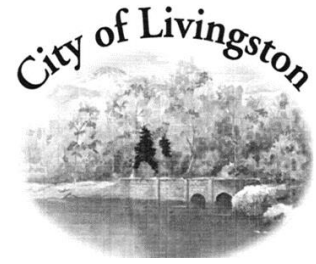


Application Fee: \$75.00  
DATE: \_\_\_\_\_  
PERMIT #: \_\_\_\_\_

City of Livingston , Public Works Department  
330 Bennett St.  
Livingston, MT 59047 (406) 222-5667



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## City of Livingston Street Cut Permit Application

1. **Property Owner Name:** \_\_\_\_\_

2. **Location of Property & Type of Work**

General Location: \_\_\_\_\_

Address: \_\_\_\_\_

Street to be Cut: \_\_\_\_\_ Street Surface Type: \_\_\_\_\_

Street Classification:     Local         Collector         Arterial         Alley

Dimension of Cut: \_\_\_\_\_

Purpose (Utility type & size): \_\_\_\_\_

Street Closure Required:     No     Yes (If yes, attach a detailed Traffic Control Plan)

Date Work is to be completed: \_\_\_\_\_

3. **Contact Information**

*Property Owner*

Home Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Primary Contact/ Applicant*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Contractor Contact (if different from Primary Contact/ Applicant)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Permit #: \_\_\_\_\_

The applicant, herein termed the Permitted, requests permission to make a street cut as described and as shown on the **attached plot plan** which by reference is made a part of this application.

**I hereby certify that the information included in this application is true and accurate.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Cut Recommended by  
City Street Foreman

\_\_\_\_\_  
Application Approved by Public Works  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**TO BE COMPLETED BY CITY OF LIVINGSTON PERSONNEL**

Permit Application Received: \_\_\_\_\_ By: \_\_\_\_\_

**Permit Fee Calculation:**

Dimensions of Cut: \_\_\_\_\_ × \_\_\_\_\_ = \_\_\_\_\_ Square Feet (SF)

Additional 3-ft width around cut: \_\_\_\_\_ = \_\_\_\_\_ Square Feet (SF)

Total Cut Area: \_\_\_\_\_ = \_\_\_\_\_ Square Feet (SF)

Pavement Degradation Fee: \_\_\_\_\_(Total SF) × Current fee schedule = \$ \_\_\_\_\_

Degradation Fee Surcharge: \_\_\_\_\_(Total SF) × \$ \_\_\_\_\_ = \$ \_\_\_\_\_

Application Fee: \_\_\_\_\_ = \$75.00

Total Permit Fee: \_\_\_\_\_ = \$ \_\_\_\_\_

**COMPLETED STREET CUT INSPECTED BY:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CC: Street Department  
Permittee  
Project File

## Instructions Concerning the Use of this Application

Applicant will complete and return this form to the Public Works Director, whose office is located at 330 Bennett Street, Livingston, Montana. The Public Works Director, in conjunction with the City Street Foreman, is delegated authority to approve street cut permits within the City limits of Livingston, Montana. **Applications will be submitted a minimum of 48 hours prior to projected work date.**

**STREET CUT PERMIT SUBJECT** to the following terms and conditions, the permit applied for on the first page hereof is hereby granted:

1. **TERM.** This permit shall be in full force and effect from the date hereof until revoked as herein provided.
2. **PERMIT FEE.** This permit may be issued only after all approval signatures are obtained and any applicable permit fees, as established by City Commission resolution, are paid by the Permittee. A "Street Cut Fee Schedule" is attached as Exhibit "A" to this application and shall be used to calculate the permit fee. Attach payment receipt to this application.
3. **REVOCAION.** This permit may be revoked by the City upon giving thirty (30) days notice to the Permittee by ordinary mail, directed to the address shown in the application hereto attached; however, the City reserves the right to revoke this permit without giving said notice in the event Permittee fails to comply with any of the conditions or terms set forth herein.
4. **WORK STANDARDS.** All work shall be done in accordance with the Montana Public Works Standard Specifications, Sixth Edition, August 2022, as modified by the City of Livingston. City modifications to the Montana Public Works Standard Specifications can be obtained at the office of Public Works, 330 Bennett St., Livingston, Montana.
5. **COMMENCEMENT OF WORK.** Upon approval of this Permit, the Permittee shall notify the Street Foreman within 48 hours in advance of any work.
6. **PAVEMENT DEGRADATION FEES.** Permits for excavations in paved streets or alleys shall be subject to a pavement degradation fee. Newly constructed streets, re-constructed streets, or streets that have been re-paved shall be considered protected streets for a period of five years following construction. Permits for excavations in protected streets shall be subject to an additional pavement degradation fee surcharge. Pavement degradation fees or surcharges shall not be required for the following: emergency utility repair work; installation of new fire sprinkler service lines required by the Fire Chief, if no alternate connection point is available; or for infrastructure improvement work being done under the City's Capital Improvements Program.
7. **CITY HELD HARMLESS FROM CLAIMS.** In accepting this permit, the Permittee, its/his/her successors or assigns, agrees to indemnify the City and hold it harmless from all claims, actions, liability, and damage of every kind including attorney fees and costs and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said roadway right-of-way, and in

