up to the level of the existing pavement. All edges or joints of existing pavement shall be thoroughly cleaned and tack coated prior to the placement of the HMA surface. All faces of exposed curbing shall be tacked below the finished pavement elevation. All joints shall be sealed with a hot iron, infrared technology or other method as specified by the permit or as directed by the DBNS.

A. Infrared Repair. Area of repair shall be cleaned of all loose material. Repair area shall be uniformly heated to a depth of one and one-half (1 ½") inches to two (2") inches. Heating shall be done with a manufactured power operated machine of the heat-patcher type using only 100% infrared heat guaranteed not to damage asphalt. Machine shall be capable of uniformly heating the existing surface to depth of one and one-half (1 ½") inches to two (2") inches. Heated asphalt shall be added to the repair area to bring it flush with the existing grade and raked together with the surrounding heated asphalt to a workable condition. The material shall be compacted to a minimum of ninety-five (95%) percent of controlled density as per modified marshal test. All seams shall be sealed prior to final rolling. A light coating of pavement rejuvenating penetrant will be sprayed over the scarified and compacted material at a rate of 0.02 gallon per square foot. The finished patch shall be level with the existing surrounding pavement.

B. The following cases shall require resurfacing as indicated in Figures 201.01, 201.02, 201.03, and 201.04, which is attached hereto and incorporated herein:

- 1) When a diagonal cut is made, the area shall be "squared" off. Any lane impacted within the squared off area shall be completed resurfaced. The minimum pavement patch shall be twenty-five (25') feet in length with a minimum two (2') feet cut back from the end of the cut.
- 2) When an excavation is cut on any Class I Streets or Class II Streets, any lane impacted shall be minimum pavement patch shall be twenty-five (25') feet in length with a minimum two (2') feet cut back from the end of the cut.
- 3) In addition to the above, if a cut on a Class I Street overlaps the centerline of an existing road, the street shall be restored from curbline to curbline or from lane to lane so that the area affected has been properly restored.

3. Brick Streets and Alleys. Brick Streets within the Brick Restoration Area shall be restored to their original surface condition and pattern. At the discretion of the DPW, brick alleys shall be restored to their original surface condition and pattern. All new concrete shall be

protected against all excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic. Special attention needs to be given to the Historical Areas. All streets within the Historical Areas must be restored to their original condition.

A. RESET BRICK PAVERS

- 1) Permittee must carefully remove and replace the existing brick pavers to provide a smooth surface matching the existing pattern and to regrout brick joints.
- 2) Permittee shall protect the surrounding undisturbed brick and asphalt bed from loss of bedding or misalignment of brick. Any brick or setting bed outside of the repair area that is disturbed by the permittee shall be reset per City's specifications.
- 3) Prior to application of the joint regrouting, the permittee shall reset any paver that does not comply with the tolerance specification.
- 4) Each reusable brick may require minor cleaning to remove existing asphalt bedding or grout. If reusable bricks are replaced upside-down, the Permittee shall adequately clean each brick so that the new work will match the color of the existing adjoining brick.

B. PERSONALIZED BRICKS

- 1) There are locations in the Regional Center where personalized bricks may be found. The Permittee shall take care to replace any personalized brick within the patch area. After regrouting, all grout shall be removed from the personalized brick so that the lettering is clear. Personalized bricks are located at: East Market St. between Monument Circle and Pennsylvania St.; West Market St. between Monument Circle and Illinois St; North Meridian St. between Monument Circle and Ohio St.; North Meridian St. between Monument Circle and Washington St.

C. SETTING BED FOR BRICK PAVERS (STREET AND SIDEWALK)

- 1) Remove loose setting bed material and replace it with an exterior grade self-leveling sand mortar material if the repair area is less than one (1) square foot. For repair areas greater than one (1) square foot, the setting bed shall be replaced with approved cold mix asphalt. The following specification shall be followed.
  - a. The cold mix material shall be a plant mixture consisting of a suitable aggregate and asphalt binder for use in wet and cold to temperate conditions as a high performance setting bed mixture. The aggregate content of the mix shall be approximately 95% and the bituminous content shall be approximately 5%.
  - b. The asphalt binder shall be capable of coating wet aggregate without stripping and shall remain pliable and workable at temperatures as low as 0°C. The patching mixture shall be capable of maintaining adhesive qualities in areas that are damp or wet at the time of application and after remaining in an uncovered stockpile for up to twelve (12) months.
  - c. Aggregate Gradation: The aggregate shall be size #11, Class A or B in accordance with section 904 of the current version of the INDOT Standard Specifications and shall have a minimum crushed content of 85% with two or more mechanically fractured faces as measured in accordance with ITM (Indiana Test Method) 204.

