

STATE HIGHWAY ROW REGULATIONS

1.0 AUTHORITY AND PURPOSE

1.1 The following Rules and Regulations are promulgated to administer the Department's policy regarding drainage that affects, and/or access to, the State Highway system pursuant to Sections 24-8-9, 24-8-32, 24-8-33, and 24-8-34 of the Rhode Island General Laws of 1956, as amended, and supersedes all previous Rules and Regulations adopted heretofore.

1.2 The purpose of these Rules and Regulations is to prescribe the conditions pursuant to Rhode Island General Laws, Sections 24-8-9, 24-8-32, 24-8-33, and 24-8-34, under which the Rhode Island Department of Transportation will allow drainage that affects, and/or access, to the State Highway system including but not limited to:

Storm water disposal

Highway access

Installation and/or modification of curbs

Excavation for underground Utilities (sewer, water, gas, etc.) and installation of aboveground Utilities (telephone, electric, cable, etc.)

Construction within the State Highway Right-of-Way

1.3 These regulations are only in regard to State Highway Right-of-Way, not Freeway or Railroad Right-of-Way.

2.0 POLICY

It is the policy of the Rhode Island Department of Transportation that all construction and modification over, on, under, or otherwise affecting the State Highway Right-of-Way will be regulated and controlled by the Rhode Island Department of Transportation for the best interest and safety of the public and according to recognized engineering standards. In addition, it is the policy of the Rhode Island Department of Transportation to regulate and control all storm water run-off to the State Highway drainage system without regard to the location of the source of run-off.

3.0 DEFINITIONS: Except as otherwise indicated, the following definitions will apply:

- 3.1 **Alteration Permit:** State Highway Physical Alteration Permit or State Highway Utility Alteration Permit
- 3.2 **Applicant:** Any individual, firm, corporation, partnership or agency, public or private, that has filed an Alteration Permit Application.
- 3.3 **Application:** Alteration Permit Application
- 3.4 **Backfill:** Replacement of suitable material compacted as specified around and over a pipe, Conduit, casing, or galley.
- 3.5 **Circular Driveway:** A Residential Driveway with two (2) access openings on the same frontage.
- 3.6 **Commercial:** Relating to any property use other than for an individual, 4-unit or less Residential dwelling.
- 3.7 **Conduit:** An enclosed tubular runway for protecting wire or cable.
- 3.8 **Construction Within the State Highway Right-of-Way:** The alteration of any structure, creation of any new structure, or physical modification within the State Highway Right-of-Way.
- 3.9 **Curbline:** The edge of highway pavement.
- 3.10 **Department:** The Rhode Island Department of Transportation.
- 3.11 **Director:** The Director of the Rhode Island Department of Transportation.
- 3.12 **Driveway:** Opening to a highway that permits ingress and/or egress by vehicles.
- 3.13 **Driveway Types:**
- 3.13.1 **Residential:** A Driveway leading to an individual, 4-unit or less Residential dwelling.

3.13.2

Commercial: Any Driveway that is not to Residential property.

- 3.14 **Easements:** A nonpossessory interest held by one person, in land of another whereby the first person is accorded partial use of such land for a specific purpose. An Easement restricts but does not abridge the rights of the fee Owner to the use and enjoyment of his land.
- 3.15 **Landscaping:** Landscaping will include the Physical Alteration of the existing outdoor areas through the planting of shrubs, trees, and ground covers, the placing of sod or seed, and/or the removal or pruning of existing plant materials (i.e. shrubs, trees, or ground covers).
- 3.16 **Lease:** A contract, written or oral, by which possession of land and/or a building is given by the Owner to another person for a specified period of time and for the rent specified.
- 3.17 **License:** A personal privilege to do some act on the land of another.
- 3.18 **Maintainer:** Any individual, firm, corporation, partnership or agency public or private, that enters into an agreement with the Department to maintain a Utility permitted under these Regulations.
- 3.19 **Owner:** Any individual, firm, corporation, partnership or agency, public or private, that owns a Utility permitted under these Regulations.
- 3.20 **Permission:** Approval by the Director of the Rhode Island Department of Transportation or the Director's designee of an Alteration Permit Application.
- 3.21 **Permit:** see Alteration Permit (defined above).
- 3.22 **Permittee:** Recipient of an Alternation Permit.
- 3.23 **Physical Alteration:** Any change of existing conditions involving the physical characteristics of the State Highway System (this includes drainage).

- 3.24 **Professional Engineer**: A person who has been duly registered and licensed by the Rhode Island State Board of Registration for Professional Engineers.
- 3.25 **Residential**: Relating to an individual, 4-unit or less Residential dwelling.
- 3.26 **Roadway**: That portion of a state highway improved, designed or ordinarily used for vehicular traffic.
- 3.27 **Rural**: All locations not included under the Urban definition will be considered Rural.
- 3.28 **Setback**: The lateral distance between the State Highway Right-of-Way line and a roadside building, gasoline pump curb base, display stand or other object, the use of which will result in space for vehicles to stop or park between such facilities and the State Highway Right-of-Way.
- 3.29 **Standard Specifications**: State of Rhode Island, Department of Transportation *Standard Specifications for Road and Bridge Construction*, 1997 including all revisions.
- 3.30 **State Highway**: All public roads other than freeways, maintained by Rhode Island Department of Transportation.
- 3.31 **State Highway Right-of-Way (R.O.W.)**:- Land and space acquired for, or dedicated to, highway use, other than freeways, which are maintained by the Rhode Island Department of Transportation.
- 3.32 **Sidewalk**: Area beside a roadway available for pedestrian use regardless of the existence of pavement.
- 3.33 **Urban**: An area, either incorporated or unincorporated, which has been developed primarily for Residential and/or business purposes. An Urban area is generally characterized by: speed limits of 40 miles per hour or less, streets or highways are generally curbed, and at least fifty (50) percent of the frontage on one side of the highway within one-half mile of the site for which a Permit has been requested is developed with residences and/or businesses.
- 3.34 **Utility**: A Utility defined in 23 C.F.R. 645.207. In general, any privately, publicly, or

cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term Utility shall also mean the inclusive company inclusive of any substantially owned or controlled subsidiary. For the purposes of this part, the term includes those Utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term Utility include those facilities used solely by the Utility which are a part of its operating plant.