case any suit or action is brought against the City and arising out of, or by or by reason of, any of the above causes, the Permittee, its/his/her successors or assigns, will upon notice to it/him/her of the commencement of such action, defend the same at its/his/her sole cost and expense and satisfy any judgement which may be rendered against the City in any such suit or action. City includes its officers, employees, agents and assigns.

The Permittee shall obtain the necessary insurance coverages for the proposed excavation work as specified in Exhibit "B".

Permittee hereby waives any rights of subrogation with regards to workers compensation coverage it may have, or may require in the future, regarding the Work performed by Permittee and their Sub-Contractors. In the event Permittee uses Sub-Contractors to perform any portion of the Work, the Permittee will obtain a "Waiver of Subrogation" regarding workers compensation from that Sub-Contractor.

8. **STREET OPENING BONDS** For each street cut permit, street opening bonds shall be provided from a licensed Montana agent in the amount of \$5000 or 100% of the cost of the work, whichever is greater, as surety for satisfactory completion of the work contemplated and maintenance of the completed work. The bond shall be valid for a period of at least one year following acceptance of the restoration by the City.
9. **PROTECTION OF TRAFFIC.** Insofar as the interests of the City and the traveling public are concerned, all work performed under this permit shall be done in accordance with the Montana Public Works Standard Specifications, Sixth Edition, April 2010, as modified by the City of Livingston. All construction zones shall be signed in accordance with the Manual of Uniform Traffic Control Devices.
10. **STREET CLOSURES.** If a street closure is approved to complete the proposed work, the following shall apply:
  - a) The approved Traffic Control Plan shall be adhered to at all times by the Permittee, and all signs, barricades, and other traffic control devices shall be maintained in place prior to initiation of any work and until the work is completed.
  - b) At least 24 hours prior to closing the street, the permittee shall notify the Police and Fire Departments, Dispatch, property owners residing within the portion to be closed, and (if applicable) school bus operators of the intended street closure, and shall promptly notify them once the street has been re-opened.
  - c) For closures of collector or arterial streets, the Permittee shall in addition to b) above, send a press release to the Livingston Enterprise newspaper and local radio stations detailing the intended street closure at least two days in advance of any work.
11. **EXISTING UNDERGROUND UTILITIES.**
  - a) It shall be the responsibility of the Permittee to contact all pertinent utility companies by calling the Utilities Underground Location Center (One Call) at 1-800-424-5555 at least two business days prior to starting any excavation.
  - b) Any underground utility which is damaged by a Permittee shall be repaired at the

Permittee's expense in the manner and means prescribed by the authorized representative of the utility owner.

- c) The costs incurred by the City to repair any damaged utility shall be paid by the Permittee.

12. **STREET RESTORATION.**

- a) Trenches shall be compacted to 95% density in accordance with AASHTO T-99 (or T-180, as appropriate). When the street cut is to be made in a collector or arterial street, an area of poor subgrade materials, or any other area requiring immediate closure and resurfacing of the street, non-shrink backfill (flow fill) shall be used. The asphalt patch over non-shrink backfill shall be 4" depth placed in two lifts. Imported structural backfill may be substituted for non-shrink backfill only upon written approval by the Public Works Director.
- b) Concrete curb, gutter and sidewalks shall be repaired according to City of Livingston standards.
- c) All asphalt patches shall be made with hot mix asphalt within forty-eight hours of trench backfilling. The thickness of the asphalt patch shall be equal to or exceed that of the existing roadway but shall be no less than 3". In the event that hot mix asphalt is not available, cold mix asphalt may be used but shall be removed and replaced as soon as the local asphalt supplier company starts up the following construction season. The temporary cold mix patch shall be made within forty-eight hours of trench backfilling.
- d) Before the street cut patch is made, the existing asphalt shall be cut back a distance of one (1) foot on each side of the existing trench opening. The edge of the existing asphalt shall be tacked with SS-1 or equal prior to placing the new hot mix asphalt.
- e) All street cuts shall be covered by a one (1) year warranty period commencing upon final inspection and acceptance by the City and said warranty shall extend to the City.
- f) In the event the applicant fails to restore the street in a timely manner, the City reserves the right to have the work completed at the applicant's expense. If defects in the patch occur within the warranty period, the City reserves the right to repair the patch at the applicant's expense if the applicant fails to make the necessary repairs within five days of being notified.

