

APPENDIX A

GENERAL TERMS AND CONDITIONS Regulating Occupancy of Township Road Right-of-Way

GENERAL PROVISIONS

1. If East Manchester Township (the "Township") determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead, and expenses incurred by each assigned inspector and the township. Township engineer and solicitor time will be charged at the then current rates. If a part-time or full-time resident inspector will be assigned to the project from the start of the work, the inspector rate will be noted in the permit. The Township may assign a part-time or full-time inspector to the project after commencement of the work at its discretion.

2. The terms and conditions embodied in this permit require the permittee to complete this work by the date specified in the permit. Where permittee fails to comply with the condition as to completion of work by the time specified, the following rules will govern:

(a) **Failure to start work by date specified for completion.** Permit will be cancelled unless permittee desires an extension of time, in which case a supplemental permit may be issued.

(b) **Work started and not completed by specified date.** Permittee will notify Township, prior to expiration of allotted time, of inability to complete the work on or before the date specified and request for an extension of time. Such request shall be accompanied by the prescribed fee.

(c) **Permittee not desirous of carrying out proposed work on account of change in conditions affecting it.** Permittee will notify the Township prior to the date specified for completion that work will not be carried forward, returning the permit with such notice. The fee for inspection of the work will be refunded by the Township, provided that they have been notified of cancellation prior to the expiration date.

The fees to be paid under the condition in (a), (b), and (c) apply only to permits for which fees are collected in accordance with the fixed schedule. Fees incurred on an hourly basis, including inspection and review fees, engineer fees and solicitor fees, will not be refunded. All notices relative to time extensions or cancellations shall be forwarded in writing to Township.

3. The work authorized by this permit shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of Township, including without limitation the Township's Construction and Material Specifications and any requirements as set forth in the approved Land Development Plan ("LDP"). If at any time it shall be found by the Township that the work is not being done, has not been properly performed or represents a safety hazard to the public, the permittee and/or its contractor, upon being notified in writing by the Township, shall immediately take the necessary steps, at its own expense, toward placing the work in condition to conform to said requirements or standards.

4. In the event of willful failure or neglect by said permittee and/or its contractor or their employees to perform and comply with the conditions, restrictions, and provisions of this permit, the Township may revoke and annul this permit and order and direct said permittee and/or its contractor to remove any or all structures or property belonging to said permittee and/or its contractor from the legal limits of the roadway right-of-way and to restore the roadway right-of-way to its former condition.

5. If work is stopped on a project for any reason, and any trench or other opening, in the opinion of the Township, remains open for an unreasonable period and represents a safety hazard to the travelling public, the permittee and/or its contractor shall refill the trench or opening and erect appropriate temporary barricades as directed. Work shall not be resumed thereon until the permittee and/or its contractor fails to refill the ditch or trench or proceed until completion of the work upon notice from the Township to do so, the Township may perform the necessary and required work subject to reimbursement by the permittee and/or its contractor.

6. The permittee shall pay all costs and expenses incident to or growing out of all work in the public right of way including the prescribed fees for the same, the cost of making and maintaining the temporary restoration of the disturbed areas and making permanent restoration, and further shall reimburse the Township for any inspection costs which the Township may deem it

necessary to incur, and the permittee shall reimburse the Township for said costs within 30 days after receipt of the statement setting forth sums expended therefore by the Township. Township engineer shall serve as inspector on all work in the public right of way, including restoration. Final approval of any work and release of any surety or escrowed funds shall be conditioned on the approval of the Township engineer. If the Township has required permittee to post a performance and/or maintenance bond or to place money in escrow to secure performance and/or maintenance of permittee's obligations under the LDP or other approved plan, then in addition to any other remedies hereunder, the Township may access said funds to complete or restore any or all work permittee fails to complete or to repair any deficient work by permittee for up to a period of two (2) years following the final inspection of the work herein. As such, any bonding or escrowed funds shall remain available to the Township for the purposes of maintenance or repair of the road for up to two (2) years following final inspection of the work herein. For the purposes of this project, permittee shall post a performance and maintenance bond or place in escrow with the Township funds in the amount of \$360,000.00 . Any invoiced costs to permittee not paid within 30 days will accrue interest at a rate of 1.5% per month or fraction thereof until paid in full. Notwithstanding the foregoing, if the permittee has placed funds in escrow as part of an LDP or other approved plan, the Township may, at its sole discretion, deduct its inspection and other related costs from the escrowed funds.

