

REGULATIONS FOR ACTIVITIES WITHIN PUBLIC RIGHT-OF-WAY

SECTION 1. DEFINITION

- 1.01 Administrator. Administrator of Division of Compliance.
- 1.02 Board. Board of Public Works, or its successor.
- 1.03 Brick Restoration Area. Monument Circle, Market Street from Alabama Street to Capitol Avenue, the spokes from Monument Circle, brick streets in the Historical Areas and other designated by the Division.
- 1.04 Class I Streets. All streets constructed or resurfaced within five (5) years prior to the permit application date for asphalt streets and all streets constructed within fifteen (15) years prior to the permit application date for concrete streets.
- 1.05 Class II Streets. All thoroughfares, which are not Class I Streets.
- 1.06 Class III Streets. All other streets not classified as Class I Streets or Class II Streets.
- 1.07 Department. Department of Public Works
- 1.08 Division. Department of Metropolitan Development, Division of Compliance
- 1.09 Emergency Permit. Any permit issued under these regulations which is effective for no longer than forty-eight (48) hours.
- 1.010 Encroachment License. A license (permit) required for any inanimate object on, under, over, or upon the public right of way.
- 1.11 Historical Areas. All areas designated as historical areas by the Metropolitan Development Commission.
- 1.12 Inspector. A Division representative or any other person authorized by the Division to perform inspections.
- 1.13 Non-Paved Areas. All dirt, or grassy areas within the Public Right of Way.
- 1.14 Parking Lanes. Any lane where parking is permitted at the time of the work being performed.

1. 15 Permit Holder. Person to whom a permit described in these regulations has been issued.

1. 16 Person. The term “person” shall include and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

1. 17 Regional Center. The area which is bordered by and includes the following streets and public right-of-way: Sixteenth (16th) Street on the north, College Avenue on the east, Morris Street on the south and White River Parkway, West Drive on the west. In addition, the area also includes Meridian Street from Sixteenth (16th) Street through Thirty-Eighth (38th) Street together with the right-of-way of Meridian Street.

1. 18 Special Event(s) A large public event that in the determination of the Division will require special restrictions on the use of City of Indianapolis Right of Way as it regards amount of permits issued during such events and the scheduling of work during such events. These events include, but are not limited to: The Indianapolis 500 Festival Parade, The Indiana State Fair, NCAA Basketball “Final Four”, The Indianapolis 500, Allstate 400 at the Brickyard, and the Formula 1 at the Indianapolis Motor Speedway.

1. 19 Thoroughfare. The term “thoroughfare” shall include all freeways, expressways, primary arterials and secondary arterial, as defined and described in the Thoroughfare Plan for Marion County, Indiana latest edition.

1. 20 Traffic Lane. Any lane not designated as a parking lane.

SECTION 2. STANDARDS FOR TRAFFIC CONTROL

- 2.01 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 the Division that traffic control less stringent than those described above in paragraph 2.01(1) be implemented as part of a specific permit. If in the opinion of the Department/Division, conditions exist that would allow the use of less stringent traffic control, the Division 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:
 - (a) conform to the applicable specifications contained in the Indiana Manual on Uniform Traffic Control Devices in effect at the time,
 - (b) be installed prior to commencement of operations,
 - (c) be properly maintained and utilized during operation, and
 - (d) be removed immediately upon completion of the work.
 - B. Barricades and sign supports shall be constructed and erected in a workmanlike manner and should be constructed to yield upon impact.
 - 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 shall be used to the extent required in the opinion of the persons performing the work to protect the public and the workmen 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 Division may suspend work or operations at any worksite which it determines endangers the traveling public or the workmen on the scene until the circumstance which endangers the traveling public or the workmen on the scene is corrected or eliminated.

SECTION 3. RESTRICTIONS WITHIN THE PUBLIC RIGHT-OF-WAY

3.01 Restrictions with respect to when and how work should be performed in public rights-of-way in certain geographical areas.

1. The Regional Center: These restrictions only apply to all thoroughfares.
2. No permits shall be issued for excavations within the public right-of-way within seven (7) days prior to the scheduled date of the 500 Festival Parade within the area bordered by 16th Street on the north, Alabama Street on the east, Washington Street on the south and Senate Avenue on the west.
3. No permits may be issued for excavations within the public right-of-way designated as a "Speedway Emergency Traffic Route" during the weekends scheduled for qualifications or within two (2) days prior to the scheduled date of, or one (1) day following the actual date of any race at the Indianapolis Motor Speedway.
4. No permits may be issued for excavations within the public right-of-way during the days scheduled for the Indiana State Fair within the area bordered by 46th Street on the north, Keystone Avenue on the east, 34th Street on the south and College Avenue on the west.
5. During Special Events.
6. 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 on the curb and sidewalks that are not removed due to restoration.

SECTION 4. TIME RESTRICTIONS ON WORK HOURS

4.01 Time periods when work in, under, on or over public rights-of-way shall, except in cases of emergencies, be prohibited or limited as follows:

1. No commercial or residential property shall be denied access to the abutting street between the hours of 6:00 p.m. and 8:00 a.m. unless reasonable prior notice has been given to the property owner and occupant.