3.35 **Utility Alteration:** Any change of existing conditions involving any Utility other than drainage.

4.0 **ALTERATION PERMIT PROCESS**

4.1 Anyone seeking the Permission of the Director as described herein by these Regulations will follow the procedures delineated below pursuant to Rhode Island General Laws, Sections 24-8-9, 24-8-32, 24-8-33 and 24-8-34.

4.2 No person, firm, corporation, or agency may place or alter curbs, change the traffic flows, make a connection to, pump or drain water to or increase the flow, either directly or indirectly, in the State Highway drainage system, or in any way make any excavation or alteration to, or do any work within the State Highway system without first obtaining either a Physical Alteration or Utility Alteration Permit.

4.3 No access by Driveway to a State Highway will be made without first obtaining a State Highway Physical Alteration Permit.

4.4 An Applicant may obtain the Alteration Permit Applications at the Department of Transportation, Maintenance Division Headquarters. At the same time, the Applicant should become familiar with the applicable Regulations to avoid resubmission. These regulations and other standards will be available for review at Maintenance Division Headquarters during normal business hours. Copies of these Regulations may be obtained from the Department of Transportation, Division of Maintenance, 90 Calverley Street, Providence, RI, 02908.

- 4.5 The Applicant will then file the completed Alteration Permit Application at Maintenance Division Headquarters with all necessary copies of plans and computations required in these Regulations. In addition, the Owner must enter into either temporary and permanent easement agreements or a lease or license with the Department in reference to its use of State property, unless it already has a previous easement, lease or license regarding its use of the subject property which requires no modification because of the work contemplated in the Application, unless such use is in reference to maintenance, repair, testing, operation, replacement, reconductering, or upgrading that does not have an adverse impact on, or increase the area of its use of the State right-of-way. In no case shall this exception allow the use of easement, lease or license by any entity other than the Owner without the prior written agreement of the State .
- 4.6 When a State Highway Physical Alteration Permit Application is submitted, the Applicant must provide written proof that the Municipal Engineer or Building Inspector of the affected municipality has received copies of plans describing the proposed alteration.
- 4.7 When a State Highway Utility Alteration Application is submitted, it must be signed or countersigned by the Owner of the Utility line to confirm that "the Utility company is aware of and authorizes the contractor to work in their Utility, the Utility company will own the Utility once the connection is complete, and the Utility company will be responsible for any repair work to their facility".
- 4.8 For any applications relating to a Commercial Physical Alteration Permit, all computations, plans, and statements must be approved and stamped by a Registered Professional Engineer. If there is no drainage effect on the State Highway drainage system, the stamp of a Registered Land Surveyor will be an acceptable substitute. Professional stamps may be required for Residential properties at the discretion of the Department Any required traffic studies will be stamped by a Professional Engineer.
- 4.9 After the Applicant has submitted the required materials, the Application will, within a reasonable time, be reviewed by Department staff personnel.
- 4.10 During the review process the Applicant must, at its own expense, provide any additional information relevant to the proposed access requested by the Department.

- 4.11 As a result of the review, the Application will be either approved as submitted with standard conditions, approved with additional conditions, or denied as submitted. The Applicant will be notified by mail of the decision.
- 4.12 An engineer's cost estimate for work affecting the Right-of-Way must be submitted prior to a Utility Alteration or a Commercial Physical Alteration Permit being issued but not necessarily before the Permit has been approved. The time at which the estimate is submitted is left up to the discretion of the Applicant.
- 4.13 All appeals must be in writing, and submitted to the Director within ten (10) days of the receipt of the decision. The appeal must include a copy of the decision. Any Applicant dissatisfied with the decision of the Director may appeal to the Superior Court.
- 4.15 All Easements, Leases, Licenses are subject to the approval of the State Properties Committee pursuant to R.I.G.L. Sections 37-7, 37-8 and 37-9 and therefore all Permits, requiring Easements, Leases or Licenses are contingent on that approval.

5.0 **PERMIT APPLICATION REQUIREMENTS**

5.1 **Utility Alteration Submission Requirements**

- 5.1.1 Along with the completed Application, three (3) sets of plans or sketches must be submitted. The plans or sketches will show as a minimum:
- A. All work contemplated.
 - B. The specific locations and dimensions of all existing conditions and proposed work must be shown with reference to the State Highway line.
 - C. Any landmarks (including Utility poles and numbers) in the immediate area.
- 5.1.2 In addition to the Application, plans, an estimate of the quantity of work to be done in the State Right-of-Way and an estimated cost associated with the work must be submitted. This estimate will be reviewed by the Department and may be used to set the bond amount.

5.2 **Physical Alteration Submission Requirements**

5.2.1 **Commercial Alterations:**

5.2.1.1

Along with the completed Application, five (5) sets of plans stamped by a Professional Engineer must be submitted. The plans will show as a minimum:

- A. All existing and proposed drainage structures
- B. All existing and proposed contours
- C. All existing and proposed structures on site (buildings, parking lots, utilities, etc.)
- D. Property lines between the proposed project and state owned property
- E. A locus map and dimensioned diagram showing the exact location of the site.

5.2.1.2

Two copies of the drainage calculations reflecting the existing and proposed conditions will also be submitted. If there is no drainage entering state property, then a letter will be submitted stating same.

