

Definitions and General Information

Right of Way: "Public right-of-way" is the area on, below, or above present and future streets, alleys, avenues, roads, highways, parkways, boulevards, sidewalks, bicycle paths, or similar public areas, dedicated or acquired for such purposes.

Use of street permits are issued for occurrences when the street, sidewalk, right-of-way, or alley is partially or completely closed by construction or staging activity. To discuss whether a use of street permit is appropriate for specific activities, or a specific job, please contact Traffic Engineering at 316-268-4446. Traffic Engineering's decision is dependent upon the location, length of time, purpose and the extent to which an area is affected. In general, utilities can expect a use of street permit to be required if their work is a result of repair or maintenance to existing facilities and/or installation, repair, or maintenance of service for a private company. A use of street permit fee may not be required, at Traffic Engineering's discretion, if the construction work is a part of relocation of existing facilities or the installation of new facilities for public use. It is important to remember that regardless of whether a use of street permit fee is required, Traffic Engineering must be notified when construction or staging activity partially or completely closes the street, sidewalk, right-of-way, or alley.

Please see the frequently asked questions below to address the most common questions/concerns of the permits. If you have any additional or specific questions please call 316-268-4446.

Permits are often requested and issued a significant time prior to the planned date of construction. It is important that the contractor contact Engineering at 316-268-4501 or streetinspector@wichita.gov 24 hours prior to the use of the permit.

Frequently Asked Questions

1) Why are permits required for work in the right-of-way?

Work performed within the public right-of-way must follow procedures outlined in the excavation permit ordinance (10.20.030) of the Municipal Code of the City of Wichita. **Failure to obtain the proper permit(s) will result in retrieval of permit fees plus a fine of up to \$500 per day (1.04.060).** Permit requests must be submitted prior to **all** construction occurring within right-of-way. Anyone requesting to complete work within right-of-way must have an excavation bond. The Engineering Division will review each permit for potential conflicts with upcoming projects, adherence to safety regulations, and proper placement of above ground facilities. **If work is being performed in the public right-of-way without a permit, construction will be suspended until plans are submitted and the permit is approved.**

2) How long does plan review and permit approval take?

Plan review and permit approval should take one to two weeks. Complete and detailed request(s) and maps assist in streamlining the review process. All requests should be sent to: City of Wichita street inspectors by e-mail at streetinspector@wichita.gov.

Special attention will be provided to those request situations that require a quick response.

3) When should permits be requested?

In general, permits must be requested for all work that will occur in the right-of-way, as defined previously. Specific questions should be directed to Traffic Engineering at 316-268-4446.

4) What types of permits pertain to work in the right-of-way?

There are four types of permits:

1) Pavement Cut (PC) is needed for all pavement/concrete cuts in a street, alley, sidewalk, approach, or parking. This permit is issued per block, per job and must be completed through the City's Utility Cut Program. This permit request cannot be combined with any other permit requests.

2) Dirt Cut (DC) is needed for all trenching, excavation and bores in non-paved surfaces. This permit is issued per block, per job.

3) Above Ground Device (AGD) refers to any above ground device including pedestals, junction boxes, transformers, and generators. Above ground devices often require a dirt cut permit, those two requests can be submitted on the same permit. The only exceptions are street light and distribution poles (refer to Questions #13, #14, and #15). AGD permits are issued one per device.

4) Use of street is required for occurrences when the street, sidewalk, right-of-way, or alley is partially or completely closed by construction or staging activity. To discuss whether a use of street is appropriate for specific activities, or a specific job, please contact Traffic Engineering at 316-268-4446.

5) How many permits will I need to work in the right-of-way?

As many as four permits MAY be required to perform work in the right-of-way. The request for Utility Cut Permit form (available at <http://wichita.gov/Government/Departments/PWU/MiscellaneousDocuments/2015%20C.O.W.%20PERMIT%20Request%20for%20Utility%20Cut%20-%20Dirt%20Cut%20-%20Above%20Ground%20Structure.pdf>) will allow the PC, the DC, and/or the AGD/DC to be requested. Use of street permits must be obtained from Traffic Engineering at 316-268-4276.

6) When should a Use of Street be requested?

Use of street permits are issued for occurrences when the street, sidewalk, right-of-way, or alley is partially or completely closed by construction or staging activity or neighborhood activities. To discuss whether a use of street is appropriate for specific activities, or a specific job, please contact Traffic Engineering at 316-268-4446.

