



# Burien

Washington, USA

## Right-of Way Use Permit Application

*For City Use Only*

400 SW 152<sup>nd</sup> Street, Suite 300 Burien, WA 98166  
 Phone: (206) 439-3161 • Inspection: Line 206-439-3162  
 Email address: rowpermits@burienwa.gov

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICANT INFORMATION

Applicants Name:	Company:	Daytime Phone:
Mailing Address:		Fax Number:
		Email:

### CONTRACTOR INFORMATION

Name:	Company:	Daytime Phone:
Mailing Address:		Cell Phone:
Contact person (if different):		Fax Number:
Burien Business Number (required)	Contractor's License #:	Expiration Date:
		Verified: Yes <input type="checkbox"/> No <input type="checkbox"/>

### PROJECT INFORMATION

Job Address/Location:	
Parcel Number (if applicable):	Utility Work Order No. (if applicable):
Permit Type (see descriptions on page 2): <input type="checkbox"/> Type A (Short-Term Nonprofit) <input type="checkbox"/> Type B (Short-Term Profit) <input type="checkbox"/> Type C (Disturbance of City Right-of-Way) <input type="checkbox"/> Type D (Annual Permit) <input type="checkbox"/> Type E (Hauling Loaded Vehicles) <input type="checkbox"/> Type F (Facilities Lease or Franchise)	
Critical areas on or within 100 feet of project area (check all that apply): <input type="checkbox"/> Wetlands <input type="checkbox"/> Streams <input type="checkbox"/> Critical Aquifer Recharge Area <input type="checkbox"/> Geologically Hazardous Area <input type="checkbox"/> Flood Hazard Area <input type="checkbox"/> Shorelines <input type="checkbox"/> Fish & Wildlife Habitat Conservation Area (within 800 feet)	
Project description (attach additional sheets if necessary):	

### SIGNATURE

I, \_\_\_\_\_ declare that I am the above named Applicant and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

I designate \_\_\_\_\_ to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff. I have read, understood and will comply with the attached general right-of-way permit terms and conditions.

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

Applicants Signature: \_\_\_\_\_

**Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information.**



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## Right-of-Way Use Permit Informational Handout

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### WHAT IS A RIGHT-OF-WAY USE PERMIT?

A right-of-way use permit authorizes use of City right-of-way for public and private activities. There are six different types of right-of-way use permits, described below. The decision on a right-of-way use permit application is made by the Public Works Director following review of the permit application and supporting information.

### TERMS AND CONDITIONS

Each permit requires the applicant to read and agree to the attached general right of way permit terms and conditions.

### WHAT STEPS ARE REQUIRED FOR RIGHT-OF-WAY USE PERMIT APPLICATION REVIEW AND HOW LONG WILL IT TAKE?

Processing of Right-of-Way Use Permit applications includes the following steps:

- Step 1: Application Submittal – The applicant submits a complete application form, application checklist and all required supporting information to the City of Burien Permit Center for intake and routing. Submittal is required no later than 30 days before the proposed use of a street, sidewalk or public right-of-way. Applications for a new private use of the public right-of-way must be submitted at least 90 days before the proposed use.
- Step 2: Initial Review – The City's Permit Technician will check the permit application and advise the applicant of any additional information needed, and the fees and other requirements necessary for the Right-of-Way Use Permit Application.
- Step 3: Review and Approval Process – The application will be reviewed by the Public Works Department, which is responsible for the management of street, sidewalk and public right-of-way uses. As required, the Public Works Department shall coordinate the review of Right-of-Way Use Permit applications by other departments, including police, fire, parks and recreation, community development, and legal. The review process may require that the applicant meet with these other City departments to provide additional information. Identification or verification of other requirements or conditions to assure public safety or public use may result from the review process. Permit approval is indicated by the signature of the Director (or designee). The approved permit is routed to the Permit Center for issuance. Our target is to issue the permit within three (3) weeks of receiving a complete application.
- Step 4: Fees, Deposits and Insurance – The applicant will be notified once the application has been approved. The Applicant must pay any applicable fees and submit the required assurance devices, and proof of deposit and/or assurance deposit (when required) before the permit is issued.
- Step 5: Notification to City – The applicant must notify the designated department or individual within the City 48 hours prior to the start of the permitted event or project. (The permit identifies the City contact person who is to be notified.)
- Step 6: Permit Inspection (as needed) – Provides for the inspection of the applicant's activities for compliance with the conditions of the Permit. Prior to each required inspection, the applicant must give at least 24 hours notice to the City's inspector. The City's inspector will document all conditions for which the applicant will be charged for services, such as damage repair or cleanup. The record of inspections and charges will be maintained as a separate document, and filed with the Permit application.
- Step 7: Permit Completion – Provides for the termination of the Permit, the return of deposits, insurance certificates, performance bonds, etc. to the applicant, and the collection of any repair, cleanup or other charges due to the City.



