

TOWN OF WEST NEWBURY



PERMIT NUMBER(S): (FOR TOWN USE ONLY)	
STREET OPENING	_____
TRENCH	_____

381 Main Street
West Newbury, MA 01985
Tel. 978.363-1100 ext.120
E-mail: DPWDirector@WNewbury.org

DEPARTMENT OF PUBLIC WORKS

TRENCH, STREET OPENING AND DRIVEWAY OPENING APPLICATION FORMS

APPLICANT INFORMATION			
Name of Permit Holder:			
Street Address:			
City/ Town:		State:	Zip:
Phone Number:	Cell Phone Number:	24 Hour Emergency Phone Number:	
TYPE OF OF PERMIT AND FEE (PLEASE CHECK ALL THAT APPLY)			
<input type="checkbox"/> Street Opening / Driveway Opening Permit \$90		<input type="checkbox"/> Trench Permit \$60	
<input type="checkbox"/> Both \$150			
PURPOSE OF PERMIT (PLEASE CHECK ALL THAT APPLY)			
Excavation For:			
<input type="checkbox"/> Cable	<input type="checkbox"/> Sewer	<input type="checkbox"/> Electric	
<input type="checkbox"/> Water	<input type="checkbox"/> Gas	<input type="checkbox"/> Other (please describe) _____	
Is trench on public or private property:			
<input type="checkbox"/> Public	<input type="checkbox"/> Private	<input type="checkbox"/> Both	
Application Date: (today's date)	Excavation Start Date: (the West Newbury Water Department needs 3 days' notice to mark out the water lines)	Excavation End Date:	
Project Address:			
PERMIT APPLICATION – TRENCH INFORMATION			
TRENCH PERMITS PURSUANT TO G.L. C. 82A § 1 AND 520 CMR 14 ET SEQ. (AS AMENDED)			
APPLICANT INFORMATION			
Name of Excavator (if different from applicant):		Cell Phone Number:	
Street Address:			
City/ Town:		State:	Zip:
Massachusetts Hoisting License Number: - Attach a copy of your license	License Grade:	License Expiration Date:	
Name of Competent Person (as defined by 520 CMR 14.02 – if	Cell Phone Number:		

different from Excavator):			
City/ Town:		State:	Zip:
INSURANCE INFORMATION – YOU MUST ATTACH A COPY OF YOUR CERTIFICATE OF LIABILITY INSURANCE			
Insurer Name:		Insurer Contact Information:	
Policy Expiration Date:		Insurance Certificate Number: (Attach Certificate)	
INFORMATION FOR PROPOSED TRENCH / STREET OPENING			
SPECIFIC LOCATION OF THE TRENCH AND OR STREET OPENING (PLEASE CHECK ALL THAT APPLY)			
STREET * <input type="checkbox"/>	SIDE OF ROAD <input type="checkbox"/>	SIDEWALK <input type="checkbox"/>	LAWN <input type="checkbox"/>
			DRIVEWAY <input type="checkbox"/>
			OTHER (DESCRIBE) <input type="checkbox"/>
*YOU MUST APPLY TO THE COMMONWEALTH OF MASSACHUSETTS FOR ANY WORK TO BE PERFORMED ON STATE HIGHWAYS			
Trench Purpose/Description		Dig safe Number	
Trench Size (include all trenches)	Trench 1	Trench 2 (If needed)	Trench 3 (If needed)
Depth			
Length			
Width			
Other Comments:			
Attach Sketch of Proposed Excavation: - The West Newbury Water Department will require a sketch to mark out the water lines. <i>Is there a sketch attached? Yes <input type="checkbox"/> / No <input type="checkbox"/> (please check box)</i>			
Signatures (Please read all of this application before signing. The following acknowledge by signature below that they have read, understand and assume full responsibility for all the conditions of this permit application)			
Applicant's Signature:		Date:	<input type="checkbox"/> Check if Applicant is Excavator
Excavator's Signature:		Date:	<input type="checkbox"/> Check if Applicant is Owner
Owner's Signature The owner must sign [For work on private property]:		Date:	

Do Not Write Below this line – Town use only

Permit approved signature by the Department of Public Work Director	Date:
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Reviewed and approved by:

Conservation Agent _____ Water Department _____ Other _____
Please initial and date

Permit Fee Collected:

Special Notes:

STREET OPENING ADDITIONAL INFORMATION

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT:

1. "Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 *et. seq.*, entitled Subpart P Excavations."
2. "By applying for, accepting and signing this permit, the applicant attests to the following: (i) that he has read and understood the regulations promulgated by the Department of Public Safety with regard to trench safety; (ii) that he has read and understood the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 *et. seq.*, entitled Subpart P "Excavations".
3. They will comply **with ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.**

- This permit does not provide authorization for the removal of any public trees.
- This application and any plan submitted or issued will become part of the permit and shall be in the possession of the contractor at the site at all times.
- **Knowledge and prior approval of any Town of West Newbury Restrictions / by-laws relating to the Conservation Commission, Open Space Committee and Historic Commission is the sole responsibility of the applicant. This permit does not grant approval to any other West Newbury Department or Commission, or any state or federal agency unless noted in the Special Notes section of the approved permit.**