Traffic Engineering's decision is dependent upon the location, length of time, purpose and the extent to which an area is affected. In general, utilities can expect a use of street permit to be required if their work is a result of repair or maintenance to existing facilities and/or installation,

repair, or maintenance of service for a private company. A use of street permit fee may not be required, at Traffic Engineering's discretion, if the construction work is a part of relocation of existing facilities or the installation of new facilities for public use. It is important to remember that regardless of whether a use of street permit is required, Traffic Engineering must be notified when construction or staging activity partially or completely closes the street, sidewalk, right-of-way, or alley. Use of a public street for block parties or neighborhood activities should follow City Ordinance 3.11.220 which can be found on at <https://library.municode.com/index.aspx?clientId=14166>. Other information about necessary permits/documentation can be provided upon request by calling 316-264-9121.

7) What is the cost of a permit?

Each permit has an applicable fee, the general fee schedule is described on the respective permits. Fees should be received by the City of Wichita prior to work being completed or street being used.

8) A utility is relocating for a public improvement project. Is a permit required?

Utilities relocating for a City project MUST request appropriate permits when working in the right-of-way. Appropriate permits may include a PC, DC, AGD/DC and/or a use of street.

Permit fees for AGD/DC are always applicable, however PC and DC permit fees will be waived if utility activity occurs inside proposed project limits. PC permit fees will be applied in those cases where the utility affects a sidewalk that will not later be replaced with project or for street cuts that are outside of the project limits.

9) Pavement or concrete damage is present prior to the start of work. Is the utility liable?

It is necessary to document (photo, video, etc.) any existing pavement damage to streets, alleys, sidewalks, approaches, or parking prior to initiating construction activity and report to the street inspector any existing damage prior to the start of construction. If reported damage is verified by the street inspector prior to construction, the utility will not be liable for repair costs unless further damage occurs. If current construction does result in additional damage, the street inspector will determine the extent of the area to be repaired. In order to insure a smooth transition, it may be necessary to require repair of both the existing and new damage.

10) It was necessary in the Field to modify the location of the DC, PC, or AGD/DC. What should be done?

If it is necessary to make field changes, first try to contact Engineering at 316-268-4501 prior to installation. This may save the utility money and time if the new changes are not approved.

As soon as possible, send a new permit request form and a revised map to: City of Wichita street inspectors by e-mail at streetinspector@wichita.gov.

A new permit request form must be submitted with the original permit issued. A revised map must show both the original location and information AND the new location and information. The new request will be acknowledged with a revised permit for the utility's file.

**11) Multiple utilities are working in an excavation site;
Who has responsibility for the permit and restoration?**

Each utility has responsibility for requesting appropriate permits when utilizing right-of-way for construction or staging activity. When sharing an excavation or work location, the original utility has responsibility for the maintenance, safety and restoration of the location until permanent repairs are satisfactorily completed.

12) Are permits required when a Utility is repairing or maintaining existing facilities?

In general, permits should be requested for all work that will occur in the right-of-way. The permit process requires that a few specific situations be addressed in a specialized manner. These situations are discussed in Questions # 13, # 14, and # 15.

PC permits are necessary anytime cuts are made in the pavement or concrete of a street, alley, sidewalk, approach, or parking. A DC permit is needed for all trenching, excavating and bores in non-paved surfaces. If the size of the AGD is to be changed or an AGD is placed in a new location, it is necessary to obtain a new AGD/DC permit.

13) A utility company's franchise agreement has specific language pertaining to fee payment for dirt or pavement cuts. Is a permit still required and, if so, which one?

Regardless of franchise agreements specific to method of fee recovery, permits must be requested for all work that will occur in the right-of-way.

14) What process should the installation of street lights follow?

Street light installation does not require additional permits if the design has been approved by Traffic Engineering AND there is no breaking of the pavement or concrete. It is necessary to document and report to the street inspector any existing pavement damage to streets, alleys, sidewalks, approaches, or parking prior to initiating construction activity. If reported damage is verified by the street inspector prior to construction, the utility will not be liable for repair costs unless further damage occurs. However, if damage is found after construction has begun, the utility will be held accountable for repair costs. If breaking of the pavement or concrete occurs during construction, immediately notify Engineering at 316-268-4501 and request a PC permit.

15) What process should the installation of distribution poles follow?

In lieu of a PC or DC permit, the location of newly installed distribution poles shall be supplied by e-mail to Public Works & Utilities IF there is no breaking of the pavement or concrete. It is necessary to document any existing pavement damage to streets, alleys, sidewalks, approaches, or parking prior to initiating construction activity. If reported damage is verified by the street inspector prior to construction, the Utility will not be liable for repair costs unless further damage occurs. However, if damage is found after construction has begun, the Utility will be held accountable for repair costs. If breaking of the pavement or concrete occurs during construction, immediately notify Engineering at 316-268-4501 and request a PC Permit.

16) What process should the repair and/or maintenance of distribution poles follow?

The same general guidelines apply for maintenance as for installation.