



City of Des Moines

Building Obstruction Permit Guidelines for Construction Projects with Right-of-Way Encroachments

Building Obstruction Permit Program

The goal of the building obstruction program is to enhance safety while maintaining mobility for residents and visitors by establishing policies and procedures to effectively manage the variety of activities that occur within the public right-of-way that are associated with building construction projects.

Other benefits include:

- Preventing conflicts
- The ability to consolidate similar type projects together
- Reduce lane restrictions, congestion and travel delays, especially during peak hours
- Enhanced safety for drivers, pedestrians, bicyclists, event patrons and work crews
- Increased communication between the city, event organizers and construction projects

Building obstruction guidelines have been established to ensure limited disruptions to traffic and pedestrian flow throughout the city.

Building Obstruction Permits

1. Permits

- A. Building obstruction permits shall be issued for work obstructing public property and the right-of-way and is associated with a construction project.
- B. No person shall use any portion of public property as described in the International Building Code without first obtaining an obstruction permit which shall state the following:
 - a. The name of the owner of the property abutting the public property to be used.
 - b. The name of the person applying for the obstruction permit.
 - c. An accurate description of the public property to be obstructed or occupied.
 - d. The length of time such obstruction or occupancy shall exist.
 - e. An agreement to comply in all respects with the provisions and requirements of the building code, this article and other city ordinances relating to the use of streets and alleys and to indemnify and save and keep harmless the city from any and all costs, expense or liability for damages or injuries to persons or property or liability of any kind whatsoever, arising from or growing out of the use and occupancy of such street or growing out of the deposit of such material or any failure to properly pile, deposit, guard, light or care for such.
 - f. Such additional requirements as may be deemed necessary for the protection of the city and its inhabitants.
- C. Before an obstruction permit shall be issued, there shall be placed on file in the office of the building official proof of liability insurance and, if required, a surety bond as follows:

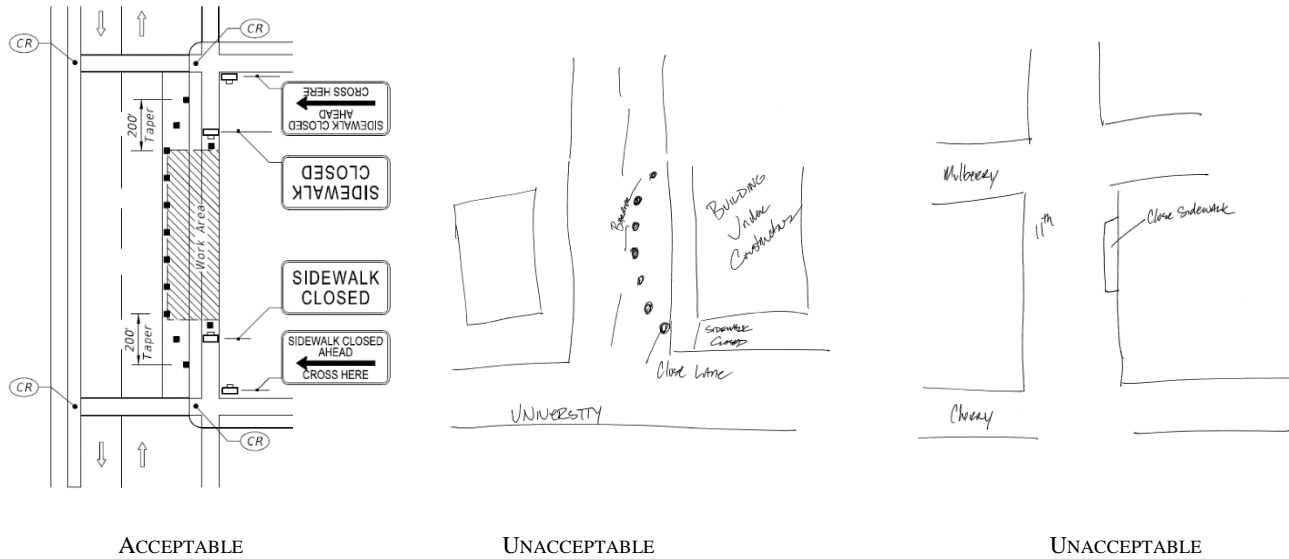
- a. The amount and type of liability insurance required in each instance shall be determined by the city's finance director or the finance director's designee. The insurance requirements are hereby made a part of the permit application form. The insurance shall remain in full force and effect through the obstruction permit expiration date or such extended time as may be granted by the city.
 - b. If the city engineer or the city engineer's designee determines in their sole discretion that an obstruction permit applicant's proposed use of the right-of-way poses a risk of damage to the right-of-way, the city engineer or the city engineer's designee may require such applicant to post a surety bond before the obstruction permit is issued. Such bond, if required, shall be approved by the city engineer or the city engineer's designee; shall be in the minimum amount of \$5000.00 or such other amount determined by the city engineer or the city engineer's designee to be sufficient to cover the anticipated cost of damage to the right-of-way; and shall be conditioned to ensure removal of the obstruction and restoration of the right-of-way and all public improvements thereon by or before the expiration date of such obstruction permit or such extended time as may be granted by the building official.
- D. No person shall, under any permit, occupy more area than is stated in the obstruction permit.
 - E. The fee for an obstruction permit shall be as set forth in the Schedule of Fees adopted by the city council by resolution.
 - F. This section shall not apply to street maintenance and actions by the city and its employees and contractors.

