

## **CHAPTER 3 RIGHT-OF-WAY & EASEMENTS**

### **TABLE OF CONTENTS**

3.1	PURPOSE .....	1
3.2	WORK IN RIGHT-OF-WAY.....	1
3.3	ACCESS TO RIGHT-OF-WAY.....	1
3.4	RIGHT-OF-WAY RULES AND REGULATIONS.....	1
3.5	SNOW STORAGE .....	4
3.6	PERMANENT SURVEY MONUMENTS.....	4
3.7	RIGHT-OF-WAY WIDTHS .....	5
3.8	EASEMENTS .....	5
3.8.1	Access Easements .....	5
3.8.2	Drainage Easements .....	6
3.8.3	Utility Easements.....	6
3.8.4	Snow Storage Easements.....	6

### **3.1 PURPOSE**

This chapter of the Engineering Standards establishes the requirements for public right-of-way (ROW) and easements. A Right-of-Way Permit is required whenever construction, encroachment during construction, installation, or disturbance is proposed within Town ROW. A Right-of-Way Permit is required to ensure utilities, roadway reconstruction, and other work is completed to Town specifications and to provide for public health, safety, and welfare. Examples of work requiring a Right-of-Way Permit are included below:

1. Utility work, including directional boring and drilling
2. Pavement cuts and installation of new roadway or sidewalk improvements
3. Installation of trails, landscaping, signs, lights, transit improvements, or any other surface or subsurface improvements
4. Traffic counts (vehicle or pedestrian) conducted in the ROW
5. Access changes for proposed or existing driveways and roadway accesses
6. Work outside of the ROW, but requiring parking, staging, or traffic control within the ROW
7. Installation of driveway culverts, swales, ponds, and storm sewer infrastructure

Replacement of driveway pavement shall not require a Right-of-Way Permit, provided the driveway cut width does not increase from existing width, no snow melt system is added to the driveway, and no culvert is being installed beneath the driveway.

ROW and easements shall be dedicated for public streets and other infrastructure as needed in accordance with current master plans and development approval requirements. Specific procedural requirements for ROW and easement dedication or vacation are listed in the Town Code. The purpose of this chapter is to provide more detail for completing work in the ROW and guidance on when an easement is required. See Titles 9 through 11 of Town Code for additional information on ROW and easements.

### **3.2 WORK IN RIGHT-OF-WAY**

It shall be unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause, or permit any construction in, on, under, or within a public right-of-way of the Town unless such person first obtains a Right-of-Way Permit from the Town Engineer. All work in the ROW shall be performed in conformity with the permit and the terms and provisions of this chapter. For all work within the ROW, the contractor is responsible for obtaining utility locates and any other permits and approvals necessary to complete the work. Submittal requirements for a Right-of-Way Permit are specified in Chapter 2, Submittal Requirements & Permits. Any work performed in the ROW without a permit, work performed outside of allowable dates outlined below, or work not performed in accordance with these Standards is subject to fines, penalties, and enforcement as set forth in the Town Code.

### **3.3 ACCESS TO RIGHT-OF-WAY**

Any new access or any modification of an existing access to a public street or Town ROW shall require a Town Right-of-Way Permit. A new access to a state highway, or a modification of an existing access to a state highway, requires a CDOT Access Permit. New access or modification of an existing access to a county road requires a Summit County Right-of-Way Permit. New access spacing shall meet the minimum requirements listed in Chapter 5 of these Standards.

### **3.4 RIGHT-OF-WAY RULES AND REGULATIONS**

The sections below provide an overview of rules, regulations, and specifications for work in the right-of-way. See Town Code and Chapter 9 of these Standards for additional requirements for work within Town right-of-way.

- A. Work authorized by the Right-of-Way Permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday (except holidays), unless the contractor obtains written consent from the Town Engineer to work earlier or later than the stated hours or on a weekend or holiday.
- B. Street pavement cuts will not be allowed between November 1 and April 30, except when:
  - 1. There is a public utility emergency with notification and approval by Town Engineer, or
  - 2. Special or unforeseen circumstances arise as determined by the Town Engineer.