5.2.1.3

Written proof must accompany all Applications stating that the municipal engineer or building inspector of the affected municipality has been apprised of the Applicant's intention to make this change.

5.2.1.4

An Professional Engineer's cost estimate of all the work to be performed in the state Right-of-Way must be submitted. The quantities and costs will be reviewed by the Department prior to setting the value of the required bond.

5.2.2 **Residential Alterations**

5.2.2.1

Along with the completed Application, a clear sketch on separate sheets of paper showing street name and street address, pole number, or other identifying locations and

telephone number must be submitted.

5.2.2.2

Written proof must accompany Applications stating that the municipal engineer or building inspector of the affected municipality has been apprised of the Applicant's intention to make this change.

5.2.2.3

All Applicants for Residential Physical Alteration Permits will be required to submit a certified check in the amount of five hundred dollar (\$500.00). This will act as a bond to insure that all work is done correctly and completely. Upon completion of the work, in accordance with approved plans, the check will be returned to the Applicant. A final inspection will be completed within fifteen (15) working days and the check will be processed within fifteen (15) working days of final approval.

6.0 **ALLOCATION OF COSTS**

6.1 **Permit Fees**

6.1.1 Any Applicant seeking to install a Utility within a State Highway Right-of-Way, shall at the time of that Application pay to the Department any fee required by statute.

6.1.2 Compensation for Easements, Leases, and Licenses will be determined by the Department of Transportation based upon the fair market value of the property utilized. In reference to municipalities and Public Utilities Commission regulated Utilities, it shall be the Department's recommendation to the State Properties Committee that fair market value be waived and no compensation be due. Payment must be in the form of a certified check or money order made payable to the General Treasurer, State of Rhode Island.

6.2 **Installation Costs**

6.2.1 The entire cost of installing, maintaining, repairing, operating or performing miscellaneous operations, and any other expense whatsoever incidental to the facilities or operations authorized by the Permit will be paid by the Applicant.

6.3 **Reimbursement of Department Expenses**

- 6.3.1 The Permittee will, in addition to 6.2.1 above, reimburse the Department for the salary and traveling expenses of any inspector appointed by the Department to supervise the work herein contemplated. Inspector's rate of pay will be the actual cost for all time on projects. The Department will be reimbursed for automobile expenses at the same rate which has been set by the State for the reimbursement to its employees. The cost to inspect the work performed under this Permit will not exceed \$500.00 for Residential Permits nor will exceed the 15% of the total cost of work to be performed under a Commercial Permit as described in section 5.2.1.4.
- 6.3.2 If the Permittee does any work contrary to the terms of the Permit and after due notice fails to rectify same, the Department may, with or without further notice, correct or complete such work with its own forces or by contracts, and the Applicant will reimburse the Department for any expenses incurred in performing said work, plus an additional 50% to cover indirect costs.
- 6.3.3 If the work or any part thereof, performed on the State Highway system including repair work in the opinion of the Department was unskillfully or improperly done, the Rhode Island Department of Transportation will after due notice cause the same to be skillfully and properly done and will keep an account of the expense thereof, and in such cases, Permittee will pay an amount equal to the whole of said expense incurred by the Rhode Island Department of Transportation with an additional amount of 50% to cover indirect costs.
- 6.3.4 All costs incurred by the Rhode Island Department of Transportation and billed to the Permittee are to be paid within 45 days of billing. All bills not paid within 45 days will be deducted from the security bond placed with the Department prior to the start of any construction.
- 6.3.5 The Permittee, upon notification in writing by the Department, will pay a reasonable market price for any materials removed from the Right-of-Way or destroyed as a result of operations authorized by the Permit.
- 6.4 Issuance:

- 6.4.1 The Physical Alteration Permit obtained is valid for one (1) year from the date of issuance. This Permit may be renewed for one additional year by requesting an extension in writing, including a statement that conditions have not changed from the original submission. A second extension may also be obtained by complying with the conditions for the first extension and paying an additional submission fee. No additional extensions will be granted without a new submission.
- 6.4.2 Utility Alteration Permits are valid for thirty (30) days from the date of issuance. A new Application must be submitted for each extension.

7.0 INDEMNIFICATION:

As a condition of receipt of a Permit the Permittee shall defend indemnify and hold harmless the State, its agents, servants, and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of any act, error, or omission of the Permittee, its agents, servants, and employees in the performance of work covered by these regulations.

8.0 INSURANCE AND BOND

8.1 Requirements for Insurance

The Permittee or the Permittee's contractor will obtain and carry for the period of time required for the complete installation of the facilities authorized by the Permit, including the repair and restoration of the highway facilities, and also during such future periods of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by the Permit, a liability and property damage insurance policy or policies which indemnify, defend, and hold the Department harmless from any damages arising out of operations performed or authorized by the Permit. The said insurance will provide, as a minimum, coverage in the following amounts: \$500,000.00 for property damage resulting from any single occurrence and \$500,000.00 for the death or injury of any person, subject to a limit of \$1,000,000.00 for injuries or deaths resulting from any single occurrence. The said insurance policy, or policies, will be with an insurance company authorized and licensed to do business in the State of Rhode Island. When requested, a copy of the policy, or policies, or certificate evidencing same, will be submitted to the Department and approved prior to commencing any work under the

Permit. The State of Rhode Island will be named as the coinsured on all policies. The requirement for insurance may be waived by the Department if it deems fit. Residential Permits will not require insurance unless deemed necessary by the Department.