13. **RUBBISH AND DEBRIS.** Upon completion of work allowed under this permit, all rubbish and debris shall be immediately removed from the right-of-way and the right-of-way and roadway restored and left in a neat and presentable condition satisfactory to the City.

14. **INSPECTION.** The City shall have the right to inspect all work covered under the scope of this permit. All work contemplated under this permit shall be done to the satisfaction of the authorized representative of the City, and the City hereby reserves the right to order the change of location or installation authorized by this permit at any time, said changes to be made at the sole expense of the Permittee.

15. **CITY TO BE REIMBURSED FOR REPAIRING ROADWAY.** Upon being billed therefore, Permittee agrees to promptly reimburse the City for any expense incurred in repairing surface of roadway due to settlement after installation, or for any other damage to roadway, curb, gutter or sidewalk as a result of the work performed under this permit.

16. **OTHER CONDITIONS AND/OR REMARKS.**

- a) This permit is valid for a period of six months after the date of approval, unless otherwise extended in writing by the Director of Public Service.
- b) One (1) lane of traffic shall be kept open at all times, (unless Street Closure and Traffic Control Plan has been approved).

## EXHIBIT “A”

### **Street Cut Fee Schedule** *(Updated 10/03/2023)*

All persons permitted to excavate or cut a public street or alley shall pay the following fees prior to approval of the street cut permit.

The surface degradation fee shall be determined by the actual area of the excavation plus an additional three (3) feet around the excavation.

Streets shall be considered “protected streets” for a period of five (5) years following initial construction, re-construction, or re-paving. In addition to the normal surface degradation fee, a surface degradation fee surcharge shall be required for any excavation in a protected street according to the following schedule. Seal-coating alone or similar maintenance treatments shall not make a street protected.

|                                     |                    |
|-------------------------------------|--------------------|
| Application Fee:                    | \$75.00            |
| Surface Degradation Fee:            | \$3.50/square foot |
| Surface Degradation Fee Surcharges: |                    |
| <u>Age of Protected Street</u>      |                    |
| 0 – 1 year                          | \$3.50/square foot |
| 1 – 2 years                         | \$3.00/square foot |
| 2 – 3 years                         | \$2.50/square foot |
| 3 – 4 years                         | \$2.00/square foot |
| 4 – 5 years                         | \$1.50/square foot |
| 5+ years                            | \$1.50/square foot |

## EXHIBIT "B"

### **Insurance Requirements**

Any person requesting permission to excavate in any public right-of-way shall be required to provide documentation of the following minimum insurance coverages:

General Liability Insurance This insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, and contractual liability.

| <u>Coverage</u>                               | <u>Minimum Limits of Liability</u> |
|---|------------------------------------|
| Commercial General Liability Each Occurrence: | \$1,500,000                        |
| General Aggregate Limit:                      | \$2,000,000                        |
| Products – Completed                          |                                    |
| Operations Aggregate Limit:                   | \$2,000,000                        |
| Personal & Advertising Injury:                | \$1,000,000                        |
| Fire Damage (any one fire):                   | \$50,000                           |

Automobile Liability Insurance This insurance shall include coverage for owned, non-owned, and hired vehicles.

| <u>Coverage</u>                                      | <u>Minimum Limits of Liability</u> |
|--|------------------------------------|
| Business Automobile Liability Combined Single Limit: | \$1,000,000                        |

### Worker's Compensation Insurance

|                       |           |
|-----------------------|-----------|
| State:                | Statutory |
| Federal:              | Statutory |
| Employer's Liability: | \$500,000 |

The City of Livingston shall be named as additional insured on all required insurance coverages.