2. Traffic Control Plans and Traffic Requirements

General Requirements

1. The Traffic and Transportation Department shall be notified in advance prior to the closing of any street.
2. Traffic control plans are required when obstructing any mode of travel (bike, automobile, or pedestrian).
3. All traffic control devices used in conjunction with this work shall conform to and be installed as specified in the current edition of the Iowa Manual of Uniform Traffic Control Devices and applicable City specifications.
4. All signs, barricades, and other traffic control devices used shall be maintained in proper position, in state of good repair, and cleaned or washed periodically.
5. Obstruction to the right-of-way during the winter season when the accumulation of frozen precipitation could be expected requires Public Works review to ensure City snow and ice removal operations will not be affected.
6. All efforts shall be provided to preserve bike lanes and pedestrian paths
7. Access shall be maintained to transit stops or alternative locations coordinated with Des Moines Area Regional Transit Authority (DART)
8. If the work is located within other contractors permitted closed lanes; you must coordinate with that permittee or wait until their work is completed.
9. The contractor is not allowed to store equipment or materials on public right-of-way unless the area has been officially closed to the public's use.
10. Work shall be coordinated with permitted parades or Street Use functions that were issued prior to the obstruction permit
11. Sidewalks shall not be closed on both sides of the street. If the work creates a closure of a sidewalk on both sides of the street; you must provide a temporary pedestrian walkway or wait until the neighboring work is completed to access the other sidewalk.

Full sidewalk closures may require submittal of a pedestrian traffic control plan. Partial closures do not require a signed plan as long as a minimum 5' walkway is maintained.



Please reference Appendix A for acceptable example traffic control plans and signage requirements.

3. Emergency work

Emergency lane and sidewalk closures creating a genuine concern to the health, safety and welfare to the public may commence without issuance of a building obstruction permit provided that a complete application is filed within 24 hours. The notification shall include an explanation of the nature of the emergency, a description of the proposed obstruction, and the name and an emergency contact telephone number for the requestor.

Emergency means an unforeseen occurrence that creates a condition of substantial hazard or threat of damage to life or property:

Who is required to apply for emergency permits?

- All persons after 24 hours
- **Conditions:**
 1. Emergency lane or sidewalk obstructions are exempt from obtaining permits for up to 24 hours. After 24 hours, a permit must be filed on the 1st business day following the emergency closure.
 2. Permit fees are waived for the duration of the emergency. This condition applies to all persons obstructing or impairing lanes or sidewalks for emergencies.

4. Posting of Permits

- Permits issued for construction must be kept at the job site and available for inspection when workers are onsite. The actual start date must be written on the permit.
- Signage Requirements – A 24 inch by 24 inch sign with the contractor’s name and 24 hour phone number must be posted on the job site until the work is completed.

