

RIGHT OF WAY PERMIT PROCESS

PERMIT REQUEST AND ACCOUNT SETUP

2023



LINCOLN

Transportation and Utilities

I. INTRODUCTION

Because of the increasing number of facilities in the public right-of-way, the City has adopted a Right-of-Way Procedures Manual in order to guide and manage the use of the public right-of-way. This manual is intended to provide technical criteria and details necessary to construct, install and maintain facilities within the Public right-of-way, according to provisions stated in Chapters [5.17](#), [14.53](#), and [14.70](#) of the City of Lincoln Municipal Code, the [Lincoln Standard Specifications](#), the [Lincoln Standard Plans](#), and the [Traffic Control Guidelines](#)

Definitions

- **"Obstruct"** shall mean to place or remove any tangible object or material in the Right of Way in a manner that stops, hinders, disrupts, or otherwise interferes with free and open passage over a specific area or part of the Right of Way. The term does not include the otherwise legal parking of a vehicle subject to all the current parking regulations of the City.
- **"Public Street"** means the surface, the area below the surface, and the airspace above the surface, of any highway, street, road, lane, alley, unpaved alleys, path, parkway, viaduct, bridge, sidewalk, or other public right of way for motor vehicle or pedestrian travel under the jurisdiction and control of the City which has been acquired, established, dedicated, or devoted to such purposes.
- **"Right of Way"** means and includes all present and future: (i) Public Streets, (ii) utility easements or similar properties in which the City now or hereafter holds a property interest and/or a maintenance responsibility which, consistent with the purposes for which it was granted or dedicated. "Right of Way" does not include City Property; land dedicated for roads, streets, and not opened and not improved for motor vehicle use by the public; structures, including poles and conduits, located within the public way; federally granted trust lands or forest board trust lands; lands owned or managed by the state parks and recreation commission; federally granted railroad rights of way that are not open for motor vehicle use, or utility easements granted to utility companies (which may be reflected in a real property deed, subdivision plat, or other real property record) with respect to which the City holds no property interest or maintenance responsibility.
- **"Excavation"** Permit means a construction permit which is generally required for single excavations within the public right-of-way for access to existing private facilities for the purpose of maintenance, repair or service hook-up.
- **"Right-of-Way"** (ROW) Construction Permit means a construction permit which is required for any installation or extensive maintenance of private facilities within the public right-of-way, by a private utility company, as well as all new construction being conducted within the public right-of-way for all City Departments. ROW Permits require plans stamped by a registered professional engineer to be submitted and approved.

- **“Fiber Optic”** (FOP) Construction Permit means a construction permit which is required for any installation or maintenance of private communication facilities within the public right-of-way, by a private utility company and where once the facilities are installed, a portion of the installed facilities, will be transferred to “City” ownership. This permit is also required when the installation of private facilities utilizes existing City owned conduit. FOP Permits also require plans stamped by a registered professional engineer to be submitted and approved.
- **“Major Project”** shall mean any project that meets the following criteria:
 - 1) Franchisee or private utility company wishing to bore or trench within the public right-of-way for the purpose of installing or maintaining private facilities, are required to submit construction plans signed by a registered professional engineer. The plans shall be submitted, along with a Traffic Control Plan (TCP), as part of an application for a “ROW” or a “FOP” Construction Permit.
 - 2) Franchisee or private utility company wishing to install or maintain overhead facilities or wishing to pull communications or electrical cable through existing underground conduit along a collector or arterial street, where the time to conduct the work will exceed 60 minutes. This will require the submittal of a Traffic Control Plan (TCP) as part of an application for a “ROW” or a “FOP” Construction Permit.

II. AUTHORITY TO OCCUPY THE PUBLIC RIGHT-OF-WAY

All Certified Telecommunications Carriers and Telecommunications Providers, who own or operate telecommunications facilities within the public right-of-way, must register with the City, as per Chapter [5.17](#) of the Lincoln Municipal Code.

Any other person wishing to use any space underneath, on, or above the surface of any street, alley, sidewalk, public space, or other public ground within this city, shall apply for a permit as per Chapters [14.53](#) or [14.54](#) of the Lincoln Municipal Code. Both require approval by the Lincoln City Council.

III. CONSTRUCTION PERMITS

i *As per Chapters 5.17 and 14.70 of the Lincoln Municipal Code, a construction permit is required prior to any installation, construction or maintenance of private facilities located within the public right-of-way.*

Any work to be completed within the right-of-way of a State Highway, shall require the acquisition of a State of Nebraska “Right-of-Way Permit”. Applicants for City of Lincoln construction permits, shall be required to produce a copy of this State permit prior to commencing work. State Highways within the City Limits of Lincoln include:

- Nebraska Highway from east City Limits to Van Dorn St.
- Van Dorn St. from S. 10th St. to Homestead Expressway
- Homestead Expressway from W. Van Dorn to I-80

Applicant Permit Request and Account Setup

- Homestead Expressway north & south of W. Denton Rd.
- Cornhusker Highway from east City Limits to N. 11th St.
- Sun Valley Blvd. from Cornhusker Hwy. to W. 'O' St.
- W. 'O' St. from Sun Valley Blvd. to west City Limits
- 'O' St. from east City Limits to 9th St.
- Hwy. 34 from NW 1st St./W. Fletcher Ave. to west City Limits
- N. 56th St. (L55X) from Cornhusker Hwy. to north City Limits
- S. 14 St. (L55W) from Nebraska Highway to Warlick Blvd.
- Warlick Blvd. from S. 14th St. to Homestead Expressway
- NW 48th St. from W. 'O' St. to approximately ¼ mile north of I-80.
- I-180 from downtown to I-80
- I-80 from L-55X to NW 48th St.