2. No work shall be performed on thoroughfares on weekdays (excluding official holidays) between 6:00 a.m. and 8:15 a.m. and/or between 4:00 p.m. and 6:00 p.m..
3. Any work within the Right of Way shall conform to the following time parameters:
 - A. Regional Center – 9:00 am to 3:00 pm,
 - B. Residential Areas – 7:00 am to 6:00 pm,
 - C. Night Work – 6:00 pm to 5:00 am.

The Division reserves the right to amend such time parameters as the situation may dictate as appropriate.

SECTION 5. MINIMUM STANDARDS FOR COMPACTION OR DEFLECTION

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

1. Up to the final 12-inches (12”) 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-inches (12”) of fill, 24-inch (24”) 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-inches (12”) of fill shall be compacted to 100% of its maximum dry density.

SECTION 6. ENFORCEMENT PROVISIONS

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

1. The Division shall have the authority to assess a One Hundred Twenty-five Dollar (\$125.00) administrative fee each and every instance where enforcement of the provisions of Article VII or where the regulations require the Division to re-inspect the worksite.

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 the Division.

SECTION 7. BONDING AND INSURANCE

- 7.01 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 the Permit Section. 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.
- 7.02 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 the Division of Compliance 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 Division 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 Division and the City of Indianapolis.

SECTION 8. ENFORCEMENT PROCEDURES

- 8.01 Procedure for enforcement. The following procedure will be employed by the Division for the enforcement of the provisions of this regulation.
1. Division 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 this regulation or any violation is found, 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.
 - D. The exact amount of time allowed for the violator to come into compliance not to exceed five (5) days.
- 3. Each violation listed on the Violation Notice constitutes a separate offense.
 - 4. If the violator fails to come into compliance as required by the Notice of Violation, the Division will refer the matter to the City Prosecutor for further action. The permit holder, as well as the owner, and when appropriate the land owner, for whom the work is being performed, will not be issued any other permits until the violation is brought into compliance.
 - 5. Any assessments or Findings and Agreed Judgment shall be remitted to the City of Indianapolis, Department of Metropolitan Development, Division of Compliance, 604 North Sherman Drive, Indianapolis, IN 46201.

SECTION 9. STANDARDS FOR RIGHT-OF-WAY EXCAVATION

- 9.01 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.
- 9.02 Worksites. The permit holder/contractor is responsible for having uniformed police officers at the site at all times. 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 Division.
- 9.03 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 made.
2. No paint shall be used on brick pavement or brick sidewalks within the downtown area.

9.04 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 Division. 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.

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.

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.

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 9.04(3)) may become the property of the Division at the direction of the Division/Department 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 may be made by mechanical or manual means.

7. Sidewalks and Driveways.

A. One method of concrete surface removal is acceptable:

- i. 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 panels that are cut shall be removed and replaced.

- B. One method of asphalt surface removal is acceptable:
 - i. 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.

SECTION 10. STANDARD FOR RESTORATION OF PUBLIC RIGHT-OF-WAY

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

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

1. BACKFILL

A. FLOWABLE FILL

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

Mix design is required by the Department. 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 compensate 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 Department, which shows that the proposed mix design is in accordance with the requirements listed below.

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 Division/Department at the site prior to placement of fill.

B. GRANULAR BACKFILL sand or No. 53 stone

2. CONCRETE

A. CEMENT CONTENT min. six bags
(See State Spec on High per cubic yard
Early Cement)
Must achieve 550 p.s.i.
within 48 hours

B. COMPRESSIVE STRENGTH 4,000 PSI

C. SLUMP Three (3) to four (4)
inches

D. COARSE AGGREGATE size #8

E. FINE AGGREGATE #23 Sand

Other mix designs which are high early strength may be considered.

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 Department Representative.

3. ASPHALT

- A. HOT MIX ASPHALT
- SURFACE 9.5 mm
- B. HOT MIX ASPHALT
- BASE 25.0 mm
- C. HOT MIX ASPHALT
- INTERMEDIATE 12.5 mm or 19.0 mm
- D. TACK COAT IAW Section 406 of the
Indiana Department of
Transportation Standard
Specifications.

E. 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 will be 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 October 1 and March 1, and CM-150 shall be used between March 1 and October 1. The dates are subject to change according to a project manager.

- 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)

- 5) Plant Requirement. The material shall be produced using either a hot mix plant or a pugmill. The plant shall produce a uniform thoroughly coated mixture. If mixed in a hot mix plant, the aggregates shall be heated to produce the desired mixture temperature at the discharge of 130-160 F. If mixed in a pugmill, the pugmill shall be calibrated to deliver the proper amount of aggregate and bituminous material to insure proper blending percentages. If more than one aggregate is combined, the plant shall be equipped with a calibrated feeder to feed the aggregate separately in the proper proportions. The plant shall proportion the aggregate and bituminous material into the mix.

The mixture shall be capable of being unloaded from trucks by hand tools. It shall be capable of being compacted by hand tamping or power rolling at temperatures as low as 20 F immediately after preparation or over a period of at least 6 months in a stockpile. It shall be readily workable at all times in either a hot or cold condition.

During cold weather, multigrade cold mix shall be delivered to the site in an asphalt hot box or warmed by torches to obtain desired workability.

