

## Right of Way Use Guidelines

Staff will evaluate the purpose and length of time requested for all use of public right of way (ROW). An agreement for all approved use of public ROW will be developed and shall include the following items:

- 1) The City of Fargo will prepare the agreement and all parties must sign the agreement prior to the start of work.
- 2) The agreement must be signed by property owner. The developer and/or contractor may be added to the agreement at the petitioner's request and contact information will be required for all parties.
- 3) The legal description of the property must be supplied by private party of property.
- 4) Insurance indemnifying the City is required. The minimum amount of insurance coverage is \$500,000.
- 5) A deposit is required to ensure that any damaged ROW gets restored to previous conditions. The deposit will not be returned to the agreement holder until all damages are satisfactorily corrected. The amount of the deposit will be determined based on the area of ROW impacted and how long the impacts last. If damage occurs during the project and the deposit is used to make corrections, the deposit shall be replenished or the agreement will be revoked. Costs not covered by the deposit may be assessed to the property.
- 6) A detailed schedule spanning the entire project duration is required. Items in the schedule shall include, but are not limited to:
  - a) Duration of Public Right of Way Use
  - b) Location of Use
  - c) Duration of Sidewalk Impacts
  - d) Duration of Parking Spot Impacts
  - e) Duration of Roadway Lane Closures
  - f) Need for Complete Road Closure
- 7) Drawing with detailed dimensions of ROW impacts. The drawing shall contain the following information:
  - a) Building
  - b) City Right of Way
  - c) Roadway Curb Line
  - d) Sidewalk
  - e) Aerial Photo
- 8) Traffic control plans that meet City Standards, MUTCD, and pedestrian safety requirements shall be submitted. Traffic control plans must be approved by the City of Fargo Traffic Engineering Dept. prior to implementation.
- 9) Documentation (including pictures) of preexisting deficiencies in and around the proposed area to be impacted shall be submitted prior to approval of agreement
- 10) Work performed above sidewalks requires canopy protection. A minimum 6' wide unobstructed sidewalk corridor must be provided under the canopy. The area under the canopy must be adequately lighted and have a moisture barrier
- 11) Lane closures and/or road closures require a two week advance notice.
- 12) Trash chutes shall be commercially available and not be not custom built. When not in use, they are to be stored in a safe manner that does not impact typical ROW use.
- 13) Provide notification of the upcoming work to all adjacent properties located within 200' of the work area. A copy of the notification shall be provided to the City at the time of agreement finalization.
- 14) The City of Fargo reserves the right to limit ROW use during special events that occur during the project duration.
- 15) Daytime deliveries shall be completed prior to 11:00am on business working days (typically Mon-Sat).

Impacts to the ROW lasting less than 2 weeks will be evaluated on a case by case basis in order to determine whether or not an agreement is required.

This list is intended to serve as a guide for public ROW use requirements; exact details will be outlined in the agreement.

The Right of Way Use Agreement only applies to temporary use of public ROW. Any permanent use of the public ROW requires an encroachment agreement. Contact City of Fargo Engineering for more information on encroachments.

For more information contact:

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