If the Town Engineer approves a pavement cut between November 1 and April 30 due to one of the conditions above, a special provisions memo must be prepared and submitted to the Town Engineer to accommodate pavement patching during winter conditions. Pavement repairs completed during this period shall be considered temporary and be removed and replaced as soon as conditions permit after April 30.

C. TOWN OF BRECKENRIDGE 2018 DIG ONCE ORDINANCE

See Title 11, Chapter 9 of the Town Code for the TOWN OF BRECKENRIDGE 2018 DIG ONCE ORDINANCE. The purpose of this ordinance is to coordinate work in the right-of-way and to minimize the number of excavations and pavement cuts. If the Right-of-Way Permit applicant proposes utility work in the right-of-way, the Town may require the applicant to install additional conduit in the work area with the direct cost of the additional conduit installation to be paid by the Town.

D. Work authorized by a Right-of-Way Permit shall meet the following conditions:

- 1. Work shall be conducted in a manner which ensures the least possible obstruction and hazard to the traveling public. The permit holder shall provide for the safety and reasonable accommodation of the residents and users along the rights-of-way where work is being performed, and for the protection of persons and property at all times. The permit holder shall plan work so it does not create safety hazards or maintenance problems.
- 2. An MHT or traffic control plan shall be submitted prior to approval of the Right-of-Way Permit in compliance with the MUTCD, CDOT S Standards, and these Standards. The plan shall be signed by a certified Traffic Control Supervisor. See the Right-of-Way Permit application for a full list of submittal requirements.
- 3. The applicant shall provide all submittals, including the traffic control plan, at least 5 calendar days prior to the start of the scheduled roadway work. During the work, the permit holder shall notify the Town of any changes to the traffic control plan, schedule, closures, or any other changes at least 5 calendar days prior to implementing the closures. The permit holder shall provide advance signing and notify appropriate agencies of any road closures and detours at least 5 calendar days prior to actual road closure.

E. All street pavement cuts shall meet the following conditions:

- 1. Pavement cuts shall be mechanically cut to form a clean vertical edge. Final pavement cuts shall not be made until immediately prior to paving.
- 2. Pavement cuts shall be a minimum width of two feet.
- 3. Pavement cuts shall extend 12 inches minimum beyond the edge of trenching or excavation.

4. Pavement cuts shall be exactly perpendicular or parallel to the travel lane.
  5. Pavement cuts parallel to the travel lane shall not be located in wheel paths for vehicles or bicycles.
  6. If a pavement cut parallel to the travel lane exceeds 150 linear feet, the pavement for the entire lane width shall be milled or removed and overlaid.
- F. All street pavement patches shall meet the following conditions:
1. All excavations made in paved streets, sidewalks, or paths shall be completely restored within 15 calendar days of the pavement removal. In the event weather conditions preclude paving by permanent hot bituminous pavement or concrete, temporary repairs may be made by tamping and rolling into place cold mix asphalt.
  2. Pavement patch depth shall match the existing pavement depth or have a minimum depth of 4 inches, whichever is greater.
  3. Transverse joints on pavement patches shall be perpendicular to travel lane and shall be constructed using a transverse butt joint or tee patch detail.
  4. If the pavement patch is on a roadway which has been paved in the previous 36 months, then all patches shall be full lane width and shall be patched with infrared patching equipment. If a pavement patch exceeds 500 square feet, a "tee patch" detail may be used in place of an infrared patch.
  5. Joint lines and concrete control joints shall not be allowed in bicycle paths, unless joints are perpendicular to the direction of travel.
  6. The surface of the finished pavement shall be free from any depression exceeding three-sixteenths (3/16) inch in ten (10) feet as measured by a ten (10) foot straight edge measured in any direction or an automobile mounted recording profilometer. The pavement surface shall be flush with existing pavement and shall not be raised from existing pavement.
  7. Damaged pavement shall be repaired by appropriate methods as determined by the Town Engineer.
  8. Permit holder shall contract with a geotechnical engineering consultant to provide backfill density testing and pavement testing. Permit holder and tester shall confirm material testing meets Town specifications for compaction and pavement and submit all results to the Town.
- G. Utility work, potholing, and boring shall meet the following conditions:
1. Utility potholing shall be completed with non-destructive excavation methods.
  2. Utility potholes, geotechnical borings, and other subsurface exploration shall not be placed in wheel tracks of roadways, unless required to comply with SUE for a utility conflict point.
  3. Potholes and borings shall be backfilled with low strength flowable fill. Native material shall not be reused in the excavations.
  4. Pavement patching for potholes and borings shall meet the requirements above for pavement patches.
  5. Utility excavation, trenching, backfill, and compaction shall meet requirements of Chapters 5 and 8 of these Standards, the Town Standard Details, and private utility requirements.
  6. The minimum bury depth for any utility shall be 24 inches (measured from top of pavement/surface to top of utility).