For more information regarding State "Right-of-Way Permits," check out the Nebraska Department of Transportation website at: <https://dot.nebraska.gov/business-center/permits/>

City Construction Permits:

In an effort to make your interactions with the City more efficient, convenient, and interactive, we have established a partnership with [Accela, Inc.](#) to deliver powerful e-government services. To use ALL the services we provide, you must register and create a user account.



All facility owners and contractors wishing to install, operate and/or maintain infrastructure within the public right-of-way, must register and create an account using the following process:

Currently, there are three (3) forms of "Construction Permits" issued by the City of Lincoln Building and Safety Department for private construction work to be conducted in the public right-of-way:

- **Excavation Permits**
- **Right-Of-Way (ROW) Permits**
- **Fiber (FOP) Permits**

Account Setup – For Permits

Complete a "[Contractor Account Information Form](#)"

- 1) File a bond with sureties approved by the City Attorney in the sum of \$5,000.00 and obtain and maintain at all times public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence that meets the requirements as set forth in Chapter [14.70.020](#) of the Lincoln Municipal Code. (The bond and insurance requirement may be waived for facility owners.)
- 2) Submit completed form, bond, insurance certificate and a \$250 registration fee to:

City of Lincoln Building & Safety Department
555 S. 10th Street, Suite 203
Lincoln, NE 68508

Applicant Permit Request and Account Setup

In addition to submitting the above information, each entity wishing to acquire an Accela permit account, must go to <https://permits.lincoln.ne.gov/CitizenAccess/>, select “Register for and Account” and provide a user name, password, personal and contact information.

Once this account is created, the information form submitted and the bond and insurance certificate approved by the City Attorney, an Accela permit account will be activated. Then, using the username and password created, users will be able to apply for a permit, check the status of permits and if needed, schedule inspections associated with a specific permit.



Any questions regarding the account registration process may be directed to Building and Safety by telephone at (402) 441-7521.

IV. Fees



Separate Permits are required for each one (1) mile of a linear project or for each portion of a discontinuous project.”

Once a permit account is set up by the City Building & Safety Department, permit applications may be submitted utilizing Accela Citizen Access (ACA). A minimum fee of:

- Excavation: \$15.00/excavation will be charged.
- Bagging Parking Meter: \$10/day per parking meter, will also be charged.
- Fiber (FOP) Permit: \$340.00/permit
- Right-Of-Way (ROW) Permit: \$340.00/permit

Fees are intended to cover City staff time for the review of plans and the inspection of the work to be completed. If additional staff time is required for either plan review or for additional inspections, the permit holder will be billed to cover the cost of this additional service.

Depending on the type of work, a storm water pollution prevention plan and trench safety plan may also be required.

V. Permit Application

The application process is as follows:

- 1) Go to <https://permits.lincoln.ne.gov/CitizenAccess/> and enter the username and password that was provided during the account registration process.
- 2) Once logged in, under the “Building” tab, select “Create an Application”.
- 3) Check the box after reading the disclaimer and click “Continue Application”
- 4) This will take you to the “Select a License” page. Select type of permit from the pull-down list.
 - Excavation Permit
 - FOP Permit, select “Fiber Optic Contractor”
 - ROW Permit, select “Right of Way Contractor”

Applicant Permit Request and Account Setup

- 5) Verify your company's contact information. If this information needs to be updated, you may do so in Step 7 of the application process. Click "Continue Application".
- 6) This will take you to the "Select a Record Type" page. Select type of permit from the pull-down list.
- 7) This will take you to the "Location" page. On this page, you are to enter an address for the location of the work to be completed. Once you've entered the address, click "Search". This should automatically load the necessary "Parcel" and "Owner" information related to the address of the excavation. Confirm that the information is correct and click "Continue Application".

i If you have no specific address, enter the closest address to the point at which the job will begin. Number streets need to have the "st", "nd", "rd", or "th" following the number (no spaces).