- d. Resistance to Water Damage: The mixture shall be tested in accordance with ITM 573 and shall show no visible evidence of stripping.
- D. COLD MIX ASPHALT PATCHING MATERIAL
  - 1) The Permittee shall provide Cold mix asphalt patching material and placed as a temporary patch until the missing street or sidewalk brick paver or pavers can be replaced.
- E. REGROUTING BRICK PAVERS
  - 1) The Permittee shall regrout all pavers that are included in the repair area. After the resetting of the existing brick, the joints between the bricks shall be filled with a joint sand.
- F. TOLERANCE SPECIFICATION
  - 1) The edges of any two adjacent pavers shall not differ by more than 1/8 inch (4mm) in height and not more than 1/4 inch (8mm) in width.
- 4. Asphalt over Concrete or Brick Streets. As a general rule, whatever type of material that was excavated shall be replaced. The top one (1") inch shall be hot asphalt surface.
- 5. Sidewalks.
  - A. Brick sidewalks within the Brick Restoration Area shall be restored to their original surface condition and pattern. All other areas will be at the discretion of the DPW.
  - B. Concrete sidewalks are to be repaired with concrete, a minimum of four (4") inches in thickness. All new concrete must be protected against excessive dehydration by the application of a membrane type curing compound (White pigment or soy bean oil concrete cure. Seal meeting ASTM c-309 shall be used on all new concrete within the right-of-way.) The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4") inch thickness. Foam expansion joint material is to be used at all joints. These plates shall be secured so as not to move or constitute a hazard when they are open to traffic.
  - C. Asphalt sidewalks shall be repaired with a minimum of four (4") inches of compacted asphalt. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. All joints shall be sealed with a hot iron, infrared technology or other method as directed by DPW.
  - D. Gravel or stone sidewalks shall be restored to within six (6") inches of the surface in accordance with Section 200.09, Color Coding, and then topped off with material similar to the original surface.
- 6. Driveways
  - A. Brick driveways shall be restored to their original surface and pattern.
  - B. Concrete driveways shall be repaired with concrete to original specifications. The existing driveway thickness shall be matched, but the minimum thickness shall be six (6") inches for residential drives and eight (8") inches for commercial driveways. The new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound (white pigment or soy bean oil concrete cure). The new concrete shall be protected from all traffic for forty-eight (48) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4") inch thickness. These plates shall be secured so as not to move and constitute a hazard when they are open to traffic.

- C. Asphalt driveways shall be repaired with asphalt. The existing driveway thickness shall be matched, but the minimum driveway thickness for residential drives shall be three (3") inches of bituminous on four (4") inches of compacted aggregate or five (5") inches of bituminous on compacted subgrade. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Polymeric asphalt joint tape (PAJT, T-Bond) a pre-formed material intended to seal longitudinal and transverse cold joints of HMA pavement meeting ASTM standards shall be used. Asphalt shall be placed in three (3") inch lifts and is to be compacted by mechanical tamp or vibrator. The top one (1") inch minimum shall be hot mix asphalt surface. All joints shall be sealed with a hot iron, infrared technology or other method as directed by DPW.
- D. Gravel or stone driveways shall be restored to within six (6") inches of the surface in accordance with Section 200.09, Color Coding, and topped off with material similar to the original surface.
- 7. Gravel or Stone Berm. All repairs to gravel or stone berms shall be restored to within six (6") inches of the surface in accordance with Section 200.10, Backfill, and topped off with material similar to the original surface.
- 8. Grass areas. In established lawn areas all repairs shall be restored to within twelve (12") inches of the surface in accordance with Section 200.10, Backfill then topped off with a minimum of twelve (12") inches of topsoil restoring all contours. The area shall then be fertilized, seeded and mulched. If the slope is greater than 3:1 or if the area has previously been sodded, restoration of the grass shall be made by sodding or with straw mats. At thirty (30) days after completion and restoration of a cut in a portion of an established lawn within the public right-of-way, the permit holder shall inspect the cut and if it has settled below the adjacent surface, the permit holder will fill and compact the settled area and re-seed or re-sod. The permit holder shall inspect the cut again within thirty (30) days following the second restoration and if the cut has again settled below the adjacent surface, shall fill and compact the settled area and re-seed or re-sod. Such inspections and fillings shall continue every thirty (30) days until an inspection discloses that the cut has not settled more than two (2") inches below the adjacent surface in any thirty (3) day period. The permit holders bond will not be released until the seeded area shows seventy-five (75%) percent regrowth and meets settling requirement above.