8.2 **Requirement for Bond**

All Utility and Physical Alteration Permits will require a bond to be submitted to and approved by the Department prior to them being issued. The Permittee or the Permittee's contractor will furnish a bond for the period of time required for the complete installation of the facilities authorized by the Permit, including the repair and restoration of the highway facilities, and also during future periods of time when operations are performed involving the repair, relocation, or removal of said facilities authorized by the Permit. A surety bond in the amount specified on the Permit or one hundred percent (100%) of the project cost is required for all Utility Alteration and Commercial Physical Alteration Permits. The bond will be written by a surety company duly qualified and licensed to do business in the State of Rhode Island. Generally, the bond will be held no less than two (2) years after the completion of all work except, when the Department allows a partial release. All Applicants for Residential Physical Alteration Permits are required to submit a certified check for five hundred (\$500.00) dollars which will be returned upon final completion and acceptance of the work. The release of the bond will be with the approval of the Director.

9.0 **GENERAL RESTRICTIONS**

9.1 A Physical or Utility Alteration Permit is required prior to any construction in, access to, or Alteration in the State Highway Right-of-Way.

9.2 **Right-of-Way Encroachment**

Unless licensed by the Department, no part of the State Highway Right-of-Way is to be used for servicing of vehicles, displays, or for private business. The area between the pavement and the limit of the Right-of-Way (buffer area) will be clear of buildings, sales exhibits, signs, parking areas, service equipment and appurtenances thereto, unless licensed by the Department. Notwithstanding use by police, emergency vehicles, and for emergencies is acceptable at all times.

9.3 **Parking**

Each roadside facility will provide sufficient parking or storage space off the State Highway Right-of-Way to prevent the storage of vehicles on the Driveway or the backing-up of traffic onto the travel lanes or shoulders.

9.4 **Setbacks**

Driveway access will not be permitted where sufficient setback is not available to prevent parking, stopping, and maneuvering within the State Highway Right-of-Way in the operations of a Commercial enterprise. This generally means at least ten (10) feet from the State Highway Right-of-Way to the subject facility for operations of vehicles parallel to the centerline of the adjacent highway, and at least forty (40) feet from the State Highway Right-of-Way to the subject facility for operation of vehicles perpendicular to the centerline of the adjacent highway.

9.5 **Location of Driveways**

Driveways will be so located as to result in no undue interference with, or hazard to, the free movement of normal highway traffic. To minimize congestion and provide adequate safeguards for the public safety, Driveway locations will be avoided near intersections and rotaries. Also to be avoided are locations that would interfere with the placement and proper function of highway signs, signals, lighting or other devices that affect traffic operations.

9.6 **Protection of the Traveling Public**

The Permittee will properly safeguard all work performed under Permit and maintain sufficient working light, Rhode Island Standard Detail signs, and safety devices. Traffic control will be provided by the Permittee according to the standards of the United States Department of Transportation Federal Highway Administration "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended. This protection will be maintained until the project has been completed.

9.7 **Contractor's Responsibility for Utilities**

The Permittee is responsible for checking and verifying the exact location of all existing utilities, both underground and overhead, with Dig Safe and the local Utility company. All excavation will be in accordance with all statutes, ordinances, rules and regulations of any municipal, state, or federal agency that may be Applicable. Any damage to utilities will be the Permittee's responsibility.

9.8 **Traffic Control Devices**

Metal barrels will not be allowed to be used as traffic control devices. All barrels used on construction projects will be polyethylene and will meet all specifications of the Rhode Island Department of Transportation RI Std 26.5.

9.10 **Land Use Change**

Should the use of property with legal access to a State Highway be altered or should its present use cause change in traffic flow, a reassessment by the Rhode Island Department of Transportation of the use of the openings and impact on drainage will be accomplished through the Physical Alteration Permit process.

9.11 **Relocation**

It will be the responsibility of the Maintainer to accomplish any relocation of the Utility at its expense. Any such relocation shall be subject to review and approval by the Department. If a relocation is required by the Department, the Maintainer will receive due notice and must comply with the relocation with all deliberate speed.

9.12 **Landscaping**

There will be no Landscaping on or over the State Highway Right-of-Way without prior written approval by the Rhode Island Department of Transportation. This Permission will be obtained through the Adopt-A-Spot process, including a site grading plan location, naming and describing the desired arrangement, including the ultimate size of the plants involved.

9.13 **Maintenance**

The Maintainer shall maintain the Utility Facility in a condition satisfactory to the Department which does not endanger the safety of the public and does not adversely affect the State Right-of-Way. The Department may perform emergency maintenance on the Utility for which it shall be reimbursed by the Maintainer. In the event the Maintainer needs to perform routine emergency maintenance on the Utility, the Department will be notified as soon as reasonably possible. Full coverage must be in place to cover liability claims against the Department and a new Permit will be required. Should the Maintainer need to replace all or a portion of an existing Utility, a new Easement will be required only in the event that the work should extend beyond the limits of the original Easement. Otherwise, the Maintainer will be vested the right to complete all work under the original grant of Easement.

9.14 **Control Dimensions**

All Driveway access to a State Highway Right-of-Way must conform to the "Control Dimensions" published in Section 21 of these Regulations.

9.15 **Permit Expirations**

9.15.1

Physical Alteration Permits

Physical Alteration Permits are valid for one year from the date of issue. The Permit may be renewed for one (1) additional year by requesting an extension in writing, including a statement that conditions have not changed from the original submission. A second extension may also be obtained by complying with the conditions for the first extension and paying an additional submission fee. Additional extensions will be permitted after the second only with the approval of the Director of the Department of Transportation.

9.15.2

Utility Alteration Permits

Utility Alteration Permits are valid for thirty (30) days from the date of issue. Permits will not be renewed or extended. If work is not commenced prior to the expiration of the Permit, then a new Application must be filed for and approved before any construction can begin.

9.16 **Alterations in State Contract Areas**

If a Utility Alteration Permit is issued for work to be done within the limits of an active state construction contract, the Permittee may be directed to use the state's contractor to complete all work within the project limits of the state project.