4. Topsoil, agricultural limestone, fertilizer, grass seed, mulch, soil, curing compound and joint material are to be according to current "Indiana Department of Transportation Standard Specifications" and all revisions and addenda to that document.

10.03 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. Where a cut is outside the road surface, flowable fill 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 sand or #53 stone. 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 Department's/Division'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:

- Class I Cuts in these streets shall be backfilled with flowable fill.
- Class II The backfill operation for cuts in these streets shall be completed with flowable fill.
- Class III These streets may be backfilled with flowable fill or granular fill.

**DPW and INDOT projects remain exempt from these requirements.*

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 the Division/Department 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.

10.04 Temporary surface restoration. Between November 10 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 Section 10.05 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 Division/Department 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 multigrade cold mix placed to the top of the cut and compacted

with a mechanical tamp. This shall be completed in the placement of material in three (3) four (4) inch lifts; or

2. While work is continually in progress, the cut may 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.

10.05 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 Department, unless a specific method is required by the permit or by the Inspector. As a part of the surface restoration, the Department may share in the cost of the permit holder by adding roadway improvements which include but are not limited to resurfacing, adding curbs, curb cuts, sidewalks or items necessary to meet requirements of the Americans with Disabilities Act (ADA). 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 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 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 501.03(c) High Early Strength Pavement of the current Indiana Department of Transportation 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 multigrade cold mix placed in four (4) inch lifts compacted by means of rolling or other methods to achieve compaction or concrete cap. One and one half (1.5) 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 Department project number for resurfacing, in which case the one (1) inch hot asphalt 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 hot asphalt 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 Division/Department.
 - 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 Exhibit A which is attached hereto and incorporated herein:
 - i. When a diagonal cut is made, the area shall be “squared” off. Any lane impacted within the squared off area shall be completely resurfaced.
 - ii. When an excavation is cut on any Class I Streets or Class II Streets, any lane impacted shall be completely restored for the entire length of the excavation.
 - iii. 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 curblineline to curblineline 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 Division, 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.
- 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 Division.
 - 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 the Division/Department.
 - D. Gravel or stone sidewalks shall be restored to within six (6) inches of the surface in accordance with Section 9.03 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. 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 the Division/Department.D. Gravel or stone driveways shall be restored to within six (6) inches of the surface in accordance with Section 9.03 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 10.03, 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 10.03 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 reseed or resod. 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 reseed or resod. 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 (30) 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.

10.06 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.

SECTION 11. INSPECTION AND TESTING

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

SECTION 12. VARIANCE PROCEDURE

12.01 Variances. Substantial deviations from these regulations shall not be made without written approval from the Division/Department. The Division/Department may grant variances and/or waivers of any portion of these regulations within five (5) working days of a written request.

SECTION 13. APPEAL

13.01 Appeals. Any person affected by these regulations and who objects to a decision made or action taken, may appeal in writing within ten (10) working days the decision or action to the administrative head of the Division for administrative review. Any person may appeal the decision of the administrative head of the Division to the director of the Department. Said appeal shall be in writing and received by the director within five (5) business days of the decision being appealed. The decision of the director may be appealed to the Board of Public Works. Said appeal shall be in writing and received by the Board within five (5) business days of the decision being appealed. The Board shall hear all appeals at its next regularly scheduled meeting. The Board may confirm, reverse or modify such decision or action. The order of the Board shall be final.

SECTION 14. APPLICATION FOR RIGHT-OF-WAY EXCAVATION PERMIT

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

1. A properly executed permit application, in the form designated by the Division, including but not limited to, the following information:

- A. The name and address of the contractor responsible for work;
 - B. The nature of, and the reason for, the work to be performed;
 - C. The location of the worksite and the dimensions of the excavation;
 - D. The anticipated length of time to complete the work;
 - E. The method of traffic control to be used by the applicant at the worksite;
 - F. An indemnification agreement; and
 - G. Any other pertinent information requested by the Department/Division.
2. A general liability insurance policy unless the applicant is a public utility or railroad company.
 3. A performance and maintenance bond unless the applicant is a public utility, Railroad Company; and
 4. Approval from the Department/Division if the proposed work involves a sanitary sewer, storm sewer, affects drainage within the public right-of-way, or as required.

14.02 Sewer/Drainage approval. The applicant for a right-of-way excavation permit shall submit a letter or form of approval from the Division with the application when the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way. The permit holder shall be responsible for maintaining adequate drainage flow during and after the work authorized by the right-of-way excavation permit.

SECTION 15. KINDS AND CATEGORIES OF PERMITS

15.01 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.

NOTE: Sections 645-701 through 645-706 of the Revised Code of the Consolidated City and County, Indianapolis, Marion County, Indiana exempt public utilities from acquiring excavation permits in non-paved areas. However, public utilities shall acquire a right-of-way use permit whenever a lane is blocked on Class I or Class II Streets.

Trenchless or Boring Permit. This class of permit is required whenever trenchless or boring operations are used and all incident excavation is in the non-paved areas. The permit includes the use of the lane in which the excavation is located or the lane adjacent to the excavation, but not both.

