

RIGHT-OF-WAY GENERAL PERMIT CONDITIONS
Montgomery County Department of Permitting Services

1. The permittee agrees to save harmless the County from all liability arising from the construction associated with this permit.
2. This permit is non-transferable.
3. Unless otherwise noted, this permit automatically expires **18 months from the date of its issuance** unless extended in writing by the Director of the Department of Permitting Services. An extension may be granted after a request is made in writing and the appropriate fees are paid prior to the expiration date of the permit.
4. Permits for dumpsters automatically expire **six (6) months from the date of issuance.**
5. Permits for portable storage containers automatically expire **six (6) months from the date of issuance; extensions will not be permitted.**
6. All work done under this permit shall comply with written requirements or directions which may be issued by the Director of the Department of Permitting Services relating to the particular project. If the conditions of this permit are being violated, this permit is subject to revocation by the Director of the Department of Permitting Services.
7. The permit work, materials, plans and specifications shall be available at all times for inspection by duly authorized officials of Montgomery County.
8. Driveway apron(s) constructed under this permit are for the purpose of providing access to lots adjacent to the right-of-way. Maintenance will be the responsibility of the property owner.
9. No permit shall be issued for construction unless the right of way and/or easement has been acquired by the County or has been dedicated to public use and such acquisition or dedication has been recorded among the land records of Montgomery County.
10. If the Director of the Department of Permitting Services finds that the original plans, standards and specifications under which this permit is issued are inadequate or inappropriate for the particular project, he or she may require different or additional plans, standards and specifications and they shall thereafter, or modification thereof, become a part and condition of this permit. Bonds/Sureties will not be released until changes to the site or development plan are consistent with all development approvals and may require additional bonds.
11. A permit from the Maryland Department of Natural Resources -Forest Service is required for the removal, planting, trimming, cutting, and/or injury (including impact to the critical root zone) of any trees on improved public rights-of-way. Contact (410) 442-2080. In addition, a tree protection plan that meets the requirements of Montgomery County Code Section 49-36A(d) and 41.12 must be submitted as part of the right-of-way permit application. Any impacted roadside trees shall be replaced or fees paid in lieu per the approved tree protection plan.
12. The relocation and/or adjustment of any public or private utility shall be the responsibility of the permittee prior to any construction authorized by this permit and/or necessary to complete such permitted work.

13. Coordinate the relocation of any traffic control signs, parking meters or signalization devices with the Division of Traffic and Parking Services. Contact (240)-777-2190.
14. Construction materials and equipment must not be stored or parked on the public right-of-way or within the critical root zone of any roadside tree.
15. Prior to the release of this permit, complete repair (restoration of right-of-way) shall be made of any and all damages done to the existing improvements in the public right-of-way caused by construction operations on this site. All disturbed areas shall be fine graded and sodded, or as directed by the inspector.
16. Proper precautions must be taken to keep existing roadways free of mud, debris and other obstructions.
17. Notify "Miss Utility" at 1-800-257-7777 or 811 prior to any excavation in the public right-of-way including for any stump removal.

ENGINEERED PLANS - CONDITIONS

1. The proposed work shall be performed in accordance with the provisions of the Montgomery County Road Construction Code, the Standards and Specifications approved by the County Executive and approved plans.
2. **The holder of this permit must give at least 48 hours advance notice to the Department of Permitting Services before any construction under this permit is undertaken.**
3. All construction shall conform to all legal requirements for the type of construction proposed.
4. No authorization for paving will be granted unless all grading has been accepted and approved by the right-of-way inspection staff and until all underground utilities are in place and a written certification to that effect filed with the Department of Permitting Services, Land Development Division.
5. All work done under this permit shall comply with written requirements or directions, which may be issued by the County Executive or designee relating to the particular project.
6. This permit is subject to revocation by the Director of the Department of Permitting Services if found that any of the conditions are being violated.
7. Permittee shall secure necessary easements from adjacent property owners to allow cut or fill slopes (Std. MC-811.01) outside the limits of dedication.
8. No planting in the public right-of-way other than sod shall be permitted unless such planting has been approved by the Department of Permitting Services. No rocks, stones, bricks, fences or any structure including monumental mailboxes shall be permitted unless approved. It is the permittee's obligation to keep the right-of-way clear of obstruction until the street is accepted for maintenance by Montgomery County.
9. Under the terms of the Department of Transportation development approval relating to this permit, the permittee is required to provide street lighting prior to the release of this permit. Contact the Department of Transportation, Traffic Engineering and Operations Section at 240-777-2190 for details.
10. The permittee shall not allow the general public to use the newly constructed roadway or any portion thereof until all of the following actions have been completed:
 - a. Bituminous concrete base shall be in place.