7. If the permittee and/or its contractor, after making an opening in the roadway to place or repair pipe or for any other purpose, fails to restore any portion of roadway right-of-way to conform with specifications of the Township, the permittee and/or its contractor shall correct the deficient work within seven (7) days of notice from the Township, which time may be reduced if the deficiency poses a safety hazard. If the permittee and/or its contractor fails to timely correct the work, the Township reserves the right to do the work using its own funds or any financial security posted with the Township and bill the permittee for the cost of any work paid with Township funds or utilizing Township equipment and employees. Prior to beginning the restoration of any roadway, permittee shall submit to the Township engineer for approval specifications detailing the restoration process, including materials used and procedures followed.

8. The permittee will submit to the Township, a certificate or certificates of insurance for public liability and property damage, in a minimum amount of \$1,000,000 for commercial general liability, to cover any loss, that may be incurred for or on account of any matter, cause or thing arising out of the construction, reconstruction, repair, relocation or installation of the permitted facilities, except in those instances where the Township by prior arrangement has authorized the permittee to provide other means of protecting the Township and its employees. The Township shall be designated as additional insured on any such certificate or policy.

9. The permission herein granted does not relieve the permittee and/or its contractor from obtaining any consent otherwise required from the owner or owners of the abutting property and does not confer upon the permittee and/or its contractor the right to cut, remove or destroy trees or shrubbery within the legal limits of the roadway except under such conditions, restrictions and regulations as the Township may prescribe.

10. If at any time the structure or facility shall become a hazard from any cause whatsoever, the permittee and/or its contractor shall have the same removed or repaired within 48 hours after receipt of written notification, except at times of extraordinary happenings when extension of such time limit may be given by the Township.

11. After each and every excavation made by the permittee and/or its contractor in any road or roadway right-of-way covered by this permit incident to the erection, repair, resetting or removal of any poles, manholes, conduits, water, steam, oil, gas pipes, sewers or any other obstructions or construction, said permittee and/or its contractor shall, under the supervision and direction of the Township, restore the right-of-way to a condition conforming to requirements and/or specifications of the Township. So long as said permittee and/or its contractor operates and leaves in place such structures and appliances, in, upon or along said roadway right-of-way, the permittee and/or its contractor shall maintain and keep in order and repair the said structures and appliances and the surface of the right-of-way wherein the structures and appliances lie.

12. If at anytime in the future the roadway is widened or the alignment or grades are changed, the permittee further agrees to change or relocate, any part of the structures covered by this permit which interferes with the improvement of the roadway, at its own expense, to the extent now or hereafter required by law.

13. During the time when the roadway right-of-way covered by this permit is under process of construction and/or until said road or roadway is accepted by the Township, no permittee and/or its contractor will be authorized to enter upon said roadway right-of-way for the purpose of erecting poles, laying conduits, water, steam, oil or gas pipes or sewers, or doing any other work whatsoever which might interfere with the construction of the road or roadway, unless said permittee and/or its contractor shall first file with the Township a duly attested certificate, signed by the contractor or other authority constructing said road or roadway, containing the full consent to such proposed work of said permittee and/or its contractor within the lines of the said roadway right-

of-way, together with a satisfactory waiver, release and quit-claim to the Township, of all damages and all defenses whatsoever for delays by reason of such work and occupation of said roadway by said permittee and/or its contractor, or from any cause whatsoever resulting by reason of such work and occupation, provided that the provisions of this paragraph shall not apply in case of emergency; in such case the permittee and/or its contractor shall procure the written consent of the Township to do such work as may be deemed necessary to current the existing emergency conditions.

14. Any work done under this permit shall be subject to the conditions, restrictions and provisions of this permit which together with the Township Construction and Material Specifications shall govern all excavations, openings and trenches for the purpose of making repairs to any poles, conduits, water, steam, oil, gas pipes or sewers, or other structures, or property and appurtenances thereto belonging, erected on or in the roadway right-of-way.

15. This permit is issued subject to any additional rights which the Township in which the work is to be done may have in such matters.

16. After a permit is granted by the Township, it shall not be assigned or transferred without prior written approval from the Township.

17. To protect the roadway surface or pavement on said projects, all equipment used by the permittee and/or its contractor shall be approved by the Township. Such equipment shall have rubber runners or wheels. In the event that other than rubber equipped machinery is used the pavement shall be protected by the use of heavy rubber or similar matter which shall be a minimum of four (4) inches wider on each side that the tracks or wheels or the equipment used.

18. Information as to the date and character of construction or reconstruction of the Township road or street may be obtained by contacting the Township.