9.17 **Repair After Construction**

Upon completion of any work, the traveled way, shoulders, roadside ditches, median strips, and other marginal parts of the highway must be in as good condition or better than before the work commenced as determined by the Department or the work will not be considered acceptable.

9.18 **Unsatisfactory and Non-compliance Work**

Any work not completed in compliance with these regulations, Permits, or plans or any work.

9.19 **Tree Cutting**

Any tree removal on the State Highway Right-of-Way will be performed by a State of Rhode Island licensed and bonded arborist. All trees, stumps, and slash must be removed and all disturbed areas must be loamed and seeded. All cuttings must be replaced with material and at a location acceptable to the Department.

9.20 **Weekend Work**

No work is to be done in the State Highway Right-of-Way on weekends, except for licensed areas, without the prior written Permission of the Department.

9.21 **Change in Property Ownership**

It is the responsibility of the current Permittee and/or Maintainer to notify the Department of the sale of the property or change in Maintenance and to provide the name, address, and telephone number of the Permittee/Maintainer so that the Permit may be transferred /

revised. Failure of the Permittee and Maintainer to notify the Department or failure by the new Owner to accept transfer of the Permit or the new Maintainer to accept responsibility will result in the current Permittee and Maintainer being responsible for all future work done under the Permit.

10.0 **CONSTRUCTION WITHIN THE RIGHT-OF-WAY**

10.1 All construction within the State Highway Right-of-Way will conform to procedures and specifications delineated in the Standard Specifications.

10.2 Absolutely no construction will take place within the State Highway Right-of-Way without a Permit having been issued approving the construction.

10.3 Any contractor working within the State Highway Right-of-Way without the necessary Permits will stop work and will be denied future Permits for a period of one (1) year and will not be allowed to perform any work on state property for the same period.

11.0 **DRIVEWAYS**

11.1 Any new or modified Driveway access to the State Highway Right-of-Way will not be allowed without a State Highway Physical Alteration Permit.

11.2 Where a Driveway is provided to a Commercial establishment from a State Highway Right-of-Way, the buffer area and adjacent border area will be reasonably cleared so that either the establishment itself or an appropriate sign located outside the State Highway Right-of-Way can be seen at sufficient distance to enable proper and safe maneuvers on the part of drivers desiring to enter or leave the establishment.

11.3 The profile of a Driveway and the grading of the buffer area will be such that a driver desiring to enter a State Highway can see a sufficient distance in all directions along the highway to enable him to enter or leave the highway without creating a hazardous situation. This may require installation of a Circular Driveway.

11.4 Where a Circular Driveway is requested by a Residential Applicant, the following conditions must be met.

11.4.1

The minimum frontage on a State Highway where a Circular Driveway will be permitted is seventy (70) feet.

11.4.2

The interior edges of the Driveways must be spaced at least thirty-five (35) feet apart at the State Highway Right-of-Way line.

11.4.3

All other control dimensions apply.

11.5 Grading of side slopes will not exceed 1:3 for cuts and 1:4 in areas of fill without proper protection.

11.6 For Driveways sloping down onto the state roadway, the grade of the Driveway will be as flat as possible near the edge of the highway.

11.7 In cases where a Driveway culvert is required, either corrugated aluminum pipe with flared end sections or ABS polyethylene corrugated pipe with flared end sections will be acceptable. The flowline of the culvert pipe will be set at the flowline of the existing ditch.

11.8 In cases where the Driveway slopes downhill away from the State Highway, the end of the Driveway will be elevated to prevent water from the highway flowing onto the Driveway.

11.9 All Driveway approaches will be constructed so that roadside drainage is neither deflected nor impeded.

11.10 In instances where Driveway cuts pass through curbing, curb returns will be required at the Driveway openings.

12.0 **CURBING**

12.1 No Permits will be issued unless the Applicant's plans conform to *Rhode Island Department of Transportation, Rhode Island Standard Details* as applicable. These Standard Details are available at the Division of Maintenance, 90 Calverley Street,

Providence, Rhode Island.

- 12.2 The Department may require that the Permittee place portland cement concrete, bituminous cement concrete curbing, or other appropriate means in the cases where traffic channelization, control, and public safety are concerned. This placement will be done by the Permittee at his own expense.
- 12.3 Where curb is to be altered at a corner, wheelchair ramps will be installed in conformance with The Americans With Disabilities Act (ADA).
- 12.4 Curb returns will be required at Driveway openings whenever Driveway cuts pass through curbing.
- 12.5 Any surplus curbing will be stacked for pick-up by state forces.
- 13.0 **SIDEWALKS**
- 13.1 Any alteration to a Sidewalk adjoining a State Highway within a State Highway Right-of-Way requires a Permit.
- 13.2 In any access that cuts a Sidewalk, curb returns and transition curbs will be placed as necessary to maintain the integrity of the Sidewalk.
- 13.3 In any location where the Sidewalk is crossed, the Sidewalk will either be graded to accommodate wheelchairs, or precast wheelchair ramps will be installed. Wheelchair ramp grading will be done in accordance with the ADA.
- 13.4 For any disturbance to Sidewalk areas caused by construction, the entire Sidewalk will be replaced in kind matched back to a joint or in the case of bituminous concrete to sound material as directed, as a minimum, a six (6) inch gravel base course and either a two (2) inch bituminous concrete or a four (4) inch cement concrete pavement in conformance with current Rhode Island Department of Transportation policy. Side forms will be set so as to obtain and preserve a straight edge along both sides of the walk. These same requirements must also be met for the installation of any new Sidewalks adjoining a State Highway.