7. The minimum trench width for any utility shall be 12 inches (measured at the narrowest section of trench).
  8. Directional boring and drilling of utilities will be allowed with approval by Town Engineer. Directional boring requires a Right-of-Way Permit.
- H. All work in the right-of-way shall meet the following additional conditions:
1. All disturbance in the right-of-way shall be repaired upon completion of work, including pavement, landscaping, utilities, irrigation, street lights, shouldering, signage, and striping.
  2. A financial guarantee (surety) shall be required for work within the right-of-way. The surety shall warranty and guarantee the right-of-way work for a period of two years after completion of improvements. See Chapter 8 for inspection requirements and see the Right-of-Way Permit application on the Town website for additional information on submittal and financial guarantee requirements.
- I. Additional requirements for coordinating construction activities within the public ROW are specified in the Right-of-Way Permit application, Chapters 8 and 9 of these Standards, and in the Town Code.

### **3.5 SNOW STORAGE**

Snow storage areas shall be provided for all public rights-of-way. Snow storage areas shall be adequate to provide storage of average snowfalls from the months of November through April. Snow storage areas shall provide actual storage volumes of approximately 48 cubic feet per foot for each 12-foot lane of traffic. For a typical lane width, this equates to 9.6 square feet of snow storage required per linear foot of lane. Maximum snow storage height allowed will be 5 feet. Snow shall not be stored in locations that will limit sight distance at intersections in accordance with AASHTO design criteria. Consideration for extra snow storage areas at intersections and cul-de-sacs will be required. The Town Code provides additional guidance on internal site snow storage requirements.

Additional requirements for coordinating construction activities within the public ROW are specified in Title 11 Chapter 9 of the Town Code.

### **3.6 PERMANENT SURVEY MONUMENTS**

Construction of infrastructure for all new subdivisions requires the installation of permanent survey monumentation. All external boundaries of all subdivisions, blocks, and lots shall be monumented with a permanent monument by a registered land surveyor in accordance with State of Colorado Revised Statutes. Any survey monuments established on dredge tailings by a land survey shall be solidly embedded in concrete per details approved by the Town Engineer and shall be in addition to the minimum standards for surveys set forth in the Colorado Revised Statutes. Additional requirements for the installation and documentation of survey monuments, as well as penalties for damaging survey monuments, are specified in the Town Code.

No point within the subdivision shall be more than one-half mile from a permanent survey monument. See the Town Code for additional spacing requirements. At least two survey control monuments or two corners or points on or near the perimeter of the subdivision traverse must be tied to, or monumented with, permanent survey monuments tied to the Town of Breckenridge survey network (currently under development). The location of permanent survey monuments showing ties to the network currently under development must be provided with the following:

1. Colorado State Plane Central Meridian
2. Delta Alpha and combined sea level and scale factor at the point or for the centroid of the parcel of the subdivided land

3. Vertical elevation in NAVD 88
4. Horizontal coordinates in NAD 83

Permanent survey monuments must be brass caps set in an acceptable base. Caps shall bear the registration number of the surveyor establishing the point and identifying letters or numbers approved by the Town Engineer. This information must be stamped permanently into the cap and must be shown on the final plat for which the survey is performed. Submittal requirements for permanent survey monuments are specified in Chapter 2.