19. If, in the construction work the permittee will be required to use certain blasting operations in the excavation the permittee agrees to make, execute and deliver to the Township, a bond in the sum stipulated by the Township with surety in the form of a surety company, duly registered and authorized to do business in Pennsylvania, conditioned that the permittee will save harmless the Township, from any damages whatsoever to its subgrade, subbase, modified subbase, drainage facilities, road pavement, and any other installations or matters in, under or upon the roadway right-of-way for a period of two (2) years from the date of the completion of the last work covered by this permit.

20. Maintenance and protection of traffic for work authorized by this occupancy permit must be carried out in accordance with the requirements of the Township in accordance with PennDOT Publication 213, Maintenance and Protection of Traffic, latest edition. In this connection, the permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit. A traffic control plan may be required as directed by the Township.

21. All Township costs of enforcement (including reasonable engineer and attorney fees) of the permit terms shall be payable to Township upon demand.

SUBSURFACE OPERATIONS

22. Any opening or impairment of any nature whatsoever of any improved surface within the Township right-of-way as authorized by Township permit of any kind shall be made in accordance with the following specified provisions:

(a) Plates or bridging will be required on all openings made within the improved surface which have a shortest dimension in length or width of six (6) feet or less whenever work cannot be completed prior to peak traffic hours within the same day, or in the manner specified on the permit. The plate or bridging is to be extended a minimum of eighteen (18) inches on either side of the opening and secured to the existing cartway.

(b) A marker for identification showing the name of the permittee or a symbol assigned to the permittee shall be placed at each opening or impairment made for service installations or repairs within the improved surface of Township roadways. It shall be placed at the nearest edge of the cut closest to the edge of the improved surface and shown on plans attached to the application.

(c) The permittee is responsible for all costs and expenses of making and maintaining temporary or permanent restorations of disturbed areas. When permanent restoration is made the permittee shall be responsible for such areas for any subsequent failure of the roadway surface during a period of 18 months following completion of the permanent restoration work.

23. No openings for the purpose of placing pipe lines or other structures under the improved surface of the road or roadway by drilling, boring, driving or tunneling shall be made closer than three (3) feet to the edge of the road pavement, and trenches for conduits, water, steam, oil, gas pipes, sewers, and other obstructions placed parallel with the road or roadway shall be dug so that the near edge of the trench is at least three (3) feet outside of the edge of the road pavement with a minimum depth of three (3) feet below the surface of the road or roadway unless the Township shall authorize in writing a lesser clearance. A greater distance shall be used wherever practicable.

24. In cases where the road or roadway is not paved, the trench shall be placed so that its near edge is at least fifteen (15) feet from the general center lines of the traveled road or roadway unless authorized as provided in Paragraph 23. The center line shall be determined by the Township.

25. The trench for such construction shall not be opened for a distance of more than five hundred (500) feet at any one time, unless especially authorized by Township. At the end of each working day, permittee shall ensure that all trench work is backfilled and plated, and no open trenches shall remain until the next work day.

26. In case it is necessary to cross under any improved road or roadway, any pipe line shall be installed on a horizontal plane at a minimum depth of three (3) feet below the surface of the road or roadway. Openings in pavements where the wearing surface is less than ten (10) years old shall be made by drilling, boring, driving or tunneling. Open pavement cuts will not be considered by the Township unless the trenchless technique encounters refusal on rock or other obstruction. When an open cut is approved where trenchless techniques have failed, the applicant shall mill and restore the wearing surface a minimum of 10' on either side of the limits of transverse trenching for the full width of the cartway, or mill and restore the wearing surface a minimum of 10' on either side of the limits of longitudinal trenching for the full lane width in which the trench is located.

27. Where necessary to cross the improved road or roadway by trenching, the crossing shall be made, under one-half of the improved road width, and the pipe or structure placed and the hole carefully restored before traffic is permitted to use that half of the road. The second half of the trenching is to be completed in the same manner, so at least one-way traffic will be maintained over one-half the improved road or roadway while the second half is being excavated. The trench work shall use full depth stone in accordance with the Township Construction and Material Specifications.

28. Where a storm sewer or other structure or facility is encountered, it shall be replaced or restored by the permittee and/or its contractor in accordance with the direction of the Township Roadmaster.

29. The permittee and/or its contractor shall place the tops of manholes so that they shall be even with the elevation and slope of the roadway and/or shoulder at the proposed location.

30. The overnight storage of construction materials within the road right-of-way shall not be permitted. All excess excavated material shall be removed and disposed of outside the legal limits of the roadway as the work progresses, unless the approval of the Township is obtained for disposal of the material within the legal limits of the roadway. All parts of the roadway and various structure disturbed shall be restored to a condition equal to that which existed before starting the work. Guide rails shall be replaced to the present alignment and any guard posts discolored through the work of the permittee and/or its contractor shall be refinished by washing or repainting.