Emergency Permits. This class of permit is authorized when situations which are described in Section 645-324 of the Revised Code of the Consolidated City and County arise.

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.

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

All Permits are per lane per week.

SECTION 16. PERMIT FEES

16.01 Excavation Permits.

Class I Streets. The permit fee shall be \$1.00 per square foot for 500ft. or 1 block with a One Hundred-Twenty Dollar (\$120.00) minimum and a One-Thousand-Twenty Dollar (\$1,020.00) maximum.

Class II and Class III Streets. The permit fee shall be \$1.00 per square foot for 500ft. or 1 block with a One-Hundred-Twenty (\$120.00) minimum and a Five-Hundred-Fifty Dollar (\$550.00) maximum.

Certified Utilities. On Class III Streets where public utilities certify repair to the Division, the permit fee shall Fifty Dollars (\$50.00).

Non-Paved Area Permits. The permit fee shall be Fifty Dollars (\$50.00) per 500ft. or block.

Trenchless or Boring Permits. The permit fee shall be Thirty-Five Dollars (\$35.00) per bore per 500ft. or block.

Emergency Permits. The permit fee shall be \$2.00 per square foot per 500 feet or block with a Two-Hundred-Thirty-Five Dollar (\$235.00) minimum and a One-Thousand-Twenty Dollar (\$1,020.00) maximum.

16.02 Right-of-Way Use Permits.

Type 1: For use of sidewalks, the permit fee shall be Thirty-Five Dollars (\$35.00) per block per week.

Type 2: For use of parking lanes or shoulders on non-thoroughfare streets the permit fee shall be Sixty-Five Dollars (\$65.00) per block, per lane, per week.

Type 3: For use of traffic lanes, parking lanes or shoulders which are in addition to those covered by an Excavation Permit the permit fee shall be One-Hundred-Twenty Dollars (\$120.00) per block, per lane, per week.

Type 4: For use of Regional Center traffic lanes, parking lanes or shoulders on thoroughfares between the hours of 6:00 p.m. and 6:00 a.m., the permit fee shall be Forty Dollars (\$40.00) per block, per lane, per week.

Type 5: For use of thoroughfare parking lanes or shoulders, the permit fee shall be One-Hundred-Twenty Dollars (\$120.00) per block, per lane, per week.

Type 6: For use of Regional Center thoroughfare parking lanes or shoulders, the permit fee shall be One-Hundred-Twenty Dollars (\$120.00) per block, per lane, per week.

Type 7: For use of non-thoroughfare traffic lanes, the permit fee shall be Eighty Dollars (\$80.00) per block, per lane, per week.

Type 8: For use of thoroughfare traffic lanes, the permit fee shall be One-Hundred-Sixty Dollars (\$160.00) per block, per lane, per week.

Type 9: For use of Regional Center thoroughfare traffic lanes, the permit fee shall be One-Hundred-Twenty Dollars (\$120.00) per block, per lane, per day. The maximum fee shall be Three-Hundred-Ninety-Five Dollars (\$395.00).

Type 10: For use of Regional Center thoroughfare traffic lanes, the permit fee shall be Three-Hundred-Ninety-Five Dollars (\$395.00) per block, per lane, per week.

16.03 Annual Utility Permit

The permit fee shall be Three Hundred Fifteen Dollars (\$315.00).

SECTION 17. PERMIT ISSUANCE PROCEDURES

17.01 Issuance. Upon receipt of a completed application pursuant to Section 1, approval of the worksite, and payment of permit fees as specified, the Division may issue a permit to the applicant. The Division may issue an emergency permit (by authorizing the work to proceed and assignment of a permit number) prior to receipt of the application and other required documentation, provided such application is submitted on the following business day.

17.02 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.

17.03 Activation. Permit will be activated by the permit holder by calling the activation phone line 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 he will not be able to perform work as scheduled, the Permit Holder shall immediately notify the Permit Compliance Inspector.

SECTION 18. INDEMNIFICATION

18.01 Indemnification agreement. The applicant for a permit shall sign an indemnification agreement to indemnify and hold harmless the Division, the Department, 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 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 Division.

SECTION 19. EMERGENCIES

19.01 Emergency situations. In emergency situations, when there is not time to follow standard application procedures, the Department/Division may issue an emergency permit. The applicant shall call the Division to get authorization for an emergency permit. After normal business hours, the applicant shall call an emergency designated phone number and give the location, reason for emergency and time frame for making repairs. The applicant shall file a standard permit application on the next business day.

SECTION 20. DISPLAY OF PERMIT

20.01 Display of permit. Once work commences in accordance with the issued right-of-way excavation permit, a copy of the permit or the Division emergency verification number shall be available at the worksite at all times. A reinspection 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.

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

20.03 Annual Utility Permit. The Annual Utility permit shall be displayed at each worksite.

SECTION 21. ENCROACHMENT LICENSES

21.01 Generally - Any person who desires to maintain an encroachment shall file a petition with the Department/Division on such forms as the Department/Division may prescribe, requesting that the Department/Division 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.