14.0 **ACCESS - ROADWAYS**

- 14.1 Any road, municipal or otherwise, that will, by design, construction, or reconstruction intersect a State Highway Right-of-Way must be approved through Application for and issuance of a Physical Alteration Permit.
- 14.2 For any roadway intersecting a State Highway Right-of-Way, in addition to the Physical Alteration Permit Application with its required submissions, a traffic study and capacity analysis prepared by a Registered Professional Engineer will also be required. Any data not available from the Rhode Island Department of Transportation will be the responsibility of the Applicant.
- 14.3 In measuring from centerline of highway to centerline of access road, all two-way streets should intersect at 90 degrees and in no cases less than 60 degrees. One-way streets intersecting a highway used by vehicles traveling in both directions should intersect at 90 degrees and in no cases less than 60 degrees. For one-way streets using Right turn only, the angle of intersection should be 60 degrees maximum and 45 degrees minimum, unless specific approval is received from the Department.

15.0 **DRAINAGE**

- 15.1 It will be unlawful for any person, firm, or corporation to make any connection into a state road drainage system or to drain or pump water onto the traveled surface of a State Highway without first obtaining written Permission from the Director of the State Department of Transportation.
- 15.2 When the Permittee intends to grade his property to highway grade, the Permittee must make provision, at his own expense, for disposition of highway drainage by installing pipe, inlets, catch basins, manholes, headwalls and ditches of proper size and material as may be necessary, in the Department's determination, to protect the state's drainage rights.
- 15.3 Where the construction of a Driveway necessitates crossing a State Highway drainage ditch, a culvert pipe will be installed in the ditch by the Permittee at his own expense. In this instance, drainage calculations stamped by a Professional Engineer will be submitted with the Application. The culvert will be no less than twelve inches in diameter, and of

sufficient size to carry the storm water runoff from a twenty-five (25) year storm, as determined by the National Oceanic and Atmospheric Administration for the watershed area. Under no circumstances will existing ditches, swales, or gutters be filled without adequate alternate provisions for drainage being made and approved through Application for an issuance of a Permit.

15.4 The Applicant, in the case of Commercial Applications, is required to submit detailed computations and site-grading plans for drainage conditions existing and proposed when applying for a Physical Alteration Permit. These computations should be made considering a storm of 25-year frequency with a duration equal to the time of concentration. These computations and plans will be approved and stamped by a Registered Professional Engineer. If storm drainage will not affect the State Highway drainage system, a statement of no impact should be submitted with a Physical Alteration Permit Application approved and stamped by a Registered Professional Engineer, or a Registered Land Surveyor when the property in question is graded away from the State Highway drainage system.

15.5 All drainage pipe installed will be a minimum of twelve (12) inches in diameter.

15.6 Manholes will be installed at all locations where the drainage pipe changes in either horizontal or vertical direction.

15.7 All pipe will have a minimum of twelve (12) inches of cover when placed outside of the traveled way and a minimum cover of two (2) feet when placed under the roadway.

15.8 Drainage Appurtenances - All facilities, pipes, drains, catch basins, manholes and other appurtenances will be as indicated in "Rhode Island Department of Transportation, Division of Public Works, Standard Details".

16.0 **UTILITY ALTERATION REQUIREMENTS**

16.1 **Pre-Construction Requirements**

16.1.1

No work will begin until the Applicant has received all the necessary Permits for performing the applied for work.

16.1.2

The Permittee must provide the Department with a minimum of 48 hours advance notice prior to the start of any work and is responsible for notifying all local police and fire departments.

16.1.3

During the progress of construction, all structures below and above ground will be properly protected from damage or injury.

16.1.4

It will be the duty of the Permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed.

16.1.5

No detours may be engaged on any project without obtaining special Permission from the Department and local authorities.

16.1.6

The work area will be marked with the appropriate construction approach warning devices such as lights, arrows, and signs in conformance with the latest edition of the *Manual on Uniform Traffic Control Devices*.

16.1.7

Metal barrels will not be allowed on any construction projects. All barrels used as traffic control or warning devices must conform to Rhode Island Standard 26.5.

16.2 **Construction Requirements**

16.2.1

Flagpersons or uniformed officers will be employed to direct traffic when any construction is taking place in/on the roadway, or when any construction vehicles are leaving and/or entering the roadway.

16.2.2

Uniformed police officers will be engaged on all projects where the Department so orders.

16.2.3

All work performed will allow the drainage system of the highway to remain effective at all times.

16.2.4

All pipes, drains, Conduits or other substructure work will be placed under all existing state owned structures and pipe systems and will have a minimum clearance of twelve (12) inches unless otherwise specified.

16.2.5

All pavement which must be removed to facilitate Utility installation will be neatly saw cut prior to excavation.

16.2.6

All utilities placed under pavement which are smaller than six (6) inches in diameter will be placed by driving them under the pavement with the understanding that there may be exceptions if justified by the Applicant and approved by the Department.

16.2.7

Longitudinal trenches should be placed outside of the pavement limits whenever possible.

16.2.8

All utilities smaller than six (6) inches in diameter will be placed in a Conduit. When the Utility must go under pavement, the Conduit will be placed by driving it under the pavement and then installing the Utility inside the Conduit.

16.2.9

All pipes placed by open excavation will be set in the appropriate bedding material in accordance with the Standard Specifications.

16.2.10

Subsequent to any pipes, Conduits, drains, or other underground structures being laid, or any excavation made in the roadway, the trenches or openings made therein will be properly backfilled with suitable sand or gravel as per Standard Specifications.

16.2.11

The trench Backfill will be placed in eight (8) inch lifts and thoroughly compacted with an approved mechanical compactor in accordance with the Standard Specifications.

16.2.12

At no time will frozen material be used for Backfill.

16.2.13

The contractor will remove and acceptably dispose of all surplus and unsuitable Backfill material in conformance with local, state and federal laws, statutes, ordinances, and regulations.

16.2.14

No excavation will remain open overnight, unless approved in writing.