- b. Guardrail and guardrail end treatments shall be installed as shown on the approved paving plan or where designated by the right-of-way inspector based on field conditions not shown on the plans.
- c. Right-of-way areas adjacent to roadway or behind curb and gutter shall be on final grade, within a tolerance of 0.3 foot, to allow for installation of traffic signs.
- d. Manholes, inlets, and valves in roadways that extend more than ¼ inch above bituminous concrete base shall be tapered with maximum slope of 18:1, using bituminous concrete material.
- e. Prior to installation of signs or completion of pavement markings, the permittee shall acquire plan approval from the Department of Transportation, Traffic Engineering and Operations, 240-777-2190 and submit approved plan to Department of Permitting Services.

For the purposes of the above, the “general public” shall mean any vehicular traffic not directly related to construction of the road or construction of buildings immediately contiguous to the section of road to be opened. Traffic related to buildings that are occupied, through traffic, mail and other delivery vehicles operated by persons other than employees of the project contractors or subcontractors shall be considered “general public”.

Installation of traffic control devices by the County, as the County deems appropriate, prior to formal acceptance of the road for County maintenance shall not relieve the permittee of his legal responsibility for otherwise providing safe conditions, in accordance with the requirements of this permit. The County’s cost incurred due to subsequent damage to traffic control devices by construction equipment shall be the responsibility of the permittee.

For all newly constructed roads or roads on new alignment, as soon as ANY vehicular traffic, construction-oriented or general public, is using the road, the permittee shall install a sign stating “CAUTION INCOMPLETE ROAD NOT PUBLICLY MAINTAINED” (see Montgomery County Department of Transportation, Traffic Engineering and Operations Section standard sign drawing #W20-9-901*) at each point where access to the new road is available from an existing road or roads. On roadways that are classified as Primary or higher, the sign shall be reflectorized and shall be a signage of 48”x48” in size, diamond shaped, shall have black legend and border on an orange background, and shall have a four (4) line legend. On roadways classified as Secondary or lower, the sign shall be reflectorized and shall be a signage of 36”x48” in size, rectangular shape, with a total of five (5) lines of legend, shall have black legend and border on a yellow background for the upper portion and black legend and border on a silver/white background for the lower portion (see Montgomery County Department of Transportation, Traffic Engineering and Operations Section standard sign drawing #W20-9b-901*). These signs are not required for the widening of existing roads.

11. The County reserves the right to require the permittee to provide the County a maintenance bond for such period as necessary when the quality of the work or material is questionable or marginally meet specification requirements.

*Sign drawing details are available at the Right-of-Way Permitting and Plan Review Section in the Department of Permitting Services or at the Traffic Engineering and Operations Section offices in the Department of Transportation.

DESCRIPTION OF WORK

Storm Drain and Grading Permits

- a. Soils Report must contain Engineer's name, registration number, and approval date.
- b. Grade streets full width of right-of-way plus side slopes in accordance with Montgomery County Standards and Specifications and approved profiles.
- c. Provide adequate temporary drainage where directed to relieve ponding of surface runoff.
- d. Proper precautions must be taken to keep existing roadways free of mud, debris or other obstructions.
- e. Subject to erosion and sediment control provisions as recommended by Montgomery County Department of Permitting Services, as specifically shown on plans, approved by MCDPS.
- f. Erosion control methods and devices included in this grading operation shall be maintained by the permittee until they are no longer deemed necessary by the SC/SM Inspector.
- g. Roadways to be graded under this permit will not be accepted for maintenance until paving improvements have been completed in accordance with the Montgomery County Road Construction Code.
- h. Storm Drains must be constructed in accordance with Montgomery County Standards and Specifications and approved plans and will not be accepted for maintenance until overlying paving has been completed and accepted for maintenance by Montgomery County.

Paving

- a. Construct concrete curb and gutter Standard MC-100.01.
- b. Construct driveways as directed. Construct street paving per Montgomery County Design Standard for the appropriate Roadway classification.
- c. All unsuitable sub-grade material shall be removed and replaced with approved material prior to placement of concrete curb and gutter or base paving.
- d. All unpaved area within the dedicated right-of-way plus the side slopes will be sodded or as directed by the inspector. Install street lights in accordance with approved plans by the Traffic Engineering and Operations Section, Montgomery County Department of Transportation.

- e. In accordance with Montgomery County Code Chapter 50-24(e) before the County accepts any road, street, or alley established by the Subdivision Record Plat for public maintenance, the licensed land surveyor must certify to the Department of Permitting Services, Land Development Division that all survey monuments and markers are in place.
- f. For street lighting Standards and Procedures, contact the Department of Transportation, Traffic Engineering and Operations Section at 240-777-2190.
- g. Street trees to be planted in the right-of-way as directed.

