

Franchise Utilities

Expectations for Reviews, Submittals and Inspections Guide



COMMUNITY
DEVELOPMENT

Definitions

Right of way (ROW) is defined as “land that is dedicated to the public for transportation and utility facilities.”

Easement is defined as “a right of usage of real property granted by an owner to the public or to specific persons, firms, or corporations”. Public utility, storm or access easements are easements that grant a public facility or franchise utility the ability to install, work and maintain their facilities within private property.

Right of Way (ROW) permits will be reviewed per City of Bend Standards and Specifications, the [Bend Code and Bend Development Code](#). ROW Permits are required for any work completed in the City’s ROW or Easements. ROW Permit Tier (Tier 1, 2, or 3) will be determined based on the proposal (see below for additional information).

Franchise Utilities are companies that provide service to the public and have a franchise agreement with the City of Bend to maintain and install their utilities within the right of way, abiding to the conditions of their agreement and the ROW permit process. Private utilities to the benefit of one owner/user and not the general public must maintain their utilities on private property outside public easements and the ROW.

Franchise utilities are capable of maintaining their facilities on private property within easements (outside public access / public utility easement and ROW) without a ROW permit.

Traffic Control Plans will be reviewed per [Manual Uniform Traffic Control Devices \(MUTCD\) for Streets and Highways](#) and [MUTCD Oregon Supplement](#) and [Oregon Temporary Traffic Control Handbook \(OTTCH\) For Operations 3 Days and Less](#). Note that the OTTCH is intended for traffic control durations of 3 days or less.

A Traffic Control Plan (TCP) is required with any proposal that affects vehicle, bike, and/or pedestrian traffic. A TCP is required for construction that is proposed within the ROW and/or that affects vehicular or pedestrian traffic. The three levels of traffic control review are as follows:

- **Level 1 TCP** anticipates low impacts to the City system and is typically proposed on a Local roadway;
- **Level 2 TCP** anticipates medium impacts to the City system and is typically proposed on a Collector, Arterial roadway but can occur on Local roadways with heavy traffic and known congestion; and,
- **Level 3 TCP** anticipates high impacts to the City system and requires a stamped, engineered plan. Any project that requires detour routes, traffic control within a traffic signal or roundabout corridor or as required by the City Engineer.

Tier 1 ROW Permit - Low Impacts

Tier 1 ROW permits are issued when work is proposed in the landscape strip or an unimproved area. Street cuts, curb cuts, and/or pavement restoration will NOT be permitted under a Tier 1 ROW permit. A Tier 1 ROW Permit shall not affect City infrastructure.

A Tier 1 ROW Permit will be required when any of the following, but not limited to the following, are proposed:

- Utility installations within the landscape strip or an unimproved (unpaved) area that is not within a public easement;
- Sidewalk installations; and

- Driveway installations.

A ROW permit is required for all sidewalks and driveway aprons within the right of way or within a public access easement – required to ensure conformance to accessibility requirements.

Tier 2 ROW Permit - Medium Impacts

Tier 2 ROW permits are issued when work is proposed in improved (paved) areas. Street cuts, curb cuts and pavement restoration are anticipated and will be permitted under a Tier 2 ROW Permit. A Tier 2 ROW Permit is anticipated to affect City infrastructure. Most work under a Tier 2 ROW permit can be accomplished without engineered design, with the exception of curb ramps and alley improvements. Engineering design can be requested by the City depending on the complexity of the improvement. A Tier 2 ROW Permit shall be associated with one tax lot.

A Tier 2 ROW Permit will be required when any of the following, but not limited to the following, are proposed:

- Utility installations (2- inches or less for water or dry utilities and six inches or less for sewer) located or partially located within an improved (paved) area within the ROW or within a public easement;
- Street cuts and pavement restoration;
- Curb ramp installation and repair. All curb ramp installations must be designed by a registered engineer;
- Driveways or alley approaches;
- Street or alley paving that does not propose curbs or stormwater. Alley paving may need to designed by a registered engineer when stormwater design is required;
- Non-complex abandonment of public infrastructure;
- Installation of water services (2-inches and less) and sewer services; and,
- Boring or other trenchless technology less than one city block or 350 feet whichever is less (will require boring profile).

