



Peters Township

Occupancy of Streets by Public Utilities

Policy

Resolution #09-01-23

Date of Adoption: September 11, 2023

A. Statement of Purpose

Article IV of Chapter 376 is titled “**Occupancy of Streets**” and puts forth the following statement of Purpose:

“It is in the public interest to regulate the location and construction of utility facilities and other structures within public road rights-of-way for the purpose of ensuring the structural integrity of the roadway, economy of maintenance, preservation of proper drainage and safe and convenient passage of traffic.”

This Policy is written to provide clarification regarding the administration of the Street Opening Permit process.

B. Background

Public Utilities in the state of Pennsylvania (water, gas, electricity, telecommunications) are regulated by the Pennsylvania Public Utility Commission. Public utility lines exist by right within the right-of-way of a public street. When a public utility company seeks to occupy the right-of-way of a public street with a utility line, they must first obtain a ‘Street Opening Permit’ or similar, which sets certain parameters on how the installation or replacement work can proceed.

Public Utility Companies routinely apply to the Township for Street Opening Permits in the following situations involving excavation or drilling within the right-of-way of a public street:

- Replacement of an existing utility main (capital project)
- Scheduled maintenance on an existing utility main (testing)
- Emergency maintenance on an existing utility main (repair of a leak)
- Installation of a new tap / service line for a residential or commercial property (new service)

Article IV of Chapter 376 of the Township Code is titled “Occupancy of Streets” and speaks to the following aspects of street opening permits:

- Definitions
- Purpose
- Permit required
- Permit application procedure
- Permit fees
- Issuance of permits
- Emergency work
- General Conditions
- Special conditions; subsurface operations
- Bridge Occupancy
- Violations and penalties; enforcement; permit revocation

C. Responsible Parties

1. Administration

The Township Engineer will assume primary responsibility for ensuring that the processing and issuance of Street Opening Permits is done appropriately. The Engineering Department shall keep a record of all permits issued and track the general status of permitted work to completion. The Engineering Department shall be responsible for collecting the appropriate permit fees and submitting the fees to the Township's Business Department.

2. Inspection/Field Operations

The Township shall employ a part-time Right-of-Way Inspector to monitor the progress of work and adherence to the permit requirements on a part-time, spot inspection basis as warranted. This Right-of-Way Inspector shall be the primary liaison between the utility companies' construction foreman and the Township. In general, the Right-of-Way Inspector is only needed for larger utility company projects involving significant replacement of existing utility main (capital project). The Right-of-Way Inspector will typically not be involved in small, routine street openings (for leak repairs or new service connections). The Right-of-Way Inspector shall report to the Township Engineer regarding progress of the work and any violation of permit requirements.

D. Notification Process

1. Council and the Township Manager

The Township Engineering Department shall notify the Township Manager and Council of any known, significant utility projects and permits applied for within the Township by way of inclusion in the Engineering Department's Monthly Report.

2. Notification to Residents

Chapter 376 requires that the permittee shall notify all affected residents in or adjacent to the work area by United States Mail or hand-delivered notice apprising them of the nature of the work, schedule and any pertinent details such as detours, traffic restrictions, service interruptions, etc.

Additionally, for significant projects, the Township Engineering Department will notify, via U.S. Mail, all affected residents in or adjacent to the work zone. The notification shall provide residents with basic information concerning the proposed utility work and, if possible, a point of contact for the Utility Company and/or the Contractor.