16.2.15

At any time during the construction when the road surface consists of gravel, prior to the placement of pavement, the contractor will take the necessary action to keep the level of dust to a minimum in accordance with the Standard Specifications.

16.2.16

The roadway will be patched with temporary pavement as soon as installation of Utility is complete or directed to do so by the Department.

17.0 **OVERHEAD STRUCTURES**

17.1 **Utility Poles**

17.1.1

On all freeways or railroad property, any overhead structures relocated and/or installed will be placed in conformance with Rhode Island's publication "A Policy for Accommodating Utilities Within Freeway Rights-of-Way" or "A Policy for Accommodating Utilities Within Railroad Rights-of-Way" as appropriate.

17.1.2

All aspects of installation and/or relocation will be in conformance with the standards set

by the *National Electrical Code* and any Regulations established by the Rhode Island Public Utilities Commission.

17.1.3

In connection with the installation and/or relocation of the facilities, no trees will be cut or trimmed without prior written approval of the Department.

17.1.4

Utility poles should be located outside the clear zone as defined in the *Roadside Design Guide* whenever possible.

17.1.5

When new Utility poles are set within the clear zone as defined in the *Roadside Design Guide* and are not protected by guardrails, they will have retro reflective white markers attached to them at a height of four (4) feet above the pavement and will be mounted so as to face oncoming traffic. The markers may be prismatic or may use white sign sheeting applied to a suitable backing material. The reflectors will provide a minimum reflective dimension of approximately three square (3) inches.

17.1.6

It will be the responsibility of the Owner of the Utility pole to provide for its maintenance as long as the facility is in existence.

18.0 **GENERAL REPAIR**

18.1 By signing a Permit, the Permittee agrees that upon completion of the work the traveled way, shoulders, roadside ditches, median strips and any other marginal part of the highway disturbed during construction will be returned to as good or better condition than that prior to the commencement of work.

18.2 In cases where the Department deems it necessary, a bituminous concrete overlay of at least one and one-half (1 ½) inches will be placed over the entire existing pavement. Prior to the placement of asphalt, an emulsion tack coat will be placed in conformance with current Rhode Island Department of Transportation specification.

18.3 If the work occurs outside of the paved area, the roadside must be restored to its original

condition. In grassed areas, as a minimum four (4) inches of plantable soil will be placed and the area then fertilized and seeded.

19.0 **TEMPORARY PAVEMENT REPAIR**

- 19.1 The contractor, upon completing the Backfilling and compaction of the trenches in the streets and the placing of the gravel base course as specified, will construct a temporary pavement of a two (2) inch minimum thickness.
- 19.2 Prior to the placing of any pavement, all Backfill will have been properly compacted in eight (8) inch lifts. No pavement will be placed over poorly compacted Backfill.
- 19.3 The contractor will furnish all labor, materials, tools, and equipment necessary to complete the repair.
- 19.4 It is the duty of the Permittee to insure that all pavement repair is done in a satisfactory manner.
- 19.5 The gravel base course will be a minimum of twelve (12) inches thick and conform to the *Rhode Island Standard Specifications*.
- 19.6 All manhole covers, catch basin grates, valve and meter boxes, curbs, walks, and walls will be adequately protected and left in a clean condition.
- 19.7 At all times the repair will be kept in a safe and satisfactory condition for traffic. If defects occur in the surface constructed by the Permittee/contractor, the contractor will remove all patch and base course affected and remove all adjacent bituminous concrete and base course necessary to properly correct the defect. After removing all the necessary material, the contractor will correct the cause of the defect and replace the base course and patch.
- 19.8 Temporary pavement will remain in place and be maintained by the contractor for a minimum of ninety (90) days prior to the contractor performing a permanent repair unless otherwise noted on the Permit.
- 19.9 In order to insure compaction, the contractor/Permittee will be required to utilize the

services of an independent testing service selected by the Rhode Island Department of Transportation. The independent testing company will take random tests during the progress of the work to insure compaction throughout the Backfill operation. The contractor/ Permittee will be required to pay the costs of the independent tester at the rate established by the Rhode Island Department of Transportation in conformance with Applicable purchasing procedures. In the event the independent testing agency is not paid, the Department will utilize a portion of the contractor/Permittee's bond for this purpose.

20.0 **PERMANENT PAVEMENT REPAIR**

- 20.1 In instances when open cuts are Permitted, provisions for permanent patching will include replacement in kind or a minimum of five (5) inches of bituminous concrete placed in two (2) courses. Whichever circumstance results in a greater strength of pavement will be used.
- 20.2 When in the opinion of the Department, the existing pavement is in a condition good enough to warrant, then all permanent patches will be installed using the infra-red patching method as per the specifications detailed in these regulations. When infra-red patching is required, it will be so stated on the Permit. In all instances pavements less than five (5) years old or exhibiting minimum distress will be patched using the infra-red methods.
- 20.3 Prior to the placing of any pavement, all Backfill will have been properly compacted in eight (8) inch lifts. No pavement will be placed over poorly compacted Backfill.
- 20.4 All permanent patches, other than those installed using the infra-red patching methods, will be done in accordance with the regulations.
- 20.5 The contractor will furnish all labor, materials, tools, and equipment necessary and will construct all permanent pavement, curbing, Sidewalks, and street fixtures damaged or displaced as a result of the construction operations.
- 20.6 Feathering and overlapping of equivalent pavement courses will not be permitted.
- 20.7 It is the duty of the Permittee to insure that all pavement repair is done in a satisfactory manner.

