

TOWN OF HUDSON
DEPARTMENT OF PUBLIC WORKS
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HDPW-II

**RULES AND REGULATIONS GOVERNING
THE EXCAVATION WITHIN PUBLIC WAYS**

- A. The Town of Hudson by its Director of Public Works, may grant licenses in writing to persons and/or business entities including public utilities having authority in the premises to excavate and open portions of any street, road, or sidewalk and, in connection therewith, to occupy, obstruct, encumber and use the same.
- B. Every license shall specify the time, place, size, and use of such opening, occupation or obstruction, and the time within which the street shall be put in a condition satisfactory to the Director of Public Works solely in his discretion. The Director may, in addition to the specifications, specify in the license or after the issuing thereof, in writing, the kind of rail or fence to enclose the place, and the kind of way over or around such place, and the manner of constructing same for the public safety. Nothing herein contained shall be construed to prevent the insertion in the license of any other specifications deemed advisable by the Director of Public Works.
- C. Each license granted shall be upon the condition that the person accepting the same shall conform to the rules and regulations of the Town of Hudson Department of Public Works in effect, that may thereafter be in effect, and to the specifications in the license. This license may be revoked at any time by the Director of Public Works upon notice to licensee. Before performing any work authorized by such license, the party licensed shall execute a bond to the Town of Hudson, conditioned as specified in **HDPW III "BONDING AND INSURANCE REQUIREMENTS"**, and subject to the additional condition that the licensee will cause the excavation and obstruction to be properly fenced during the entire time the street is opened and obstructed. The contractor will place and maintain from the beginning of twilight, through the entire of the night, over or near the place occupied, opened or used, and over or near any dirt, gravel or other material when thereupon or to be used by him, a light or lights affixed to such fence or in some other proper manner sufficient to protect travelers from injuries. The contractor shall place and maintain a safe and convenient passage for public travel around or over such place. If the contractor does not, within the time prescribed by the Director of Public Works, put the street into good condition, satisfactory to the Director, he shall pay whatever sum the Director shall expend for putting said street into good condition, and that he will deliver up the license to the Director on or before the expiration of the time fixed in the license for completing the work, or any extension of the same.

- D. Before any license hereinbefore described is issued to any agent for the applicant therefore, such person shall certify that a copy of the license entered in a book kept for the purpose is a correct copy of the license he received.
- E. Whenever any Department of the Town, or any person shall lawfully make any opening or cause any obstruction in any street, such department or person shall be held responsible for any damages that may result from such opening or obstruction for a period of one (1) year from the time of the completion of installation of permanent patch. (See **HDPW-IV "PATCHING BITUMINOUS CONCRETE ROADWAYS"** for requirements.
- F. Should any portion of the street which has been excavated require repaving or resurfacing within a period of one (1) year from the time it has been permanently paved, the Director shall, by first class and registered mail, postage prepaid, notify in writing the person applying for the license under authority of which the disturbance was made, to forthwith make such repairs as, in the opinion of the Director, are necessary, and in the case of failure of such person to make such repairs within twenty-four (24) hours after mailing of such notice aforesaid to the last known address of such person, the Director shall then have the right to make such necessary repairs, and the expense of the same shall be paid by the person.
- G. Whenever any street is excavated, opened, occupied, obstructed or encumbered by any department of the Town of Hudson, or person, the Director of Public Works shall prevent any unnecessary obstruction while the work is in progress and shall see that the street is repaired and put in good order when the work is completed. If the street is not repaired to his acceptance, he shall forthwith put the same in good order, and shall render a bill for the expense of such repair to the department or person whose responsibility it was to repair the street. All openings made for any purpose whatever shall be filled back in layers six (6) inches in depth and each layer shall be properly compacted, and when necessary, shall be wet down to prevent settling of the filling. (See **HDPW IV PATCHING BITUMINOUS CONCRETE ROADWAYS** for requirements)
- H. The Director shall not issue any license to a person who has within one (1) year previous to an application violated or failed to observe the conditions or specifications of any such license, without special authority and permission from the Hudson Board of Selectmen.
- I. The Director shall keep a record of the notices of defects sent to him, with the name of any person giving the notice, and the time when given and he shall without delay cause the location of the alleged defects to be examined, and if the defect is of such a character as to endanger the safety of the public travel, shall do whatever may be necessary to protect the public from injury by the defect and cause it to be immediately repaired. Every person in the employ of the Town shall send to such Director notice of every defect of which he has any knowledge.
- J. The bond, to be given under the provisions of these rules and regulations, shall be as specified in specification **HDPW III BONDING AND INSURANCE REQUIREMENTS**, and shall contain in addition any further provisions and conditions which the Board of Selectmen shall require to be inserted from time to time. The penal sum of such bonds shall be prescribed by the Board of Selectmen, Town Treasurer and Town Accountant, unless otherwise provided by the Board of Selectmen and the form thereof approved by Town Counsel. A new or strengthening bond may be required from time to time by the Board of Selectmen and such new or strengthening bond shall not be taken to release the surety or sureties on any prior bond unless by vote of the Board of Selectmen expressly releasing such surety or sureties from liability.