Town of West Newbury DPW Requirements

1. **Driveway Proposal.**
 - a. Excavate a depth of 17-18 inches.
 - b. Install / place 12-inches of processed gravel.
 - c. Compact in 6-inch lifts.
 - d. Pave 3-inch binder course and 2-inch final course of bituminous asphalt from existing edge of roadway to property line for any single-family residential property. Pave 4-inch binder course and 2-inch final course of bituminous asphalt from existing edge of roadway to property line for all other residential and commercial property.
2. **Roadway Trench**
 - a. Suitable excavated material may be placed back into trench no greater than 18-inches from roadway grade. Must be compacted in 6-inch lifts.
 - b. Install / place 12-inches of processed gravel from 18-inches below roadway grade to 6-inches below roadway grade. Must be compacted in 6-inch lifts.
 - c. Pave 4" binder course and 2" final course of bituminous asphalt.
 - d. If not noted on plan, the roadway trench size must be pre-approved on-site by the DPW Director prior to excavating. Please call 978-363-1100 extension #120, 48-hours in advance of work
3. **Edge of Roadway – Disturbed Area.**
 - a. Loam and Seed all disturbed areas at edge of roadway.
4. **Tracked Vehicles.**
 - a. No tracked vehicles shall be on the public roadway without a plywood or mat base.
5. **Traffic Controls.**
 - a. Police Details are required for all public roadway excavations. Contact the West Newbury Police Department at 978-363-1212.
 - b. MUTCD requirements must be followed on roadway and edge of roadway projects. A police detail is NOT a substitute for proper traffic controls.
6. **Roadway Plates.**
 - a. Roadway plates may not be used unless prior approval from the DPW Director.
7. **If the DPW Director deems the roadway is in excellent to very good condition then the applicant is directed to infracture the trench between 60-90 days after the trench completion.**
8. Contact DPW 72-hours in advance of the commencement of work in the public right-of-way.
9. For all work in the public right-of-way, the contractor shall warrantee the work for 12-months after the acceptance of such work by the DPW Director or designee. Any roadway / trench failures must be corrected within 48 hours of notification and any emergency failures must be made-safe within two-hours of notification by West Newbury Police or town official.

10. Performance Bond Requirement

A minimum of a \$5,000 performance bond must be submitted or a current bond must be on file with the Department of Public Works. The bond must be in effect for a period of at least one year from completion and final approval from the DPW Director of the project. For larger projects, the DPW Director may request a large bond value.

11. Certificate of Insurance Requirement.

The applicant must submit proof of Certificate of Liability Insurance naming the Town of West Newbury as an additional insured. The following coverage is required:

1. Comprehensive General Liability:

Bodily Injury	Minimum Coverage
Each Person	\$500,000
Each Accident	\$500,000
Property Damage	
Each Accident	\$100,000
Aggregate	\$300,000

2. Workers Compensation Insurance
As required by State Law

THE ABOVE SIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AND ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERNING SUCH WORK.

THE ABOVE SIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE ABOVE SIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

THE COMPETENT PERSON VERIFIES THAT HE/SHE MEETS THE REQUIREMENTS OF 520 CMR 14.02

THE ABOVE ACKNOWLEDGE BY SIGNATURE ABOVE THAT THEY HAVE READ, UNDERSTAND, AND ASSUME FULL RESPONSIBILITY FOR ALL OF THE CONDITIONS OF THIS PERMIT APPLICATION.

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 14.00 et seq. (as amended)

(1) By signing the application, the applicant understands and agrees to comply with the following:

No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);

Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82A of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.

Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".

Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;

By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of

and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82.

vi. This permit shall be posted in plain view on the site of the trench.

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to www.mass.gov/dps Pursuant to M.G.L. c. 82A, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, that excavator shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

For additional information please visit the Department of Public Safety's website at: www.mass.gov/dps

Summary of 1926 CFR Subpart P-OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard. For further information or a full copy of the standard go to www.osha.gov.

Trench Definition per the OSHA standard:

An excavation made below the surface of the ground, narrow in relation to its length.

In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.

Trench Definition per the Massachusetts Department of Public Safety:

An excavation which is narrow in relation to its length, made below the surface ground in excess of *three feet* below grade and the depth of which is, general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

Protective Systems to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:

Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.

Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.

Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.

A registered professional engineer must design protective systems for all excavations greater than 20' in depth.

Ladders must be used in trenches deeper than 4'.

Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.

Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.

Inspections of every trench worksite are required:

Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.

Inspections must be conducted by the competent person (see below).

Competent Person(s) is:

Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and

Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.

Underground Utilities must be:

Identified prior to opening the excavation (e.g., contact Digsafe and the Water Department).

Located by safe and acceptable means while excavating.

Protected, supported, or removed once exposed.

Spoils must be kept back a minimum of 2' from the edge of the trench.

Surface Encumbrances creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.

Stability of Adjacent Structures:

Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.

Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.

Protection from water accumulation hazards:

It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.

If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.

Additional Requirements:

For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.

Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).

Employees must wear high-visibility clothing in traffic work zones.

Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O₂ <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.

Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.

Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.