Responsibility for Restoration. The permit holder shall be responsible for all restoration until such time as the surface area which was affected is resurfaced or reconstructed.

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#### 200.11 Backfill Inspection and Testing

Backfill inspection. DBNS or DPW may require a flow test to be performed prior to flowable fill being placed. If granular backfill is used, DBNS or DPW may be present during backfill operation. The permit holder may be required to provide to DBNS test results as requested. DBNS and DPW additionally may perform random testing. Activation of permits serves as notification for inspections. DBNS shall be provided documentation (delivery tickets and required test certifications) verifying proper materials and installation procedures.

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#### 200.12 Variances

##### Variance Procedure

Petitions to deviate from these regulations must be submitted, in writing, to the Department of Business and Neighborhood Services for consideration. The Department of Business and Neighborhood Services may enlist the cooperation of the Department of Public Works during the review of a variance request.

All variance requests must outline the specific reason for seeking the variance and shall document any unique conditions and/or circumstances that would prevent the petitioner from complying with the regulations set forth

by these prescriptive standards. Additional supporting documentation may be requested by the Department of Business and Neighborhood Services and/or the Department of Public Works as needed during consideration.

Notice of the granting or denial of a variance will be provided in the form of a written decision letter to the petitioner by the Department of Business and Neighborhood Services. The decision letter will be retained with the permit documentation for records purposes.

Variance requests are to be considered on an individual basis. Approval or denial of a single variance does not suggest or guarantee future requests would result in a similar outcome.

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#### 200.13 Appeals.

Any person affected by these regulations, and who objects to the decision of a variance request may appeal, in writing, to the Deputy Director of the Department of Business & Neighborhood Services, Division of Construction and Business Services within ten (10) days of the decision rendering.

If so appealed, the Deputy Director, or their designee, shall affirm, reverse or modify the variance decision upon review of appeal and/or original variance submission documentation.

Any person affected by these regulations and who objects to the decision of the Deputy Director, or their designee, may appeal, in writing, to the Board of the Department of Business and Neighborhood Services. The Board shall hear all appeals at its next regularly scheduled meeting. The Board shall affirm, reverse or modify such decision or action. The order of the Board shall be final.

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#### 200.14 Application for Right-of-Way Excavation Permit

Application. The application for a right-of-way excavation permit shall be submitted to the DBNS and shall, at a minimum, include the following:

1. Name and address of licensed general contractor or registered public utility responsible for work;
2. Nature of and reason for the work to be performed;
3. Location of the worksite and dimensions of the excavation;
4. Anticipated length of time to complete work;
5. Method of traffic control to be used at worksite;
6. Indemnification agreement;
7. General liability insurance policy unless the applicant is a registered public utility or railroad company;
- and
8. Any other information deemed pertinent by DBNS.

The permit holder shall be responsible for maintaining adequate drainage flow and erosion control during and after the work authorized by the right-of-way excavation permit and obtaining all other permits required by law.

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#### 200.15 Kinds and Categories of Permits

Excavation Permit. This class permit is required whenever excavation is being made in the paved areas of the public right-of-way. This permit includes the use of the lane in which the excavation is located.

Non-Paved Area Permit. This class is required whenever excavation is being made in the non-paved areas of the public right-of-way. The permit includes the use of the lane adjacent to the excavation.

Emergency Permits. This class of permit is applied for with DBNS the next available business day after an emergency, as defined by these regulations and Sect. 645-325 of the Code, has occurred.

Right-of-Way Use Permit. This class of permit is required whenever there are activities performed in the public right-of-way which are not described above. This includes but is not limited to valet licenses, events that are less than 250 people, container placement and banners.