- 20.8 Prior to installing any permanent patch, the edges of the existing pavement will be saw cut back twelve (12) inches or more as required from the trench excavation wall or damaged area to sound undamaged pavement.
- 20.9 The vertical face created by the saw cut will be cleaned and painted with type RS-1 emulsion to insure a satisfactory bond between old and new pavement.
- 20.10 The temporary patch must be removed prior to the permanent repair.
- 20.11 All surface courses of permanent paving will be applied with acceptable mechanical spreaders.
- 20.12 The gravel base course will be a minimum of twelve (12) inches thick and conform to Standard Specifications.
- 20.13 Where required, the grades of manhole covers, catch basin grates, valve boxes, and other similar items will be adjusted to conform to the finished pavement grade.
- 20.14 The contractor will be fully responsible for restriping and/or marking those roadways, streets, and highways disturbed by them during construction using the same material as that which existed prior to their work.
- 20.15 For a minimum period of two (2) years after a permanent pavement repair has been made, the Permittee will maintain that bituminous surface and will promptly make good any defects such as cracks, depressions, bumps, and holes that may occur.

21.0 **INFRA-RED PATCHING**

- 21.1 Prior to installing the permanent patch, the edges of the existing pavement will be saw cut back twelve (12) inches or more as required from the trench excavation wall or damaged area to sound undamaged pavement. The area of repair should include a minimum six (6) inch perimeter around the patch to ensure a complete overlap.
- 21.2 The area to be repaired will be swept clean to remove all loose and foreign materials.

- 21.3 An approved infra-red heater not to exceed 15,000 BTU's per square foot per hour will be positioned over the area to be repaired for a period of time required to soften the existing pavement to a depth of two or more inches. Oxidation of the pavement, caused by excessive heat as determined by the Rhode Island Department of Transportation will be avoided. The contractor will remove the unsuitable material in the event of oxidation and replace same with new bituminous concrete.
- 21.4 A recycling agent admixture will be added to the softened area after scarification and will be raked to a workable condition.
- 21.5 Any necessary additional bituminous concrete mix must be obtained from a suitable infra-red heated storage unit required to keep asphalt at near constant temperature throughout the day. Under no conditions is any asphalt mix to be used that registers a temperature of under 200 degrees Fahrenheit.
- 21.6 After the paving mixture has been properly admixed and raked to grade, compaction will be obtained by use of a steel wheeled roller of at least two (2) tons to establish a uniform density comparable to that of adjacent surface within the work area.
- 21.7 The finished patch will be level with no depressions retaining water on any of its surface.
- 21.8 Edges of the finished area will be sealed with a suitable asphalt emulsion RS-1 or equal, around the perimeter of the newly repaired area.
- 21.9 A cationic malthenes emulsion sealant will then be hand sprayed on the patched area and adjacent edges at the approximate rate of one-tenth (0.1) gallon per square yard to seal the entire newly treated area. Sand will be spread over the newly sealed area.
- 22.0 **CONTROL DIMENSIONS** (Letters in parentheses are keyed to example drawings at the end of this section)
- 22.1 **Driveway Angle, Rural and Urban (D)** - Angle measured from centerline of highway to centerline of Driveway: For two-way operation - 90 degrees recommended and 60 degrees minimum. For one-way operation, if used by vehicles in both directions of travel on highway, same as two-way use. Right turn only; 60 degrees maximum and 45 degrees minimum.

22.2 Driveway Width, Rural and Urban (W)

Residential:	10 Feet - Minimum
	20 Feet - Maximum
Commercial:	20 Feet - Maximum for one-way use.
	35 Feet - Maximum for two-way use.

22.3 Edge Clearance (E) - General: All portions of the Driveway will be within frontage boundary lines. For Driveways with angles of about 90 degrees, the edge clearance will not be less than the radius of curvature (R) for the junction of the Driveway and pavement edges.

Rural Residential:	15 Feet - Minimum
Rural Commercial:	20 Feet - Minimum
Urban Residential:	2 Feet - Minimum
Urban Commercial:	10 Feet - Minimum

22.4 Radius of Curvature of Junction of Driveway and Pavement Rural or Urban (R)

Residential:	2 Feet - Minimum
	10 Feet - Maximum
Commercial:	5 Feet - Minimum
	30 Feet - Maximum

22.5 Corner Clearance ©

Rural:	40 Feet - Minimum
Urban:	20 Feet - Minimum

Where there are traffic signals at the intersection, the near side edge clearance will be twice the far side.

22.6 Driveway Profile - (See Figure 4)

22.7 No Highway Edge Curb, Cut Section

- a. From edge of pavement to the edge of the shoulder, the gradient should be the same as the shoulder pitch.
- b. From outer edge of shoulder to low point at ditch line of open culvert edge of shoulder to low point at ditch line or open culvert, maximum downward gradient, 8%.
- c. Beyond ditch line, maximum gradient 8% for Commercial Driveways, 15% for others.

22.8 **No Highway Edge Curb, Fill Section**

- a. Slope across shoulder, gradient same as shoulder gradient.
- b. Beyond outer edge of shoulder, maximum gradient 8% for Commercial, 15% for others; vertical curve: as flat as feasible. To prevent drag, vertical curves will not have a hump or dip greater than 6 inches within wheel base length of 10 feet. Crest vertical curves will not exceed a 3 ½ inch hump in a 10 foot chord, and a sag vertical curve will not exceed a 2 inch depression in a 10 foot chord.

22.9 **Driveways With a Two Foot Radius** - All Driveways with a two foot radius will have curb returns conforming to *Rhode Island Department of Transportation Standard Details*.

22.10 **Exceptions** - Any exceptions to the control dimensions and general restrictions must be approved by the Department in advance in writing.

23.0 **SEVERABILITY**

If any provision of these Regulations or the Application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or Application of the rules and regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

24.0 **EFFECTIVE DATE**

24.1 These Regulations shall become effective twenty days (20) days after filing with the Office of the Secretary of State.

I hereby certify that the above is a true copy.

William D. Ankner, Ph.D.
DIRECTOR

Date: _____