21.02 Procedure for license petition -

1. Acquire, complete and submit application form to: The Administrator, or designee, City of Indianapolis, Division of Compliance, 604 North Sherman Drive, Indianapolis, IN 46201:
 - a. \$160.00 filing fee,
 - b. Three (3) site plans,
 - c. Legal description of the proposed encroachment,

- d. Stamp on application from the Marion County Recorder (Room 721, City-County Building.)
2. The following applications reviewed by the Department/Division include, but are not limited to:
 - a. Neighborhood Signs encroachments,
 - b. Thoroughfare encroachments,
 - c. Regional Center encroachments,
 - d. Bus Shelter encroachments,
 - e. Canopies (entryways or café) encroachments,
 - f. Sidewalk café encroachments. (Indianapolis Fire Department review also required).
3. The following encroachments will be conditionally granted upon submission of a completed application in accordance with 22.02(1):
 - a. Monitoring wells,
 - b. Building signs,
 - c. Memorial plaques,
 - d. Irrigation systems.
4. Receive Encroachment License Document.

21.03 Minor Encroachments- Automatic Licensure

1. Shall be limited to those encroachments that have only a minor effect on the use of right-of-way and can be installed without blocking any portion of the street. Such types of encroachments shall:
 - a. exist as automatically licensed on the effective day of this regulation,
 - b. not require owner of such an encroachment to file a petition nor receive a license document,
 - c. not endure for a term more than twelve (12) months.

21.04 Procedure for Amending or Renewing Encroachment Licenses - will be the application process outlined in 22.02(1).

21.05 Standards and Requirements for Construction or Use of Encroachments - All encroachment licenses must be in compliance with all other Federal, State, and local law, including, but not limited to:

1. The Historic Preservation Districts Zoning Ordinance of Marion County (68-AO-14),
2. The Regional Center Zoning Ordinance of Marion County (96-AO-4),

3. The Wireless Communication Zoning Ordinance of Marion County (99-AO-1).

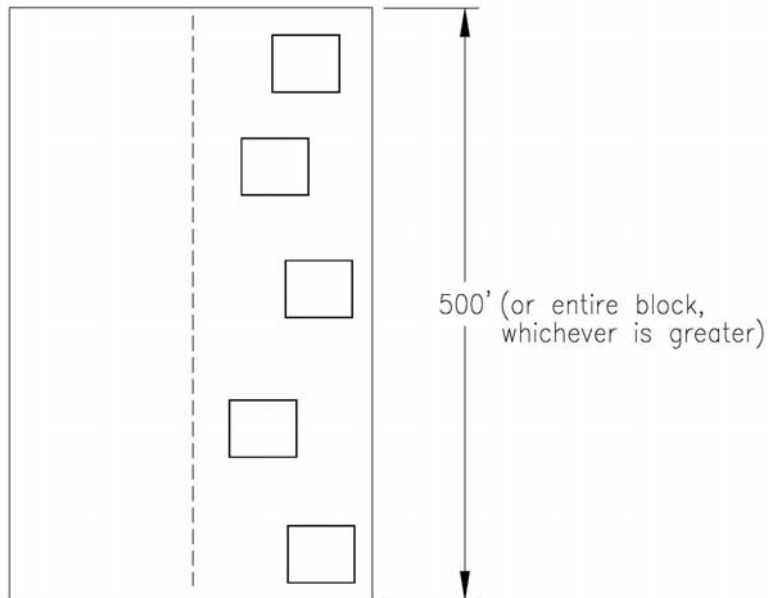
21.06 Standards and Requirements for encroachment licenses shall conform to the Regulations for Cuts Within the Public Right-of-Way unless specifically stated otherwise, and shall also be in accordance with Indiana Department of Transportation Standard Specifications

21.07 Variance and Appeal Procedure

1. Variance requests must be made to the Administrator of the Permits Section in writing. Substantial deviations from these regulations shall not be made without a written approval from the Administrator of the Permits section or their designee.
2. Any person affected by the decision of a variance request may appeal in writing within five (5) days of that decision to the Division Director. This decision may be appealed to the Board of Public Works, during its next available meeting.

21.08 Enforcement Procedures will be those as outlined in Section 8.

TYPICAL-MULTIPLE CUTS



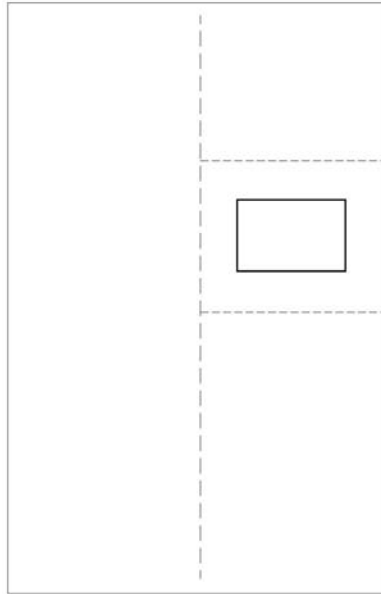
CLASS I STREETS & CLASS II STREETS 5 or more cuts within one (1) lane

- ! Asphalt streets shall be restored by milling 1" of existing pavement surface of the entire lane(s) affected by the cut and placing 1" of new surface over entire milled area. 1' cutback on all sides is required. Milled area includes the total block curbline to laneline.
- ! Concrete pavement shall be restored by replacing the entire panel that has been cut or damaged during work. However, the panel may be reduced in size by creating a new panel joint provided no panel is less than ten (10) feet in length.
- ! Total length considered is 5 cuts or greater within 500 Lft. Or one one (1) Block by the same public utility or Contractor. When multiple cuts are made by multiple public utilities then coordination for final restoration shall be between the public utilities at their cost.