### **3.7 RIGHT-OF-WAY WIDTHS**

Minimum right-of-way widths for the various roadway classifications and sections are discussed in Chapter 5, Street Standards.

### **3.8 EASEMENTS**

Easements shall be dedicated for all public utilities, roadways, drainage facilities, snow storage, sidewalks, shared use paths, trails, public retaining walls, public open space, and all other public improvements if they are not located within the public right-of-way. Easements shall be dedicated for the purpose of all activities associated with installing, operating, maintaining, repairing, and replacing the facility.

No new work or modifications within an easement may occur without approval granted through the Town development process. Trees and landscaping that might interfere with the operation or maintenance of, or access to, any facilities, either immediately after installation or in the future, shall not be located within an easement. Any landscaping or other improvements proposed in an easement shall be approved through a Town encroachment license. The Town is not liable for damage to any landscaping or other improvements located within the easement. No permanent structures shall be located within the easement.

Where easements are required during development, public easements shall be granted to the Town at no charge. Easements shall be granted through the subdivision plat process or other instrument acceptable to the Town Attorney.

The Town Engineer may require additional easements in addition to those listed in this section and may enforce additional requirements depending on the type of facility, location, and other factors specific to the improvements. The Town Engineer may require dedication of an easement during the Infrastructure Permit process.

Additional easement requirements are specified in Titles 9 through 12 of the Town Code.

#### **3.8.1 Access Easements**

Right-of-way shall be dedicated to the Town for all new roadways through the subdivision plat process. See Chapter 5 for minimum right-of-way widths for roadways. Where improvements are proposed to an existing roadway outside of the existing right-of-way, an easement is also required. Transit facilities, sidewalks, trails, and shared use paths shall be located within a public easement. Easement widths shall be sufficient to accommodate the facility, drainage, signage, and repair and maintenance of the

facility. The minimum width of the easement will be dependent on the facility and determined by the Town Engineer.

Access easements are required for private roads and driveways serving two or more adjoining lots. Access easements may also be required for fire and emergency access or for any other reason as determined by the Town Engineer.

Easements may be required which prohibit driveway or roadway accesses on the major road. Examples include roadway areas near curves, steep grades, limited sight distance, or other hazards.

### **3.8.2 Drainage Easements**

Drainage easements shall be dedicated for all stormwater detention and permanent stormwater quality treatment facilities. Drainage easements are also required for all streams, channels, ditches, culverts, and storm sewers (if not in a general utility easement) conveying public drainage outside of right-of-way or conveying private drainage across two or more lots. The drainage easements shall be sufficient to allow for construction, operation, repair, and maintenance of the entire facility. The minimum drainage easement width shall be 20 feet.

While each property owner is required to maintain all facilities within the easements on his or her property, easements must be dedicated to allow the Town to maintain the facilities and invoice the owner for all costs incurred if the owner fails to complete the maintenance obligations. Chapter 6 includes maintenance requirements specific to permanent detention and water quality facilities.

### **3.8.3 Utility Easements**

All public utilities not located within the public right-of-way shall be located within a public utility easement. Public utilities include, but are not limited to, water, sanitary sewer, storm sewer (if not in a drainage easement), electric, gas, and communication utilities. Easement widths shall be sufficient for the installation, operation, and maintenance of the utility. Easement width shall be dependent on type, number, and depth of utilities. The minimum utility easement width shall be 20 feet. Easements for shallow utilities may be reduced below 20 feet if installation, operations, and maintenance can be completed reasonably at a smaller width.

### **3.8.4 Snow Storage Easements**

A minimum width of 10 feet shall be provided for snow storage along all roadways outside the shoulder. If the right-of-way does not provide adequate snow storage width, a snow storage easement shall be dedicated to meet the snow storage requirements of Section 3.5, or a 10' easement width, whichever is greater. Additional snow storage widths and easements may be required based on roadway classification, terrain, the presence or need for turnarounds, and roadway geometry. See Title 9 of the Town Code for internal site snow storage requirements. Easements shall be sized and located for reasonable access and use by snow removal equipment. No structures, trees, or other facilities that may impact the ability to store snow may be located within the snow storage easement.