



**CITY OF DECATUR**  
 1 GARY K. ANDERSON PLAZA  
 DECATUR, ILLINOIS 62523  
 engineeringforms@decaturil.gov

# Right of Way Facility Permit

Public Improvement  Yes  No

## Facility Owner Information

_____		_____	
Name of Permittee		Mailing Address	
_____	_____	_____	_____
City	State & Zip	Telephone	Fax

## Permittee Information

Same as Above  Yes  No

_____		_____	
Name of Permittee		Mailing Address	
_____	_____	_____	_____
City	State & Zip	Telephone	Fax

\_\_\_\_\_

E-Mail Address

## Consultant / Contractor Information

_____		_____	
Name of Permittee		Mailing Address	
_____	_____	_____	_____
City	State & Zip	Telephone	Fax

\_\_\_\_\_

E-Mail Address

Describe the work in detail below. Attach drawings, plans and specifications for the proposed work.

This permit covers the operation and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work. A copy of this permit must be present when crews or equipment occupy City right-of way. Failure to comply may result in the cessation of all construction.

This permit is subject to conditions and restrictions of Chapter 41.1 of the City Code, Standards for the Construction of Facilities in Public Rights-Of-Way. The Permittee agrees to comply with the requirements of the City Code and with all terms and conditions established by this permit. This permit is subject to revocation by the City on violation of the terms and conditions governing its use.

The Permittee is required to provide, or have on file with the City, the following:

Liability insurance policies insuring the facility as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insured on commercial and automobile liability insurance. Insurance shall be required as follows:

- a. Commercial general liability insurance shall be written on an occurrence basis by an insurer acceptable to the City and, when applicable, including premises-operations, contractual liability, explosion, collapse, and underground hazard (commonly referred to as "X" "C" and "U" coverage) and products-completed operations coverage with limits not less than:
  - i. \$5,000,000 for bodily injury or death to each person;
  - ii. \$5,000,000 for property damage resulting from any one accident; and,
  - iii. \$5,000,000 for all other types of liability;
  - iv. \$10,000,000 for general aggregate and completed operations aggregate.

- b. Automobile liability for owned, non-owned and hired vehicles with combined single limit of \$1,000,000 for personal injury and property damage for each accident;
- c. Worker's compensation with statutory limits; and,
- d. Employer's liability insurance with limits of not less than \$1,000,000 for (1) each accident, (2) Disease-policy limit, and (3) disease-each employee.

Excess or Umbrella Policies. The coverage required may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover any such loss.

Copies Required. The Permittee shall provide copies of any of the policies required by the City within 10 days of receiving a written request. Certificates of Insurance may be requested in lieu of policies and must evidence all of the City's requirements.

Maintenance and Renewal of Required Coverage. It shall be an affirmative obligation upon the insured to advise the City Public Works Department within two days of the cancellation or substantive change of any insurance policy set out above, and failure to do so shall be construed to be a revocation of the approval of such structures or signs. Certificates evidencing insurance and additional insured shall be sent to the Certificate Holder at:

City of Decatur  
Public Works Department  
#1 Gary K. Anderson Plaza  
Decatur Illinois 62523

Self-Insurance. A Permittee may self-insure all of a portion of the insurance coverage and limit requirement required by the City. A Permittee that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming additional insured. A Permittee that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit the requirements required by the City, such as evidence that the Permittee is a "private self insurer" under the Workers Compensation Act.

Effect of Insurance and Self-Insurance on Permittee's Liability. The legal liability of the Permittee to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by the City shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts there under.

Indemnification. By occupying or constructing facilities in the right-of-way, the permittee shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by City Code 41.1 or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of City Code 41.1 by the City, its officials, officers, employees, agents or representatives.

The Permittee represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portions of the City right of way to a condition similar or equal to that existing before the commencement of the described work, including any landscape restoration necessary.

The proposed work shall be located and constructed to the satisfaction of the Public Works Director or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the Public Works Director. **In certain circumstances the City may require that the construction plans and/or the as-built documents be sealed by an Illinois Registered Professional Engineer.** Typical of such projects would be petroleum or gas pipelines.

The Permittee shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the Permittee.

The Permittee shall not trim, cut or in any way disturb any trees or shrubbery on City right of way without the approval of the City Forester.

Notification of Change. The Permittee shall notify the City no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the owner. The new owner of the facility shall have all the obligation and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including City Code 41.1, with respect to the work and facilities in the right-of-way. The new owner shall update the current permit along with all required insurance or bonding.

Removal, Relocation, or Modifications of Facilities. Within 90 days following written notice from the City, a utility shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

Cleanup and Restoration. Upon completion of all construction, maintenance, or removal of facilities, the Permittee shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Public Works Director. Such cleanup and repair may be required to consist of backfilling, re-grading, reseeding, re-sodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the construction of the facility.

All work within City right of way shall be completed by a contractor that is licensed and bonded with the City.

In no case shall this permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the City's right-of-way.

_____		_____
Signature of Agent for Permittee		Date
_____		
Name of Permittee (Print or Type)		
_____		
Mailing Address		
_____		
_____	_____	_____
City	State	Zip

The work authorized by this permit shall be completed by \_\_\_\_\_ or within \_\_\_\_\_ days after the date of approval by the City, otherwise the permit will be considered null and void.

Utility Contact Person: \_\_\_\_\_ Phone \_\_\_\_\_

Work to be done by:  
Contractor: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
This permit allowing occupancy and work on City right-of-way is approved.

_____	_____
Information Technology Department	Date
_____	_____
Public Works Department	Date