CLASS III STREETS

- ! Asphalt streets shall require restoration of the cut area only. The restoration shall include the 1' cutback on all sides.
- ! Concrete streets shall require restoration of the cut area only.

TYPICAL-SINGLE CUT



CLASS I STREETS & CLASS II STREETS

- ! Asphalt streets shall be restored by milling 1" of existing pavement surface of the entire lane(s) affected by the cut and placing 1" of new surface over the entire milled area. 1' cutback on all sides is required.
- ! Concrete streets shall be restored by replacing the entire panel that has been cut or damaged during work. However, the panel may be reduced in size by creating a new panel joint provided no panel is less than then (10) feet in length.

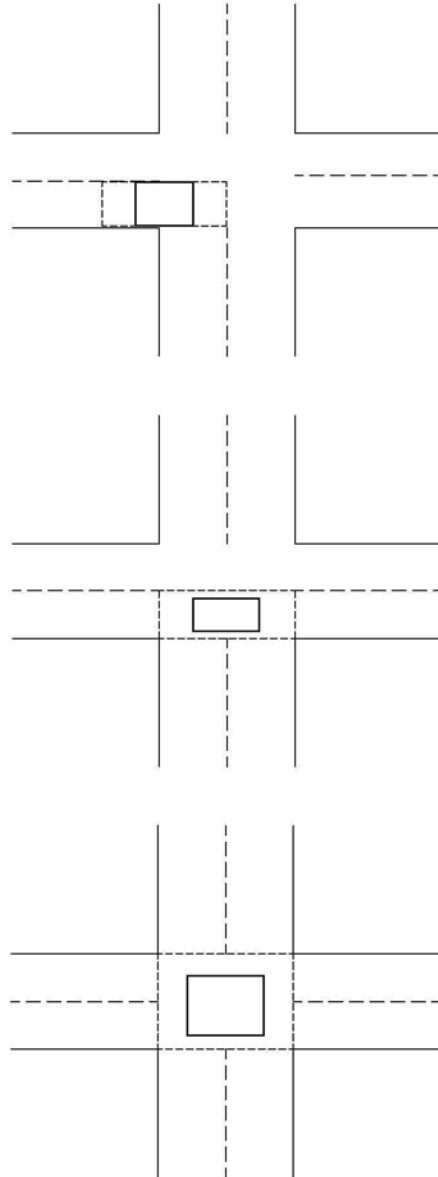
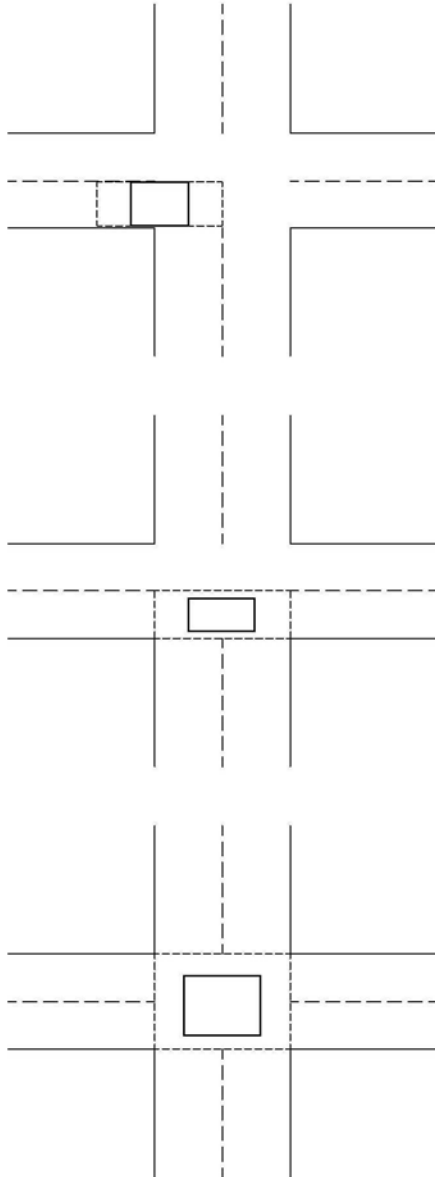
CLASS III STREETS

- ! Asphalt streets shall require restoration of the cut area only. This restoration shall include the 1' cutback on all sides.
- ! Concrete streets shall require restoration of the cut area only.