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## Right-of-Way Use Permit Application Checklist

**PLEASE RETURN THIS CHECKLIST WITH YOUR APPLICATION**

The following is a list of materials and plans which must be submitted in order to have a complete application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Public Works Department if you have questions. **Please do not turn in your application until all materials which apply to your proposal have been checked off.**

All Permit Types--Application	REQUIRED	PROVIDED
A completed and signed Right-of-Way Use Permit Application Form.	<b>X</b>	

All Permit Types--Permit Types and Fees		REQUIRED	PROVIDED
A check payable to the City of Burien for applicable filing fees and engineering deposits, is due when permit is issued:		<b>X</b>	
Permit Type	Filing Fees		
<b>Type A: Short-term Nonprofit</b> Issued for 72 or less continuous hours to non-profit organizations for assemblies, bike races, block parties, parades, parking, processions, non-motorized vehicle races, street dances, which do not involve any physical disturbance of the right-of-way.	\$50.00—Permit Fee \$250.00—Cleanup Deposit		
<b>Type B: Short-term Profit</b> Issued for 72 or less continuous hours to for-profit entities for fairs, house moves, temporary sales, street closures.	\$100.00—Permit Fee \$250.00—Cleanup Deposit		
<b>Type C: Disturbance of Right-of-Way</b> Issued for 180 days for activities that may alter the appearance of or disturb the surface or subsurface of the right-of-way. These activities include, borings, culverts, curb cuts, paving, drainage facilities, fences, landscaping, painting/stripping, sidewalks, trenching, and utility installation/repair.	Surface improvements \$150.00 Permit Fee plus inspection fee at \$75.00 per hour.  Subsurface activity or trenching \$200.00 Permit Fee plus inspection fee at \$75.00 per hour.		
<b>Type D: Annual Permit</b> Issued for long-term use of the right-of-way in excess of 72 hours for uses that will not physically disturb the right-of-way. Annual Permits, i.e. issued for not more than 1-year, for uses such as recycling facilities, sales structures, sidewalk cafes, mobile peddling. Long-term Permit, i.e. issued for more than one-year, for uses such as bus shelters and stops, loading zones special and unique structures (e.g. awnings, benches, mailboxes).	<u>Annual:</u> \$75.00 Permit Fee, for one year permits <u>Long-term:</u> \$100.00 Permit Fee per year for multiple year permits  <u>Assurance Deposit:</u> To be determined by Public Works Dept.		
<b>Type E: Hauling Loaded Vehicles</b> Issued for 180 days for activities having a potential of altering the appearance of, or disturbing the surface or subsurface of the Right-of-Way due to hauling large quantities, such as hauling 6 loaded vehicles/hour/8-hour day for more than 2 or more consecutive days or hauling hazardous waste.	\$100.00 Permit Fee plus inspection fee at \$75.00 per hour.		
<b>Type F: Facilities Lease or Franchise</b> Issued for period in excess of 180 days for activities having a potential to alter the appearance, disturb the surface or subsurface of the right-of-way or for the location of permanent structures on the right-of way.	To be determined		