Annual Utility Permit. This class of permit allows the public utilities to temporarily use the public right-of-way for: non-excavation, maintenance work, or emergencies for a duration of not more than eight (8) hours. A permit is required for each vehicle.

Oversized/Overweight Permit. This class of permit is required for transportation of oversized or overweight loads in, on, or over the public right of way.

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200.16 Permit Fees

| Fee                                                                             | Fee - Jan 1, 2011 | Quantity |
|---------------------------------------------------------------------------------|-------------------|----------|
| <b>Right of WAY - Chap. 645</b>                                                 |                   |          |
| Application Fee                                                                 | \$ 32             | ea.      |
| Right of Way Permit Review Fee                                                  | \$ 85             | ea.      |
| Use Inspection - Other Road in Regional Center Partial ROW Closure *            | \$ 52             | per day  |
| Use Inspection - Other Road in Regional Center Total Road Closure *             | \$ 84             | per day  |
| Use Inspection - Other Road Outside of Regional Center Partial Road Closure *   | \$ 52             | per day  |
| Use Inspection - Other Road Outside of Regional Center Total Road Closure *     | \$ 52             | per day  |
| Use Inspection - Thoroughfare in Regional Center Partial ROW Closure *          | \$ 84             | per day  |
| Use Inspection - Thoroughfare in Regional Center Total Road Closure *           | \$ 116            | per day  |
| Use Inspection - Thoroughfare Outside of Regional Center Partial Road Closure * | \$ 84             | per day  |
| Use Inspection - Thoroughfare Outside of Regional Center Total Road Closure *   | \$ 84             | per day  |
| Sidewalk Closure *                                                              | \$ 36             | per day  |
| Non-Pavement Excavation *                                                       | \$ 96             | ea.      |
| Pavement Excavation *                                                           | \$ 242            | ea.      |
| Utility Pavement Excavation *                                                   | \$ 59             | ea.      |
| Emergency Excavation Permit *                                                   | \$ 299            | ea.      |
| Use Container Placement in Regional Center                                      | \$ 166            | per week |
| Use Container Placement Outside of Regional Center                              | \$ 118            | per week |
| Parking Meter Blockout                                                          | \$ 15             | ea.      |

|                                                                                        |        |      |
|----------------------------------------------------------------------------------------|--------|------|
| Annual Utility Permit                                                                  | \$ 477 | ea.  |
| Bore Fee                                                                               | \$ -   |      |
| Banner Permit Fee                                                                      | \$ 162 | ea.  |
| Oversized/Overweight Permit Fee                                                        | \$ 162 | ea.  |
| Super Oversize/Overweight Permit Fee                                                   | \$ 219 | ea.  |
| Annual Oversize/Overweight Permit Fee                                                  | \$ 255 | 1 yr |
| Transfer of Overhead or Subsurface Use Permit                                          | \$ 48  | ea.  |
| Overhead or Subsurface Use Permit                                                      | \$ 268 | ea.  |
| <b>* This inspection fee is assessed in addition to Right of Way Permit Review Fee</b> |        |      |

#### **Driveway - Chap. 645**

|                    |        |              |
|--------------------|--------|--------------|
| Application Fee    | \$ 32  | ea.          |
| Residential Access | \$ 141 | per driveway |
| Commercial Access  | \$ 198 | per driveway |

#### **Encroachment**

|                         |        |     |
|-------------------------|--------|-----|
| Application Fee         | \$ 32  | ea. |
| Consent of Encroachment | \$ 254 | ea. |
| Encroachment License    | \$ 360 | ea. |

#### **Violations**

|                            |        |     |
|----------------------------|--------|-----|
| Admin Fee - Infrastructure | \$ 215 | ea. |
| Admin Fee - ROW            | \$ 215 | ea. |

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### 200.17 Permit Issuance Procedures

**Issuance.** Upon receipt of a completed application pursuant to Section 1, approval of the worksite, and payment of permit fees as specified, DBNS may issue a permit to the applicant.

**Duration.** In general, the permit shall be valid for a sixty (60) calendar day time period unless specified otherwise on the permit, beginning on the day of issuance. Upon a permit holder's justified request, the permit may be extended for an additional sixty (60) day period or until final restoration has been achieved.

