

4. Right-of-Way Work shall comply with the following:

4. Right-of-Way Work shall comply with the following: a. Working Hours. Except for Emergency Repair Work, Right-of-Way Work shall occur during Normal Working Hours. Permit Holder must give notice of the intended Right-of-Way Work seventy-two hours in advance to the Highway Superintendent and unless the requirement for a police detail is waived by the Police Chief of the Town, must manage for and pay for a police detail to be present throughout the period of time that the Right-of-Way Work is being conducted. b. Obligation to Locate Existing Facilities. Permit Holder or Contractor must inform itself as to the existence and location of all Existing Facilities located in the same general area as the New Facilities are to be located and must confer with the owners thereof in order to obtain information as to the vertical and horizontal locations of the Facilities and other conditions that might affect the Right-of-Way Work.

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c. Non-Interference with Existing Facilities. Permit Holder or Contractor shall not interfere with an Existing Facility without the written consent of the Awarding Authority and the owner of the Existing Facility. If it becomes necessary to relocate an Existing Facility to accommodate the New Facility, this shall be done by its owner and the cost of such work shall be borne by the Permit Holder. d. Dig Safe. Permit Holder shall, in accordance with Chapter 164 section 76D of the M.G.L., notify all Public Utilities seventy-two hours in advance of making any excavation in a Public Way. Such notification shall be made by means of obtaining a DIG-SAFE number. Said number shall be provided on the Street Opening Application. e. Protection of Existing Facilities. Permit Holder or Contractor shall adequately support and protect by timbers, sheeting etc. all Existing Overhead or Underground Facilities which may be in any way affected by the Right-of-Way Work and shall do everything necessary to support, sustain and protect them under, over, along or across such work area. Excavation work shall be performed and conducted in such manner that it shall not interfere with access to fire stations, fire hydrants, water gates, underground vaults, catch basins nor to any other public structure, fixture or improvement to the extent access to such other public structure, fixture or improvement is necessary for the protection of the safety, health or welfare of the public. f. Adjoining Property. Permit Holder or Contractor shall, at all times at its own expense, preserve and protect from injury any adjoining property and shall take such precautions as may be necessary for this purpose. Permit Holder shall be responsible for all damages to public or private property or streets resulting from its failure to properly protect and carry out the Right-of-Way Work to the extent allowed by law and shall restore all such adjoining property to the condition that existed

immediately prior to the performance of any Right-of-Way Work. g. Trees. Permit Holder or Contractor shall not remove, even temporarily, any trees or shrubs which exist in the Right-of-Way Work area without first obtaining the consent of the Town. In the event a tree is either accidentally destroyed by the Permit Holder or Contractor or is authorized for removal by the Town, Permit Holder or Contractor shall remove the tree, stump and debris from the work site and replace the tree with an identical species with a minimum caliper of two inches in the identical location. h. Excavated Material. Permit Holder or Contractor shall remove all excess excavated material, surplus, water, muck, silt, residue or other run-off pumped or removed from excavations from the Right-of-Way Work site. i. Temporary Repairs of Underground Facilities. At the end of each day, all trenches must be plated if repair work is not completed. No un-plated trenches are permitted overnight and work in plated trenches must be continually prosecuted to completion to minimize the time trenches are plated. j. Noise. Permit Holder or Contractor shall perform the Right-of-Way Work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours from 10:00 P.M. to 7:00 A.M. Permit Holder or Contractor shall not use, unless 165

otherwise specifically permitted by the Awarding Authority any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. k. Debris and Litter. All debris and litter remaining from the Right-of-Way Work site shall be removed by the, Permit Holder or Contractor in a timely manner. l. Lawn Surfaces and Plantings. All lawn surfaces which are disturbed during Right-of-Way Work shall be replaced with sod or six (6) inches of screened loam, lime, fertilized and re-seeded with good quality lawn seed. Any areas containing plantings shall be restored to their original condition with the same or similar plantings. m. Erosion Control. Permit Holder shall be responsible for all erosion control and for obtaining any necessary permits from the Town. Permit Holder or Contractor shall protect drainage structures from siltation by whatever means required including but not limited to the installation of hay bales and/or filter fabric. In the event that a drainage structure becomes damaged from siltation as a result of the Right-of-Way Work, Permit Holder or Contractor shall clean the structure before completing the Right-of-Way Work. n. As Built Plans. Within 30 days following completion of construction of New Facilities, Permit Holder shall file with the Awarding Authority complete As- Built Plans of the New Facilities including an accurate map certifying the location of all Facilities within the Right-of-Way prepared by a Registered Professional Engineer or other qualified professional. o. Tree trimming. Permit Holders who own and maintain Overhead Facilities are responsible for trimming trees or other vegetation growing in the Right-of-Way to prevent their branches or leaves from

touching or otherwise interfering with the Overhead Facility. All trimming or pruning shall be at the sole expense of the Permit Holder and performed under the supervision of the Town.

L. Emergency Repair Work

When notified by the Town, Permit Holder is required to respond to calls for Emergency Repair Work within two hours of the notice and to commence repairs immediately upon arrival at the site.

M. Maintenance.

Permit Holder shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures of Overhead or Underground Facilities and accidents which are likely to cause damage, injuries or nuisances to the public. Owners of Poles shall, upon the receipt of written notice served by the Inspector of Wires, promptly make such substitution or repairs of such Poles, wires, posts, supports or attachments as may be required by the Inspector of Wires.

VIII. Rental Payments

To the extent the Town and an Applicant holding a Right-of-Way Permit for a Facility may agree, an Applicant holding a Right-of-Way Permit for a Facility shall 166

make a License Rental Payment to the Town for the non-exclusive right to use certain Rights-of-Way in the Town of Canton.

IX. Appeals

A person or entity aggrieved by a decision of the Awarding Authority under this By- Law may appeal such decision to the appropriate court of competent jurisdiction or, to the extent applicable law provides, to the DTE or the FCC.

X. Severability

If any clause, section, or other part of this By-Law shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this By- Law shall not be affected thereby but shall remain in full force and effect.

XI. Exemption For Licensed Cable Operators

Notwithstanding any provision of this By-Law to the contrary, any Applicant that holds a valid license issued by the Town pursuant to G.L. c. 166A, § 3 (a "CATV License") shall

be exempt from, and shall not be required to submit to the Town an Application for permission to install, maintain or operate Facilities legally authorized by such Applicant's CATV License or otherwise to comply with the provisions of this By-Law to the extent such Applicant's CATV License authorizes the Applicant to install, maintain and operate its Facilities in the Town and provided that such Applicant remains in compliance with all the requirements and conditions of its CATV License, G.L. c. 166A and applicable regulations of the DTE.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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