INTERSECTION RESTORATION
TYPICAL
ALL CLASS I AND CLASS II STREETS

ASPHALT

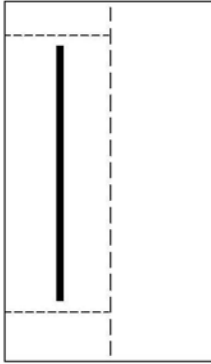
CONCRETE



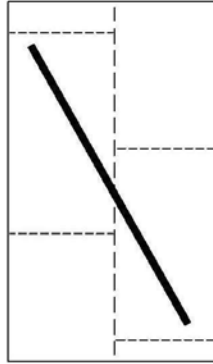
- ! On Class I and Class II asphalt streets restoration shall be made from curbline to the lane line or centerline, whichever one applies.
- ! On Class I and Class II concrete streets any panel that has been cut or damaged must be replaced in its entirety. However, the panel may be reduced in size by creating a new panel joint provided no panel is less than ten (10) feet in length.
- ! Class III streets shall restore only the cut area.

TYPICALS

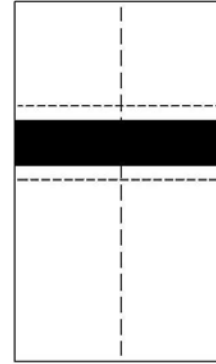
ASPHALT STREETS
ALL CLASS I AND CLASS II STREETS



STRAIGHT LINE



DIAGONAL

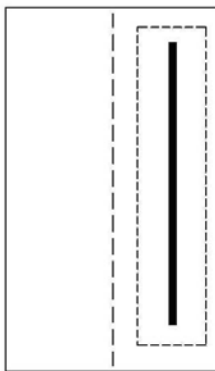


TRANSVERSE

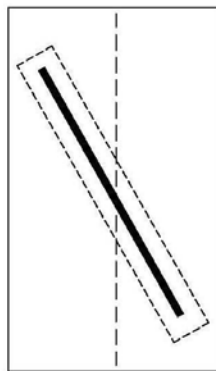
PLAN VIEW OF RESTORATION AREA

- ! Asphalt streets shall be restored by milling 1" of existing pavement of the entire lane(s) affected by the cut and placing 1" of new surface over the entire milled area. 1' cutback on all sides is required.

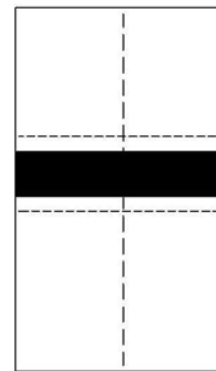
ASPHALT STREETS
CLASS III STREETS



STRAIGHT LINE



DIAGONAL



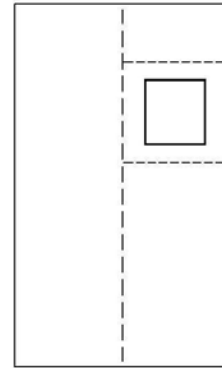
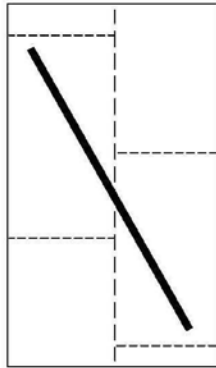
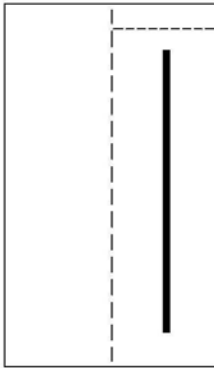
TRANSVERSE

- ! Asphalt streets shall require restoration of the cut area only. The restoration shall include the 1' cutback on all sides.

CONCRETE STREET RESTORATION

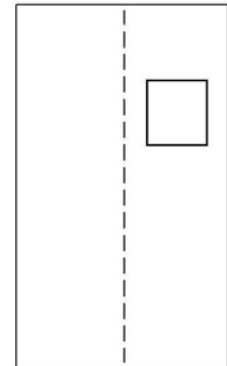
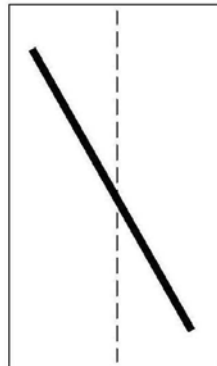
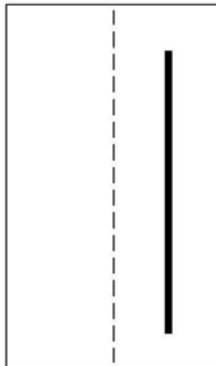
TYPICAL