Tier 3 Infrastructure Permit - High Impacts

Tier 3 Infrastructure permits are issued for complex projects that either propose public infrastructure to be accepted and maintained by the City of Bend, or propose significant franchise utility infrastructure as defined in this section. All plans are to be stamped and signed by a registered engineer – the Engineer of Record (EOR).

A Tier 3 Infrastructure Permit will be required when any the following, but not limited to the following, are proposed:

- Franchise utility installations in excess of 350 feet, or require more than 3 utility crossings, or infrastructure that is greater than two inches in diameter;
- Installation of water/fire sprinkler services over 2-inches;
- Storm infrastructure (i.e., catch basins, sedimentation manholes, drywells, storm pipe, etc.);
- Fire vault installation in ROW or within public easement; and,
- Directional drilling, boring, or other trenchless technologies that require the following but are not limited to:
 - Greater than 350 feet in length;
 - Cross 3 or more utilities (City and Franchise);
 - Cross under bridges or canals;
 - Cross under high pressure gas mains or other utilities of high consequence;
 - Cross under railroad tracks;
 - Cross under rivers or streams; and/or,
 - Require more permit review and inspections than provided in a standard Tier Two permit.

Emergency ROW permits

Any work within the right of way needing to occur as a result of an emergency condition (stop in service, gas leak, etc.) must have a permit submitted within 24-hours of when the work was conducted. Fees will be assessed based on the above criteria. City will inspect the work and may require samples and excavation of the work not witnessed as the City Engineer's or Right of Way Manager's discretion. Contact Private Development Engineering Department at engineering@bendoregon.gov or 541-388-5580 ext. 4 as soon as practical to inform the City of Bend of the work being performed.

Submittal Requirements: General

- Site Plan
 - Drawn to scale with scale included
 - Utility profiles are required for Tier 3 Franchise Utility permits
 - Bore profiles (if applicable)
 - Location and approximate extent of ground disturbance required for bore pits (if applicable)
 - Existing utilities
 - Existing easement(s) (if applicable)
 - Property and Right of Way lines
 - Location of hardscape features (curb, sidewalks, driveways, road surface, etc.)
 - Asphalt / concrete sawcut lines and road restoration areas
 - Clearly identify existing conditions and proposed improvements.
 - Include additional applicable conditions that affect review such as known potential points of conflict (topographical barriers, aboveground franchise utility installations, etc.)
 - Callout City standards on plans where they are applicable.
 - Project / Permit number(s)
- Utility locate number
- Pictures of the site to confirm existing conditions
- Traffic Control Plan
 - In conformance to OTTCH or engineered plans
- Upload of applicable City standard drawings
 - This is to alleviate questions in the field with contractors that may not be aware of City standards.
- Cover sheet for Tier III Right of Way Permits
 - Location of project
 - Scope of project
 - Signature lines for the City Engineer, Bend Fire Department and all franchise utilities in the vicinity
 - Quantities
 - Project and Permit number(s)

Plans need to be clear and concise, identifying methods of construction, existing conditions and restoration of existing infrastructure, where applicable. Start of project and end of project need to be clearly identified. Plans should be complete to no less than 90% at time of submittal with everything submitted at time of first review.