It shall be presumed that no permit existed unless signage is posted and permit is available.

5. Building Obstruction Permit Conditions

The following conditions are to be met before planning long term private construction projects in the City of Des Moines. Examples of private construction are tower erection, new building construction, remodels, etc.

General Requirements

1. Fencing shall be provided around the construction project to ensure public safety.
2. Fencing shall be of sufficient materials that it provides adequate protection to pedestrians. Chain link fence is highly encouraged, but temporary snow fencing may be allowed in certain instances.
3. Fencing or other barriers shall be maintained in good condition for the duration of the construction project.
4. Trash and other debris must be contained on the construction site and not allowed to impact public or private property.

Lane Closures

1. All efforts shall be provided to preserve bike lanes and pedestrian paths.
2. Utility tie-ins may be required to occur at night and on weekends in the Downtown Business District.
3. Overhead walkways or bridge installations should be designed such that major closures will occur at night and on weekends.
4. Staging of material will occur on private property.
5. Non-essential use of the right-of-way area for material storage, equipment storage, or parking is highly discouraged.
6. Employee parking will be in private lots or garages.
7. Phasing plans may be required in order to plan for when closures will be needed.
8. Jersey barriers or similar shall be provided around the lane closure.

Sidewalk Closures

1. Demolition of sidewalks to be scheduled at the end of construction keeping impact on pedestrians to a minimum.
2. Sidewalks to be ADA compliant and shall be kept free of equipment, materials and debris during construction.
3. Tree wells can be covered with supported plywood or grates to increase the width of sidewalk, if necessary, for meeting ADA sidewalk width compliance.
4. Replacement of sidewalks should be constructed so as to maintain partial sidewalk access at all times during re-installation of sidewalk.
5. In the event metal plates are used to allow the temporary opening of a street or sidewalk, these shall have a skid-resistant surface.
6. Overhead protection to be provided for pedestrians as described in the below sections if approved for use on public ROW.
7. Any request for long term private construction that will require the closure of lanes or sidewalks in the City of Des Moines for a period greater than fourteen (14) days must be reviewed by the Permit & Development Center and Traffic & Transportation.

Temporary Pedestrian Walkways

These regulations are intended to provide minimum standards for the temporary conditions that evolve during the construction period that affect the public's use of the sidewalk, crosswalk or designated pathway. These regulations are intended to maximize access along the street to all pedestrians and provide equal access to persons with disabilities through maintaining an adequate pedestrian travel path and identification of alternative routes if a path is closed. Pedestrian access to all property shall be maintained at all times.

1. Pedestrian Walkways

A pedestrian walkway is to be provided through the impaired area. The walkway must be:

1. A minimum of five (5') feet wide. Widths greater than 5' may be required based upon pedestrian volume.
2. The walkway shall be separated from traffic by Jersey barriers or equivalent NCHRP 350 certified water filled barrier, or as allowed by Traffic & Transportation in special situations.
3. Access shall be maintained to transit stops or alternative locations coordinated with Des Moines Area Regional Transit Authority (DART).
4. Defined on both sides by barriers, cones, ropes, construction tape or other devices that are a minimum of 24 inches above the walking surface and extend from the point where the normal pedestrian way exists.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

2. Walking Surface

The physical characteristics of the pedestrian walkways in the construction areas will vary but must meet the following minimum criteria:

1. The pedestrian way surface shall be made of a dense (hard), non-porous, non-skid, material that is resistant to settlement and penetration by narrow wheels, canes/walkers and small-heeled shoes in all weather conditions.
2. The surface shall be kept free of loose gravel, dirt, and all debris by sweeping during the workday and at the end of each workday.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

3. Pedestrian Obstructions

Pedestrian walkways are to remain unobstructed and must not contain impediments in the walking area for the pedestrian:

1. Devices are to be erected to prevent pedestrians from being exposed to uncompleted work areas such as tree wells, pole foundation areas, utility stub outs, unfinished curb and walkway surface areas, and other impediments that may cause pedestrian obstructions.