- K. Before the issuance of a license, except a Department of the Town of Hudson, a certificate of insurance shall be filed with the Department of Public Works and maintained during the life of the license in the amounts set forth in **HDPW 'BONDING AND INSURANCE REQUIREMENTS'**.
- L. It shall be the responsibility of the licensee to hire uniformed police officers for traffic control when deemed necessary by the Director of Public Works in his sole discretion.
- M. All work performed under a license shall be conducted between the hours of 7:30 A.M. to 4:00 P.M. Monday through Friday unless otherwise specifically approved, or required, by the Department of Public Works.
- N. All work performed under a license shall be inspected by a municipal inspector prior to any backfilling operations. The licensee shall notify the Director's office at least forty-eight (48) hours before commencement of any backfilling. There shall be no charge to the licensee for this inspection. If, however, the Director determines that the public safety and convenience requires a municipal inspector to be on the job at all times, the licensee shall pay the Town for his services at the current rate of pay. Such rate will be made available to licensee upon written request. Any inspector's time spent at the site outside of the normal working hours specified previously in Section M or on weekends, holidays or other times shall be at twice the charge.
- O. Before the issuance of a license, an appropriate dig safe number will be supplied, a fee in the amount of Fifty Dollars (\$50.00) shall be paid and all applicable insurance and bonds presented to the Director of Public Works. This section shall not apply to departments of the Town of Hudson.
- P. The license will be issued no earlier than three (3) days after the original application has been submitted unless the work to be performed is of an emergency nature.
- Q. No road that has been resurfaced/reconstructed within the past five (5) years shall be excavated or opened except in emergency situation.
- R. All temporary and permanent patching of roadways shall be done in accordance with the requirements for **HDPW IV "PATCHING BITUMINOUS CONCRETE ROADWAYS"**.
- S. It shall be the responsibility of the licensee to expressly notify in writing the Hudson Fire Department, the Hudson Police Department, the Hudson School Department for buses, the ambulance service, and the Hudson Department of Public Works in the event that written permission is granted by the Director of Public Works to close any street for excavation. Said notification shall be at least twenty-four (24) hours prior to any work that would require the street to be closed. No street shall be permitted to be closed unless absolutely necessary to do so. Street opening permits shall be revoked if the above notifications are not made.
- T. The Town of Hudson Sewer/Water Rules and Regulations shall be strictly adhered to, as currently in effect and as amended from time to time (copies of which will be made available upon request).

- U. All licensees are required to furnish direct and personal supervision and attention to all excavations and shall comply with all applicable Town, State and Federal rules and regulations including but not limited to those regulations of the Commonwealth of Massachusetts Department of Public Utilities. The Director of Public Works reserves the right to revoke or suspend any license if found to violate these regulations, any other relevant law or the discretionary determinations of the Director of Public Works thereunder. All licensees shall have all necessary equipment, tools and materials to perform the work. The licensee shall obtain an appropriate DIG SAFE number and shall notify all utility companies such as gas, telephone, cable, electric or otherwise.
- V. No person or utility shall be granted a license to excavate or open any street, road or sidewalk from November 15th of each year to April 15th of the next year unless an emergency or special condition exists and permission is obtained in writing from the Director of Public Works. If a hazardous condition, which would endanger life and/or property, exists, excavation work shall not be delayed by this section. However, a written detailed explanation shall be delivered to the Town as soon as possible and an excavation license obtained for the opening made.
- W. If any work, phrase, sentence, paragraph or other provision of these rules and regulations is determined to be invalid, unconstitutional or otherwise unenforceable by an administrative agency or court of competent jurisdiction, then the remaining portions of these rules and regulations shall remain in full force and effect.