**Activation.** Permit will be activated by the permit holder by calling the activation phone line or notifying via electronic means as prescribed by DBNS at least twenty-four (24) hours before the start of work. Work must commence within three (3) working days. If for any reason the permit holder determines that they will not be

able to perform work as scheduled, the Permit Holder shall immediately notify the Inspector. Failure to activate a permit may result in a violation and/or stop work order.

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#### 200.18 Indemnification

Indemnification agreement. The applicant for a permit shall sign an indemnification agreement to indemnify and hold harmless DBNS, DPW, the City and its agents, officials, and employees from and against all claims, actions, damages and expenses, including reasonable attorneys' fees, based on any alleged injury (including death) to any person or damage to any property arising or alleged injury (including death) to any person or damage to any property arising or alleged to have arisen out of any act of commission or omission with respect to the activity or work of the applicant (or persons, corporations or firms authorized by the applicant) in a public right-of-way pursuant to the permit. The form of the indemnification agreement shall be acceptable to the DBNS.

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#### 200.19 Emergencies

The use or excavation of the public right of way to ameliorate the immediate danger of life, health, property or loss of vital services such as water, electricity, gas and/or sanitary failures shall constitute an emergency. Any unpermitted use of the public right of way is a violation. However, in the case of emergencies as defined, work may commence without a permit so long as an emergency permit is applied for the next business day. Emergency permits are held to same technical standards as any other excavation permit.

If work in the public right of way commences without a proper permit or an emergency condition as defined, the work will be considered illegal and all possible legal action will be taken, including but not limited to, violations, fines, and suspension of general contractor's license.

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#### 200.20 Display of Permit

Display of permit. Once work commences in accordance with the issued right-of-way permit, a copy of the be available at the worksite at all times. An administrative fee will be assessed if verification of permit is not available. The job site with representative on site should have a copy of the permit. The job site with no representative on site should clearly display by sign or other indicator, the contractor name and emergency phone number, and the permit number.

Blocking of right-of-way. If any portion of a travel lane or sidewalk is even partially block, a 24-hour emergency phone number and permit number must be posted in clear view at the job site at all times.

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#### 200.21 Encroachment Licenses

Generally – Any person who desires to maintain an encroachment in the public right of way shall file a petition with DBNS, on such forms as prescribed, requesting that DBNS approve a license permitting the encroachment, specifically identifying the property or properties affected, and outlining the circumstances giving rise to the need for the license.

Types of Encroachments – the following are common types of encroachments in the public right of way, however, DBNS reserves the right to license any encroachment in the public right of way.

- A. Neighborhood Sign Encroachments
- B. Thoroughfare encroachments
- C. Regional Center Encroachments
- D. Bus Shelter Encroachments
- E. Canopies (entryways or café) encroachments
- F. Sidewalk Café Encroachments
- G. Monitoring Wells
- H. Building Signs
- I. Memorial Signs

## J. Irrigation Systems

All encroachments are subject to the review and approval of additional agencies, including but not limited to, Indianapolis Office of Disability Affairs, Indianapolis Historic Preservation Commission, and the Regional Center.

Expiration – As a matter of law and pursuant to Sect. 654-577, all encroachment licenses expire 20 years after issuance unless granted for a lesser duration. A new application will be required for any expired encroachment.

Standards and Requirements for Construction or Use of Encroachments – All encroachment licenses must be in compliance with all other Federal, State, and local laws, ordinances and regulations.

Standards and Requirements for encroachment licenses shall conform to the Regulations for Cuts Within the Public Right-of-Way unless specifically stated otherwise, and shall also be in accordance with INDOT Standard Specifications.

Enforcement Procedures will be those as outlined in Section 200.08.

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### 200.22 Degradation Prevention

To maintain the integrity of the public right of way, DBNS may deny the issuance of excavation permits in the public right of way that has been newly created, repaved, resurfaced or improved within the past three years. Emergency permits may be issued pursuant to these regulations, however, the Board of the DBNS may adopt degradation fees for excavations made into newly created, repaved, resurfaced or improved public right of way.

## SECTION 201

### General Index For Restoration Figures

- 201.01 Typical – Single Cut Restoration Limits
- 201.02 Typical – Multiple Cuts Restoration Limits
- 201.03 Typical – Trench Restoration Limits
- 201.04 Typical – Intersection Restoration Limits
- 201.05 Trench Restoration Detail for Asphalt Streets