All Permit Types--Additional Reviews	REQUIRED	PROVIDED
<p><b>Critical Areas:</b> If your project is located within 100 feet of a critical area, such as: streams, lakes, shorelines, wetlands, flood hazard areas, aquifer recharge areas, geologically hazardous areas or within 800 feet of fish &amp; wildlife habitat conservation areas, additional review may be necessary. Please contact the Dept. of Community Development at 206-248-5510.</p>		
<p><b>SEPA:</b> If your project is <u>not</u> exempt from the State Environmental Policy Act, you may need to submit an Environmental Checklist, which has a separate review process. Exemptions are listed in Washington Administrative Code Section 197-11-800. If you have questions about how this applies to your project, please contact the Dept. of Community Development at 206-248-5510.</p>		
Type A and B Permits (Short-Term)--Submittal Requirements	REQUIRED	PROVIDED
<p><b>Description of Event</b> – Include date and time of event; location listing streets (each street to be closed or used); and the name and phone number of the responsible person capable of making decisions who can be contacted during the event.</p>	<b>X</b>	
<p><b>Site Plan</b> - A map or sketch showing location of event. (Two Copies)</p>	<b>X</b>	
<p><b>Traffic Control Plan</b> - showing how vehicle and pedestrian traffic will controlled or directed during the event. The plan needs to be created for each event and include Road Closure Notifications (72 hours in advance of event) and must include a Detour Route Map and an itemized list and location of traffic control devices to be used. (Two Copies)</p>	<b>X</b>	
<p><b>Certificate of Liability Insurance</b> with limits no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate). Certificate binder must name the City of Burien as “Additional Insured”. <b>Endorsement Page(s) defining the “Additional Insured” coverage must be included with insurance certificate.</b></p>	<b>X</b>	
<p><b>Clean up deposit</b> of two hundred and fifty dollars (\$250.00) due when permit is issued and returned to applicant upon satisfactory clean up after event.</p>		
<p><b>Appropriate fees and deposits</b>, according to fee schedule above and due when permit is issued.</p>	<b>X</b>	
Type C Permit (Right of Way Construction)—Submittal Requirements All projects which propose construction or installation of permanent facilities in the right of way require construction plans which may include some or all of the following types of plans. All plans to be drawn to an appropriate engineering scale of 1”:20’, 1”:40’, or 1”:50’. Some of the following plans can be combined and must be labeled appropriately.	REQUIRED	PROVIDED
<p><b>Road Improvement Plans</b> - Show the extent, type and location of existing and proposed road improvements. For simple projects which can be constructed with standard engineering details, this may be the only construction plan needed. (Two Copies)</p>	<b>X</b>	
<p><b>Traffic Control Plan</b> - Show how traffic will be controlled in the right-of-way during construction in order to prevent injury or damage to persons or property and to minimize disruptions to pedestrian and vehicle travel. This plan must include accommodations for pedestrians and be consistent with the Uniform Manual of Traffic Control Devices. (MUTCD) (Two Copies)</p>	<b>X</b>	
<p><b>Survey (also known as a Base Map)</b> - Prepared by a licensed surveyor showing all features including, but not limited to, drainage, traffic control, structures, driveways and significant trees (evergreen trees over 8” diameter and deciduous trees over 12” in diameter). The survey shall include full width of right of way where work is to be done, as well as 50 feet on either side of the work. Survey must be tied to NAVD 88 Vertical datum and to NAD 1983/1991 Horizontal datum. Surveys to be used in short plats or road dedications must be tied to two separate monuments. (Two Copies)</p>		
<p><b>Demolition Plan</b> - Show all significant trees, traffic controls and structures to be removed, or</p>		