**Traffic Control Requirements
For All Driveway Permits, And For Work Activities Within Public
Right-Of-Ways Along Secondary And Tertiary Roadways**

I. General Requirements:

All work activities within roadways classified as primary or higher shall be performed between the hours of 9:00 AM and 3:30 PM. Work activities within secondary or tertiary roadways will not normally be restricted to these hours unless specifically stipulated by the County Inspector.

No work shall be permitted on Saturday, Sunday, and legal holidays without written permission of the County Inspector.

The permittee shall contact occupants of all adjoining properties and inform them of the scope of the work and the timing of construction a minimum of twenty-four (24) hours prior to the commencement of any activity on the site.

Ingress and egress shall be maintained to all driveways.

No materials or equipment shall be stored on the roadway surface or sidewalk during non-work periods. All stored materials and equipment shall be set back at least two (2) feet behind the curb along a closed section roadway and at least six (6) feet from the edge of roadway on an open section roadway. Storage should not effect any roadside tree including impact to the critical root zone.

All excavation(s) within the paved section of roadway shall be back-filled and capped with cold mix or steel plates prior to the end of any day's work. "STEEL PLATES AHEAD" signs shall be placed two hundred fifty (250) feet in advance of any steel plates. Montgomery County Department of Transportation, Highway Services shall be contacted with exact location at 240-777-ROAD. During the period November 15th through March 15th all steel plates shall be in-laid into pavement and the location of the plates shall be identified by placing a blaze orange marker, 36" above the surface and adjacent to the ground. All steel plate installation during this time constraint must be "pinned" on all sides and ramped with bituminous material at 18:1.

Excavations in unpaved sections within the public space shall be either back-filled to grade, completely covered with lumber/plywood, encircled with approved construction fencing at the end of the work day or shall comply with the following:

No traffic shall be permitted within ten (10) feet of any excavation that results in a vertical drop-off of over five (5) inches in the level of pavement during non-working hours unless protected by temporary concrete barriers or ramped with gravel at a three-to-one (3:1) or flatter slope from the edge of pavement. When ramping is utilized, traffic drums shall be positioned adjacent to the edge of the work area on the traffic side of the slope.

No traffic shall be permitted within two (2) feet of any excavation that results in a vertical drop-off of more than two (2) inches but no more than five (5) inches in the level of pavement during non-working hours unless protected by either ramped by gravel at a three-to-one (3:1) or flatter slope, provided an abutting wedge of bituminous material at a three-to-one (3:1) or flatter slope or protected by traffic drums.

In areas where the drop-off in the level of pavement is two (2) inches or less, traffic may be allowed to freely cross under the following conditions:

- A. In areas where longitudinal paving joints of two (2) inches or less are exposed to traffic, warning signs shall be erected indicating "UNEVEN PAVEMENT" (W8-11 mod). These signs shall be placed two hundred fifty (250) feet in advance of the uneven joint and spaced at appropriate intervals throughout the area of the uneven joints.
- B. In areas of exposed lateral joints of two (2) inches or less, the warning signs shall be "BUMP" (W8-1) with a supplemental distance plate mounted below it.
- C. When milled pavement is left exposed to traffic a "ROUGH ROAD" (W8-8a) sign shall be placed two hundred fifty (250) feet in advance of the milled area.

All existing traffic control devices that must be removed shall be replaced in their proper location prior to the completion of the project. Cost for the replacement and/or repair of the devices damaged, as a result of the project shall be assessed to the permittee.

All traffic control devices shall conform to the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

The implementation date and continuance of this project may be altered at the discretion of the County Inspector in the event of conflicts with previously approved or emergency activities.

II. Specific Requirements:

A. Maintenance of Traffic

“ROAD WORK AHEAD” signs (MUTCD Standard W21-4) shall be posted approximately five hundred (500) feet in advance of the work site.

Simultaneous two-way traffic should be maintained whenever possible.

Whenever two-way traffic cannot be maintained, flaggers shall be used to control traffic around the work area on direction at a time with advance flagger signs (MUTCD Standard W20-7a) placed two hundred fifty (250) feet in advance of the flagger. Flaggers shall use STOP/SLOW paddles to direct traffic.

At least ten (10) feet of the roadway shall be available for traffic at all times.

Sidewalk closures shall be limited to occur only during the actual excavation and paving operations of the sidewalk unless otherwise permitted. During excavation and paving operations sidewalks shall be barricaded to physically prevent pedestrian passage. During all other time’s provisions for safe pedestrian access through the work area, by a temporary sidewalk shall be provided.

Reflectorized traffic drums shall be placed on the traffic side of any excavation and at the ends of trenches spaced a maximum of ten (10) feet. During daytime work periods twenty-eight (28) inch high traffic cones are acceptable.