CLASS I AND CLASS II STREETS



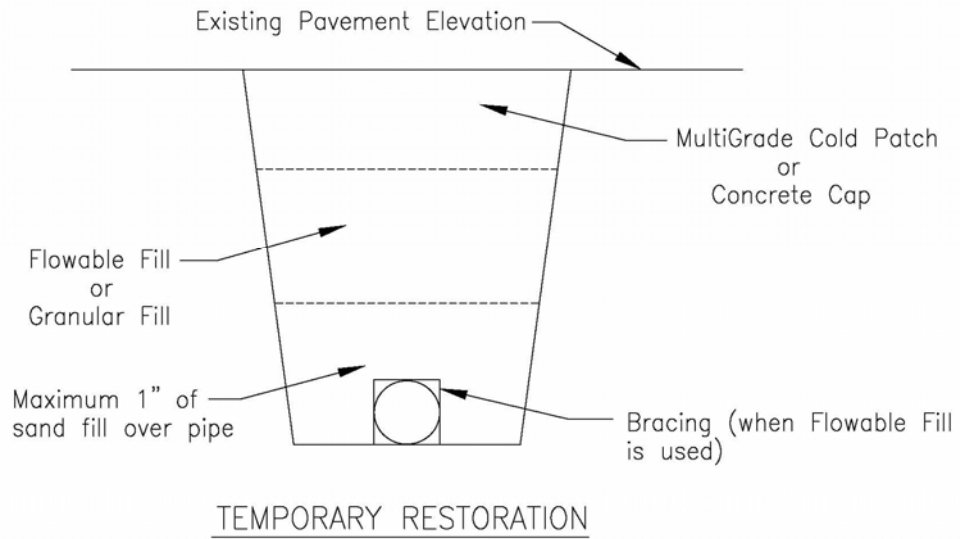
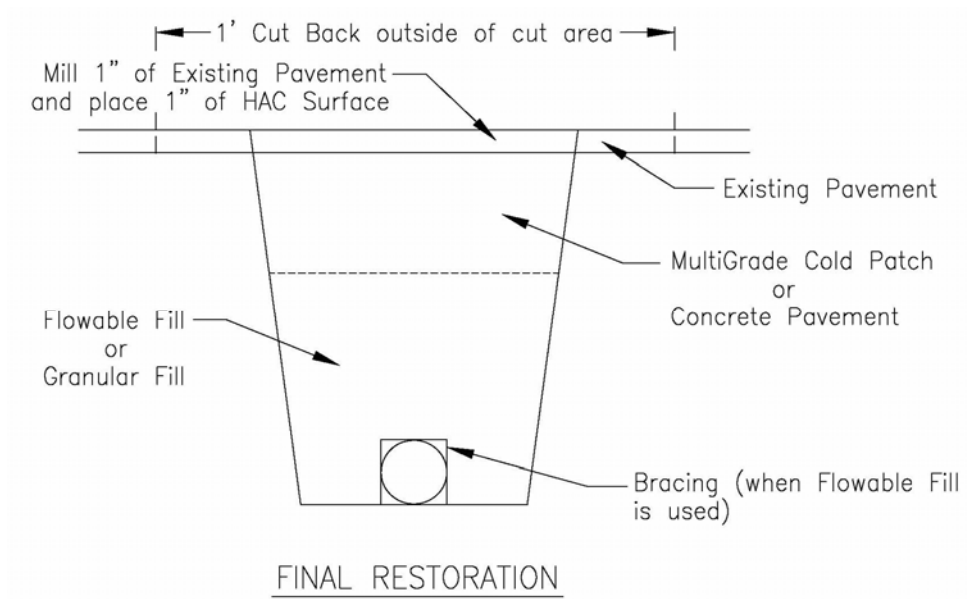
! Concrete streets shall be restored by replacing the entire panel that has been cut or damaged during work. However, the panel may be reduced in size by creating a new panel joint provided no panel is less than ten (10) feet in length.

CLASS III STREETS



! Concrete streets shall require restoration of the cut area only.

TRENCH TYPICAL SECTIONS FOR BACKFILL AND RESTORATION



Note: For final restoration on asphalt streets, the top 1" of existing asphalt in accordance with the final restoration drawing shall be milled and resurfaced with 1" of new Hot Asphaltic Concrete Surface.

**Board OF PUBLIC WORKS
OF
MARION COUNTY, INDIANA
Resolution No. 89, 2006**

WHEREAS, the Division of Compliance and the Department of Public Works adopted regulations entitled "Regulations for Activities within the Public Right-of-Way" on October 24, 2001; and

WHEREAS, the Regulations for Activities within the Public Right-of-Way adopted on October 24, 2001 are set to expire four (4) years, three hundred and sixty-four (364) days after the effective date of said Regulations; and

WHEREAS, the expiration date for the Regulations for Activities within the Public Right-of-Way, adopted on October 24, 2001, is December 31, 2006; and

WHEREAS, the Regulations for Activities within the Public Right-of-Way need to be readopted to ensure the Division of Compliance and the Department of Public Work continue to have the regulatory authority to enforce the specific permitting requirements and standards for restoration and cuts in the public right of way to guarantee maintainability of the public right of way after work is completed; and

WHEREAS, the Revised Code of the City of Indianapolis - Marion County empowers the Board of Public Works to conduct a public hearing on said Regulations and to take official action on said Regulations; and

WHEREAS, said public hearing was scheduled and held on December 6, 2006 after notice of the public hearing was published in compliance with the applicable statutes and ordinances; and

WHEREAS, the amendments to said Regulations are necessary for timely readoption, correction to some administrative and fee changes, and the development of new language as required by the Revised Code of the City of Indianapolis - Marion County.

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Public Works formally adopts and approves Resolution 89, 2006-Regulations entitled "Regulations for Activities within the Public Right-of-Way" in accordance with Chapter 141 of the Revised Code of the City of Indianapolis -Marion County.

ADOPTED by the Board of Public Works on this 6th day of December, 2006

BOARD OF PUBLIC WORKS

Kumar Menon

Kip Tew

Roger Brown

Richard Rowley

Gregory Taylor

Sue Schalk

Clarence Crain

ATTEST:

Kimberly Frye, Board Secretary