temporarily relocated during construction.		
<b>Grading Plan</b> - Show existing site conditions and proposed grading. For projects filling or cutting more than four feet, a minimum of 3 cross sections is required. Grading calculations showing amount of cuts, fills and earth work are to be included. Include any geotechnical reports documenting existing soil conditions and stability. (Two Copies)		
<b>TESC, Temporary Erosion Control Plan</b> - Prepared in compliance with the King County Surface Water Design (KCSWD) Manual and shows locations of all temporary erosion control devices and proposed methods of BMP (Best Management Practices). (Two Copies)		
<b>Storm Water Drainage Plans</b> - Prepared in compliance with the KCSWD manual, and stamped by a State of Washington licensed professional engineer. These plans show all existing and proposed drainage systems. Profiles are required of all new drainage facilities. Include a Technical Information Report (TIR) as outlined in the KCSWD manual. (Two Copies)		
<b>Landscaping Plan</b> - Show all existing and proposed landscaping. Specifications to include type size and planting schedule of plants. Show accurate drip line and trunk locations of all existing evergreen trees over 8" and deciduous trees over 12" in diameter. For any trimming or removal of trees, provide a certified arborist evaluation of the tree and recommendations. Landscaping requiring irrigation must provide irrigation plans. (Two Copies)		
<b>Structural Engineering Plans</b> - Prepared by a Washington State Professional Engineer, and show proposed retaining walls, rockeries, towers, or other structures. (Two Copies)		
<b>Utility Plans</b> - Show all existing and proposed underground facilities such as water, sewer, cable, electrical, telecommunications. Include locations of inter-tie connection point service connections. Applicant must submit proposals to the appropriate power, phone and cable companies and provide proof of utility approval for proposed utility work. All facilities are to be installed underground, unless otherwise authorized through an approved franchise agreement or by the Public Works Director through the Type I permit review process (BMC 19.65.065). (Private Contractor Two Copies ) (Utility Companies 1 Copy)		
<b>Certificate of Liability Insurance</b> with limits no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate). Certificate binder must name the City of Burien as "Additional Insured". <b>Endorsement Page(s) defining the "Additional Insured" coverage must be included with insurance certificate.</b>	X	
<b>Assurance Deposit</b> - Required to cover the City's cost to repair or remove a defective facility installed under this permit. Amount to be determined by the Public Works Department based upon BMC 12.17.080.		
<b>Appropriate fees</b> , according to fee schedule above and due when permit is issued.	X	
<b>Type D Permits (Annual Permit)—Submittal Requirements</b>		
<b>Site drawing that includes a description of structures and facilities</b> to be located in Right of Way. .	X	
<b>Name and Contact</b> of person responsible for paying the annual renewal fee	X	
<b>Site Plan</b> - A map or sketch showing location of structure or item. (Two Copies)	X	
<b>Certificate of Liability Insurance</b> with limits no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate). Certificate binder must name the City of Burien as "Also Insured". <b>Endorsement Page(s) defining the "Also Insured" coverage must be included with insurance certificate.</b>	X	
<b>Assurance Deposit</b> - Required to cover the City's cost to repair or remove a defective facility installed under this permit. Amount to be determined by the Public Works Department based upon BMC 12.17.080.		

<b>Appropriate fees and deposits</b> , according to fee schedule above and due when permit is issued. For uses lasting more than one year, the fee will be billed to the responsible person on an annual basis.	<b>X</b>	
<b>Type E Permits (Hauling Permits)—Submittal Requirements</b>	REQUIRED	PROVIDED
<b>Description and quantities</b> of material to be hauled over the right of way. List number and frequency of trucks.	<b>X</b>	
<b>Name and phone number</b> of person responsible for the operation of the trucks.	<b>X</b>	
<b>Map of Haul Route</b> showing the haul route. Primary truck routes shall be used for as much of route through the City of Burien as possible. (Two Copies)	<b>X</b>	
<b>Hazardous Materials Manufacture Data Sheets</b> (MMDS) and a hazardous materials spill response plan for each type of hazardous material being transported within the City of Burien.		
<b>Certificate of Liability Insurance</b> with limits no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate). Certificate binder must name the City of Burien as “Additional Insured”. <b>Endorsement Page(s) defining the “Additional Insured” coverage must be included with insurance certificate.</b>	<b>X</b>	
<b>Appropriate fees and deposits</b> , according to fee schedule above and due when permit is issued	<b>X</b>	
<b>Type F Permits (Facilities Lease and Franchise)—Submittal Requirements</b>	REQUIRED	PROVIDED
<b>Description of structures and facilities</b> to be located in Right of Way.	<b>X</b>	
<b>Name and Contact</b> of person responsible for paying the monthly billing for right of way activities.	<b>X</b>	
<b>Site Plan</b> - a map or sketch showing location proposed facility (Two Copies)	<b>X</b>	
<b>Certificate of Liability Insurance</b> with limits no less than \$1,000,000 each occurrence; \$2,000,000 general aggregate). Certificate binder must name the City of Burien as “Also Insured”. <b>Endorsement Page(s) defining the “Also Insured” coverage must be included with insurance certificate.</b>	<b>X</b>	
<b>Assurance Deposit</b> - Required to cover the City’s cost to repair or remove a defective facility installed under this permit. Amount to be determined by the Public Works Department based upon BMC 12.17.080.		
<b>Fee</b> , is negotiated based upon franchise agreement and for lease facilities, based upon a negotiated amount and due when permit is issued.	<b>X</b>	

# RIGHT-OF-WAY CONSTRUCTION PERMIT TERMS AND CONDITIONS

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## General Terms and Conditions:

1. Before any construction work begins, a permit must be approved and issued. Approved plans to be on site during construction.
2. Work must begin within 90 days and be completed within 120 days of the date of issuance of this permit or the permit will be null and void unless extended, in writing, by the Public Works Director.
3. Applicant must comply with all applicable city, state and federal laws, ordinances, codes and regulations in performing the work authorized by this permit
4. The applicant is solely responsible for obtaining any permits or licenses required by other utilities. Copies of approved utility plans and permits are to be available for review by the right of way inspector
5. Any changes from the approved plan must be documented and approved by the City
6. In the event that the applicant, in the course of performing work authorized by this permit, causes any damage of any kind to public or private property, the applicant will repair the damage at its sole expense. Repair work shall begin without delay and continue un-interrupted until completed. If damage is extensive, the time allowed for repair will be prescribed by the City.
7. Any conditions determined by the City to be dangerous or in non-compliance with permit conditions, may be corrected by the City at the applicant's expense. Any work done by the City shall be deducted from any security deposit, and any balances billed.
8. The applicant warrants, for a period of 24 months after final completion of the work or restoration completed under this permit.
9. Applicant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection with activities or operations performed by the Applicant or on the Applicant's behalf out of issuance of this permit, to the extent of the Applicant's negligence as permitted by Washington State law.
10. The City may unilaterally revoke, annul, terminate, revise or amend this permit, including but not limited to:
  - Applicant's failure to conform to any applicable law or regulations.
  - Applicant's failure to comply with any condition, provision, requirement or regulation stated in this permit;
  - Applicant's willful neglect of or failure to heed or comply with notices given to the Applicant;
  - Applicant's facilities not being installed, operated, or maintained in conformance with approved plans.

## Notifications:

1. Two days before starting work, the applicant must have all utilities located. Call One is a public utility locating service (1-800-424-5555). Privately installed facilities must also be located using a private utility locating service.
2. The Applicant is required to notify the City of Burien Public Works Department, at least 48 hours before starting work, and 24 hours before each required inspection. CALL (206) 439-3162 Failure to give notice will result in the assessment of a 1-hour inspection time charge against the Applicant.
3. Private property owners who may be affected by the proposed work must be notified in advance of potential disruptions in access or utility services.

## Inspections:

A pre-construction meeting is required for projects which involve excavation in the right of way.

Call the City Right of Way inspector at (206) 439-3161 to schedule appointment.

The following items must be inspected and approved by the City Right-of-Way Inspector:

Traffic Control

Clearing and Temporary Erosion and Sediment Control

Storm Drainage and Utility Installation

Sub Grade Completion Including Crushed Surface placement

Curb, gutter and sidewalk forming

Paving /Striping/Pavement Markings

Site Restoration

Drainage Videos (when required)

Paper As Built Drawings

**Fees:**

1. The City of Burien Right-of-Way Inspector will inspect the project for compliance with permit conditions. The Applicant will reimburse the City for costs of project inspection.
2. Before the work is accepted by the City, all of the direct costs and expenses involved in administering this permit must be paid by the Applicant. These costs will include labor charges for examination, inspection and supervision of work in progress, by City personnel

**Methods of Work:**

1. Work in hard-surfaced roads will be jacked or bored. Exceptions will be on a case-by-case basis, with permission of the City.
2. Asphalt is to be cut in a neat line one (1) foot back from the trench. Minimum pavement restoration shall consist of 6.5 inches of crushed surfacing top course and 2-inches of Asphalt Concrete Class "B" or the original section, whichever is greater.
3. Trees located in the right of way are to be protected. Cutting of trees with trunk diameters greater than four (4) inches is not allowed unless the City specifically approves their removal.
4. Traffic control in the work zone shall conform to the provisions of the current edition of the MUTCD Manual (*Manual of Uniform Traffic Control Devices*). Traffic control must include ADA and MUTCD approved accommodations for pedestrians when sidewalks or road shoulders are impacted by work. As a minimum, one-way traffic will be maintained through a work area at all times. Full street closures are only allowed with written approval by the city after a five days advance notice to affected users.

**Project Close Out**

1. Restoration of the right-of-way to conditions which are equal or better than the existing before work was started, is required.
2. Final Corrected Plans or "As Built Drawings" must incorporate all changes and revisions. Actual survey elevations of drainage conveyance and systems to be shown. Plans to be submitted on a paper copy as well as an electronic format to the Public Works
3. Call (206) 439-3162 or send an email notification to [rowpermits@burienwa.gov](mailto:rowpermits@burienwa.gov) to close permits out once a project has been completed