ACCEPTABLE



UNACCEPTABLE



UNACCEPTABLE

4. Pedestrian Walkway Signage

1. Pedestrian walkway signage shall be placed on the sidewalk or crosswalk on the side where construction is underway. Additional signs may be required appropriate to the environment, such as "Sidewalk Closed Use Other Side" signs.
2. The City of Des Moines encourages the use of audible signals at the approach sides of a sidewalk closure. Audible signals alert pedestrians with visual impairments that the sidewalk is closed ahead. Audible signals are not a requirement of sidewalk closures.
3. Other than signs allowed per City of Des Moines requirements, the walls, roof, and floor of the covered walkway shall be maintained free of postings, graffiti or advertising of any type. Any such material shall be removed or appropriately covered by the permit holder within 24 hours or the next business day. Failure to remove or cover the material may result in suspension or revocation of the public space permit and/or a stop work order for the site until the covered walkway is brought into compliance. Project information such as contractor, building information, design team, etc. is allowed by zoning officer permission.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

5. Enclosed Pedestrian Walkway



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

Approved covered walkways may be necessary to facilitate pedestrian walkways in certain circumstances. If the construction area is prone to falling objects, debris from street, etc. enclosed pathway may be required. The covered pathway should be:

1. Constructed in accordance with the International Building Code chapter on Safeguards During Construction.
2. Protected on both sides and covered with a hard roof.
3. Have safety lighting throughout the enclosed pathway.

APPENDIX A

City of Des Moines Building Obstruction Guidelines

The following is reprinted from the Manual of Uniform Traffic Control with adjustments for the City of Des Moines

Traffic control plans shall indicate the signage and obstructions in accordance with this appendix.

Notes for Figure 6H-28—Typical Application 28 Sidewalk Detour or Diversion

Standard:

1. When crosswalks or other pedestrian facilities are closed or relocated, temporary facilities shall be detectable and shall include accessibility features consistent with the features present in the existing pedestrian facility.

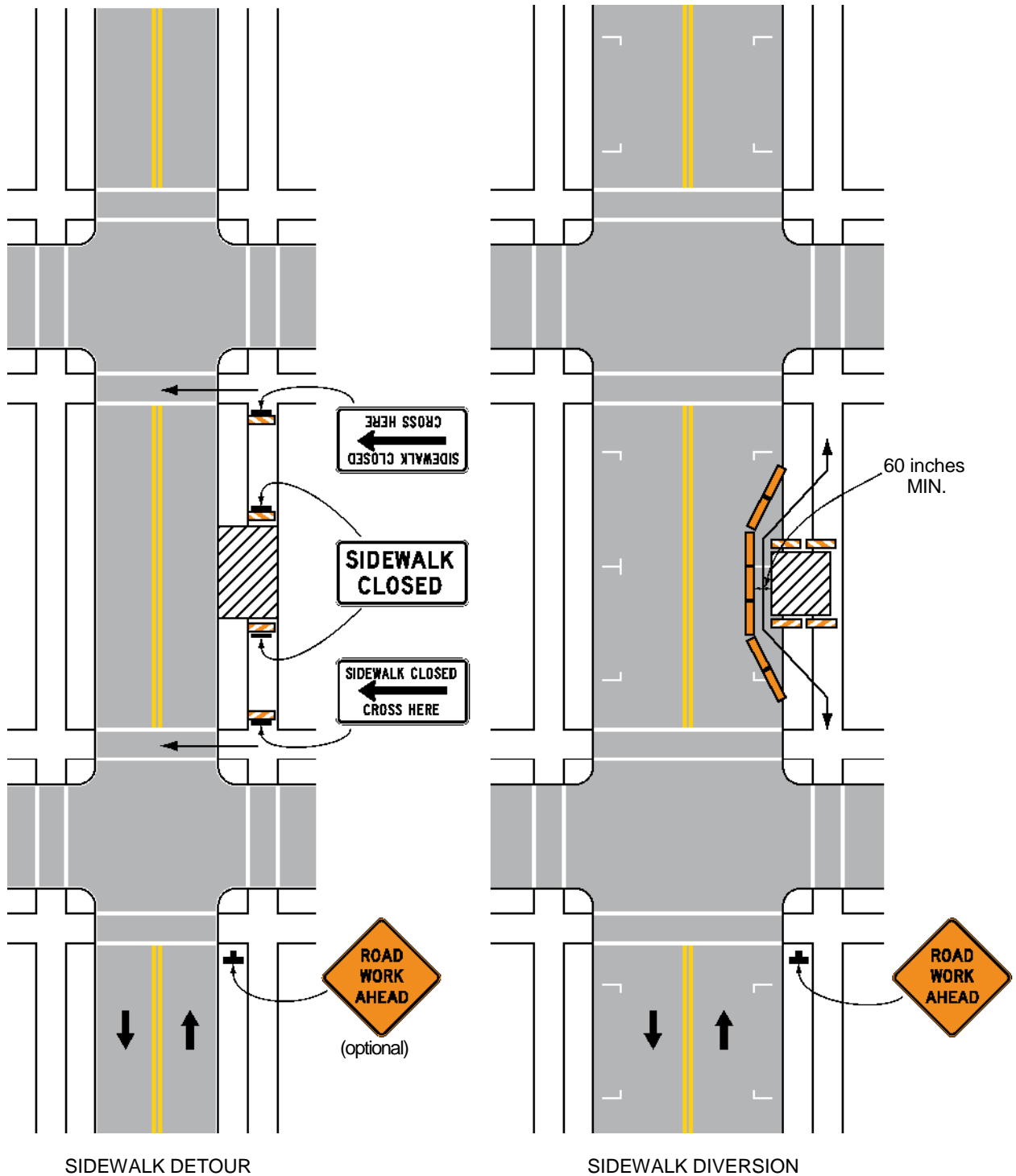
Guidance:

2. *Where high speeds are anticipated, a temporary traffic barrier and, if necessary, a crash cushion should be used to separate the temporary sidewalks from vehicular traffic.*
3. *Audible information devices should be considered where midblock closings and changed crosswalk areas cause inadequate communication to be provided to pedestrians who have visual disabilities.*

Option:

4. Street lighting may be considered.
5. Only the TTC devices related to pedestrians are shown. Other devices, such as lane closure signing or ROAD NARROWS signs, may be used to control vehicular traffic.
6. For nighttime closures, Type A Flashing warning lights may be used on barricades that support signs and close sidewalks.
7. Type C Steady-Burn or Type D 360-degree Steady-Burn warning lights may be used on channelizing devices separating the temporary sidewalks from vehicular traffic flow.
8. Signs, such as KEEP RIGHT (LEFT), may be placed along a temporary sidewalk to guide or direct pedestrians.

Figure 6H-28. Sidewalk Detour or Diversion (TA-28)



Typical Application 28

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Notes for Figure 6H-29—Typical Application 29
Crosswalk Closures and Pedestrian Detours

Standard:

- 1. When crosswalks or other pedestrian facilities are closed or relocated, temporary facilities shall be detectable and shall include accessibility features consistent with the features present in the existing pedestrian facility.**
- 2. Curb parking shall be prohibited for at least 50 feet in advance of the midblock**