31. All openings required to be made in the legal right of way for the installation, renewal or repair of a utility including utilities under the control or owned by a municipality shall be made pursuant to permit, or written authorization issued to the municipality, by the Township. The applicant shall submit a pavement restoration detail for review and approval by the Township. Restoration shall occur in accordance with the following requirements on backfilling and pavement replacement:

(a) The limits of all opening shall be sawcut prior to excavation.

(b) All openings within the legal right of way shall be backfilled with Type 2A aggregate meeting the specifications of the Pennsylvania Department of Transportation. Such material shall be compacted to 95% of the maximum dry density in accordance with ASTM D1557. Material shall be placed in lifts not to exceed 12" depth prior to compaction.

(c) All pavement openings shall be restored with a minimum 5" bituminous concrete base course and 1 1/2" bituminous wearing surface meeting the approved Superpave mix designs set forth by the Pennsylvania Department of Transportation. An increase in pavement thickness may be required based on the functional classification of the road. Any required increase shall be noted as a condition of permit approval.

(d) All vertical surfaces and joints shall be sealed with hot-applied asphalt sealing material meeting the requirements of PennDOT Specification 408, latest edition.

SURFACE OR OVERHEAD OPERATIONS

32. On all roadways, utility poles, guys and other ground mounted utility appurtenances shall be placed at least thirty (30) feet from the edge of the traveled roadway where sufficient right-of-way is available. When sufficient right-of-way is not available the poles shall be placed as near to the right-of-way line as possible. No poles or other overhead structures shall be placed where they will obstruct the view of traffic on the roadway, nor within five (5) feet of any warning or direction sign, unless specifically permitted in writing.

33. All wires, except power transmission and supply lines, appurtenances, or supports attached to poles which cross the roadway shall be placed or erected so as to provide a minimum vertical clearance of eighteen (18) feet within right-of-way limits of roadway. Where power transmission and supply lines cross a roadway in urban and rural areas, vertical clearance and other requirements of the National Electrical Code must be complied with. All guys shall be placed so as to avoid interference with traffic of all kinds on the roadway, and must present a neat appearance when installed; if for electric light or power lines they must be adequately insulated at a point not less than ten (10) feet vertical above the ground; if for telephone lines when in proximity to electric light or power lines they must be adequately insulated at a point not less than eight (8) feet vertical above the ground.

Exception: When guys are permanently grounded in conformity with accepted grounding practice, insulators may be omitted; provided, however, that permittee states in the application for permit the method whereby such guys, when installed, will be properly grounded, and will, thereafter, be maintained, through periodic inspection of all ground connections. This exception applies primarily to guys exposed to circuits carrying more than fourteen thousand (14,000) volts and to guys permanently grounded throughout in connection with any grounded supply circuits using continuous ground wires.

34. All poles that may be erected shall be numbered and each number together with the initials of the permittee, shall be plainly designated thereon by and at the expense of said permittee.

THE APPLICANT ACKNOWLEDGES RECEIPT OF THESE PROVISIONS AND AGREES TO COMPLETE ALL WORK IN ACCORDANCE WITH THE TERMS SET FORTH HEREIN.

Applicant Signature

Date

Print Applicant Name

Print Applicant Company

Print Project Location

(Office Use Only – Permit Number)

HIGHWAY OCCUPANCY PERMITS SCHEDULE OF FEES

These fees are applied to the administrative costs incurred in reviewing the application and plan(s) and issuing and processing the permit, including the preliminary review of the site location identified in the application, whether or not a permit is issued and processed.

Schedule Item	Unit Fee
1) Application Fee	
a) Utility	\$60.00
b) Driveways	
(i) minimum-use (e.g., single-family dwellings, apartments with five or fewer units)	\$15.00
(ii) low-volume (e.g., office buildings, car washes)	\$40.00
(iii) medium-volume (e.g., motels, fast food restaurants, service stations, small shopping plazas)	\$80.00
(iv) high-volume (e.g. large shopping centers, multi-building apartment or office complexes)	\$120.00
(v) construction-use (includes change of use of an existing driveway and establishing new driveways for such use)	\$100.00
c) Other (e.g. bank removal, sidewalk and curb)	\$30.00
2) Supplement Fee (each six-month time extension) (each submitted change)	\$20.00
3) Emergency Permit Card (each card)	\$10.00
4) Exemption (see below for list of exemptions)	
5) Wireless Communication Facilities	
a) Application	
(i) Collocated WCF	\$1,000.00
(ii) Small WCF (Collocated)	
a. For up to five (5) Collocated Small WCFs in a single application;	\$500.00
b. For each additional Collocated Small WCF thereafter in same application.	\$100.00
(iii) Small WCF (requiring new/replacement Wireless Support Structure)	\$1,000.00
(iv) Tower-Based WCF	\$2,500.00
b) Annual Fee	
(i) Right-of-way Use Fee (per WCF) – per site per year	\$270.00