Submittal Requirements: Tier 3 Infrastructure Permit

Prior to construction, franchise utility submittals require the following information – in order of precedence:

1. Approval from CityView reviewer.

2. Signed cover sheet from the franchise utilities. Option to upload to CityView an email from the franchise utility representative's that they have seen the plans is acceptable. The EOR is to sign on behalf of the franchise utility with a statement that plans have been reviewed per email received and uploaded.
3. Submit to the City of Bend
 - o One (1) Full Sized Plan Set - Bond (to be used by City inspectors)
 - o One (1) Full Sized Cover Sheet – Bond
4. The single bond cover sheet will be returned to the applicant, signed by the City Engineer and Fire Department. One full PDF set of approved plans uploaded to CityView (having the cover sheet scanned as part of the PDF set) is to be uploaded to City View. A pre-construction meeting will be scheduled shortly thereafter and the permit issued contingent on any concerns determined at the meeting.


Mylars are not required for Franchise utility submittals unless City infrastructure is being removed or substantially modified from the original condition.

Public Facility Improvement Agreements (PFIA) are not required for franchise utility projects.

Construction Items: CityView Submittals

To be used after receiving an approved permit (and Notice to Proceed for a Tier 3 Infrastructure Permit).

To apply, visit: <https://cityview.ci.bend.or.us>

 <p>Engineering & Agreements</p> <p>Apply</p> <p>Application Search</p> <p>Upload Submittals to Existing Application</p> <p>Application</p>	<p>Step 1: Go to the “Engineering & Agreements” section and go into the “Apply” link</p> <p>Login with your email and Password. If you do not have an email and password registered with Portal, Create an Account.</p>
<p>Choose the application type:* <input type="text" value="ROW"/></p> <p>Please categorize the nature of* the work being done: <input type="text" value="Franchise Utility"/></p> <p>Please describe the work being* done: <input type="text" value="Installing xxx on Franklin Ave for xxx feet. In the roadways."/> <small>Limit 4000 characters</small></p>	<p>Step 2a: Choose “ROW” or “Infrastructure” for the application type.</p> <p>Under categorize the work, “Franchise Utility”. This is for tracking purposes.</p> <p>Write a short description of the work being done. If you can answer the Who, What, When, Where and Why questions, it helps the reviewer.</p>

▼ **Permit Contacts**

Project Name:

Associated Permit Number:

Submitter/Project Manager (Name,Email,Phone,Mailing Address,City,State,Zip):

Owner Contact (Name,Email,Phone,Mailing Address,City,State,Zip):

Developer Contact (Name, Company Name,Email,Phone,Mailing Address,City,State,Zip):

Step 2b:
Fill in the permit contacts.

You will see this only if you chose “Infrastructure” in the application type.

▼ **Please choose as many Permits as are appropriate.**

Search for permit types

ROW Permit With No Street Cut

ROW Permit With Street Cut

Step 3:
ROW Permit with no Street Cut is for a Tier I permit.

ROW Permit with Street Cut is for a Tier II permit.

For a Tier III permit, you must enter “Infrastructure” in step 2a

▼ **ROW Permit With Street Cut Permit**

Qualified Contractor (Company Name). All work performed in the public right of way requires a contractor qualified by the City of Bend to complete the work. Find the list at www.bendoregon.gov/qualifiedcontractors:

Please choose as many work items as are appropriate.

Search for work items

ADA Ramp Collector/Arterial

ADA Ramp Local

Alley Paving Collector/Arterial

Alley Paving Local

Approach Collector/Arterial

Approach Local

Erosion Control Plan

Franchise Utility Installation Collector/Arterial

Step 4:
Identify the Qualified contractor that will be working in the right of way.

If one is not chosen at time of application, one will be required at the time of permit issuance. **All subs that work in the right of way need to be from the Qualified list.**

Choose the work that is going to be conducted. Note the traffic control permits when you scroll down. Choose everything you are doing to hopefully get the fees calculated correctly the first time.

Follow the remaining direction for site location and uploading the files for review.

If you submit everything and choose your permit correctly, it reduces the time of review and requests from the City for additional information.

For more information, contact Private Development Engineering Department at engineering@bendoregon.gov or 541-388-5580 ext. 4.

When permit has been picked up and is in review, please coordinate directly with your project reviewer when possible.