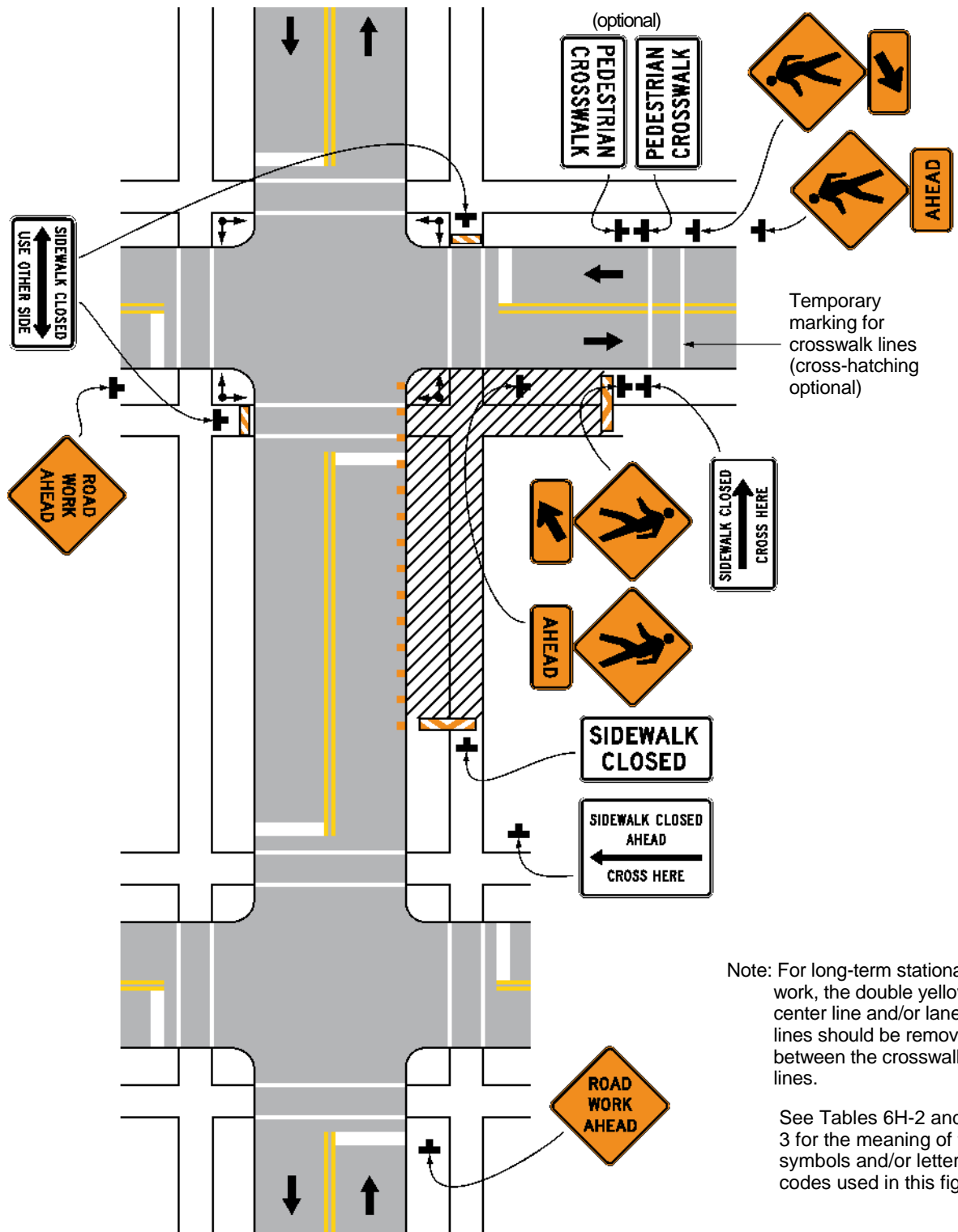
crosswalk. Guidance:

- 3. Audible information devices should be considered where midblock closings and changed crosswalk areas cause inadequate communication to be provided to pedestrians who have visual disabilities.*
- 4. Pedestrian traffic signal displays controlling closed crosswalks should be covered or deactivated.*

Option:

5. Street lighting may be considered.
6. Only the TTC devices related to pedestrians are shown. Other devices, such as lane closure signing or ROAD NARROWS signs, may be used to control vehicular traffic.
7. For nighttime closures, Type A Flashing warning lights may be used on barricades supporting signs and closing sidewalks.
8. Type C Steady-Burn or Type D 360-degree Steady-Burn warning lights may be used on channelizing devices separating the work space from vehicular traffic.
9. In order to maintain the systematic use of the fluorescent yellow-green background for pedestrian, bicycle, and school warning signs in a jurisdiction, the fluorescent yellow-green background for pedestrian, bicycle, and school warning signs may be used in TTC zones.

Figure 6H-29. Crosswalk Closures and Pedestrian Detours (TA-29)



Typical Application 29

Note: For long-term stationary work, the double yellow center line and/or lane lines should be removed between the crosswalk lines.

See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.