GENERAL PERMIT INSPECTION FEES

These fees are applied to the costs incurred in the preliminary review of the location covered by the permit, and/or spot inspection of the permitted work, and/or subsequent inspection after the permitted work has been completed to ensure compliance with PENNDOT specifications and permit provisions.

Schedule Item	Unit Fee
6) Driveways	
a) Each minimum-use driveway	\$20.00
b) Each low-volume driveway	\$30.00
c) Each medium-volume driveway	\$40.00
d) Each high-volume driveway	\$120.00
e) Each construction use driveway	\$100.00
7) Surface Openings (These fees are calculated on the total linear feet of the opening being permitted within different areas of the right-of-way.)	
a) Total linear feet of opening each (100-foot increment or fraction thereof.)	
(i) Opening in pavement	\$100.00
(ii) Opening in shoulder	\$50.00
(iii) Opening outside pavement and shoulder	\$50.00
(iv) Opening in sidewalk	\$50.00
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged. Linear distances shall be measured to the nearest foot.	
8) Surface Openings of Less Than 36 Square Feet (e.g., service connections performed independently of underground facility installation, pipe line repairs)(each opening)	
(i) Opening in pavement	\$40.00
(ii) Opening in shoulder	\$30.00
(iii) Opening outside Pavement and shoulder	\$20.00
(iv) Opening in sidewalk	\$30.00
If an opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged.	
9) Above-Ground Facilities (e.g., poles, guys and/or anchors if installed independently of poles)	

a) Up to 10 physically connected above-ground facilities (each continuous group)	\$20.00
b) Additional above-ground physically connected facilities (each pole with appurtenances)	\$20.00
10) Crossings (e.g., 'overhead' tipples, conveyors or pedestrian walkways and 'undergrade' subways or mines)	\$80.00
11) Seismograph – Vibroseis Method (e.g., prospecting for oil, gas)	
a) First mile	\$60.00
b) Each additional mile or fraction thereof	\$20.00
12) Non-Emergency Test Holes in Pavement or Shoulder (each hole)	\$40.00
13) Other (e.g., bank removal, sidewalk and curb)	\$40.00

EXEMPTIONS

With the exception of third-party fees (i.e. building code), permit issuance fees and general permit inspection fees are not payable by any of the following:

- 1) The Commonwealth.
- 2) Political subdivisions of the Commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement. In that case, the application and Inspection fees for pavement opening will be charged.
- 3) Governmental authorities organized under the laws of the Commonwealth, which includes the Northeastern York County Sewer Authority incorporated May 2, 1945 under the Municipality Authorities Act registration number 8728 159.
- 4) The federal government.
- 5) Charitable organizations that are in compliance with Act 337 of 1963, as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, non-profit organizations).
- 6) Utility facility owners for:
 - a) The installation of street lights at the request of PENNDOT or the political subdivision.
 - b) The replacement or renewal of their facilities prior to a township resurfacing project after notice from the township.
 - c) The removal of poles and attached appurtenances.
 - d) Facilities moved at the request of PENNDOT or the political subdivision.
 - e) The reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead, and expenses incurred by each assigned inspector and the township. Township engineer and solicitor time will be charged at the then current rates.

Additional fees. If the Township anticipates that the cost of reviewing the required application information or inspecting the permitted work will exceed the application or inspection fees listed in this section by a significant amount, the following additional fees will be assessed:

- (1) Additional application fee. The Township will estimate the additional amount of salary, overhead and expenses and prepare a reimbursement agreement for execution by the applicant. Township review of the permit application will commence on the effective date of the agreement.
- (2) Additional inspection fees. If the Township determines that the per-mitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead and expenses incurred by the Township for inspection.
- (3) Charge calculation. The charges will be calculated either on an actual cost basis or a standard unit cost basis.
- (4) Invoices. The Township will provide an itemized invoice for additional fees owed to the Township.

Miscellaneous fees. The applicant shall pay for notary and recording costs if it is determined by the Township that the permit shall be recorded in the county office of the recorder of deeds