The screenshot shows a web application interface for 'Building' permits. At the top, there are navigation tabs: 'Home', 'Building' (selected), 'LTU', and 'Planning'. Below this is a horizontal menu with three options: 'Search Applications', 'Create an Application', and 'Schedule an Inspection'. A progress bar labeled 'Right Of Way' contains six steps: '1 Location' (highlighted), '2 People', '3 Project Information', '4 Review', '5 Pay Fees', and '6'. The main heading is 'Step 1: Location > Location'. Below this is the 'Address' section, which includes a horizontal line and several input fields: '* Street No.' (text), 'Direction:' (dropdown menu with '--Select--'), '* Street Name:' (text), 'Street Type:' (dropdown menu with '--Select--'), 'City:' (text), 'State:' (dropdown menu with '--Select--'), and 'Zip:' (text). There are two blue buttons: 'Search' and 'Clear'. At the bottom of the form area, there are two more blue buttons: 'Continue Application >' and 'Save and resume later'. A small asterisk note indicates that fields with an asterisk are required.

- 8) This will take you to the "People" page where you can review and edit information associated with your "license". Review your contact information, update, if necessary, and "Save". If information is correct, click "Continue Application".
- 9) This will take you to a page where you will now need to select your contact information. Click "Select from Account", choose your account and click "Continue". Again, verify your account and information and click on "Continue Application".
- 10) This will take you to the "Application Details" page where you will enter a detailed description of the work to be done and for 'Excavation Permits' continue to #11, for 'FOP and ROW Permits' continue to #13

Excavation Permits

i *If Parking Meters are being blocked, list the “Meter Number” for each parking meter being blocked and the duration.*

- 11) You will enter the number of excavations you intend to make in the “Street”, “Parking” (the space between the curb and the sidewalk) and/or the “Alley”.
- 12) Then click “Continue Application”.

FOP and ROW Permits

- 13) you will be on a page which shows your “License Type”, “License Number” and “Address”. Again, verify this information is correct and click on “Continue Application”.
- 14) This will take you to the “Contacts” page.

i *At minimum enter Work & Mobile phone numbers for each contact*

1. First “24 Hour Contact”, select the “Add New” button and add contact information.
 2. Second “24 Hour Contact” can be the same as the first or, select the “Add New” button and add contact information for the contractor that will be conducting the work associated with the permit.
 3. “Facility Owner”, select the “Add New” button and add contact information for the primary contact from the “Facility Owner” (typically, this will be the Facility Owner’s project manager or project contact).
- 15) Once all contact information has been entered, click “Continue Application”.
- 16) This will take you to the “Project Details” page. On this page, you are required to enter various details regarding the project associated with the permit. Enter all information and Click “Continue Application”. The fields where you are “required” to provide information are as follows:

- **Project Name** – Enter a brief project name for project associated with the FOP or ROW Permit request. (Preference would be to give the project a name that generally describes the bounds of the project.
- **Are you applying for a “ROW” or “FOP” Permit on behalf of a Transportation & Utilities Division? – Check “Yes” or “No”.** If “Yes”, enter a “City Project Number” or a “Business Unit and Object Code”.
- **Start Date** – give the anticipated start date of the project
- **End Date** – give the anticipated end date of the project
- **Extension End Date** – skip this field

- **Is this project being done in conjunction with any other city permit?:** – Check “Yes” or “No” if there is/are any other City permit(s) associated with the FOP or ROW Permit request. If “Yes”, provide the associated permit number (i.e. Flood Plain, Plumbing, etc.)
 - **Will this project involve cutting into a Street, or Alley or sidewalk cut?** – Check “Yes” or “No” if the permitted project will be cutting either a street, alley or a sidewalk. If “Yes”, give the dimensions of the proposed cut and a description of the purpose for the cut. From the pull down list, select the “Type of pavement cut” and give the address where the street, alley or sidewalk will be cut.
 - **Will this project involve Blocking Traffic?** – Check “Yes” or “No” if the permitted project will be blocking a street, alley or a sidewalk. If “Yes”, give a description of the location, the number of travel lanes that will be blocked (if the blocked area is on a sidewalk or alley, just enter a zero), the duration in days of the blockage, select the type of street to be blocked from the pull down list (arterial, non-arterial, alley, sidewalk) and the estimated start and end times of the blockage. **(NOTE: Permission must be granted by the Right- of-Way Construction Inspector, for lane closures during Peak Times and unless approved by the inspector, lane closures will only be allowed while actively working.**
 - **Parking Meters** – If you are working in the downtown area and your work area will block parking spaces that are controlled by parking meters, click on the “Add a Row” button. You will then need to enter all Parking Meter Numbers (each meter has a number or “stall” number, which can be found on the meter head). Enter the number, the duration that the meter will be out of commission and a brief description of the work causing the meters to be taken out of commission. Then hit the “Submit” button. For additional parking meters, continue this process until all affected meters are entered.
 - **Subcontractors** – If you have subcontractors working on the project, you will need to enter their contact information. **(NOTE: All contractors must be registered through the City Building & Safety Department prior to being allowed to work under an “FOP” or “ROW” Permit.)** Click on the “Add a Row” button. Then enter the Contractor’s name, the “License Type” for which the contractor is registered (FOP or ROW or both), their mobile phone number and an email address. Then hit the “Submit” button. For additional subcontractors, continue this process until all subcontractors are listed.
 - **Detail Information** – Address requesting service, and for fiber/wires Street name(s) of where they are running across and/or along.
- 17) This will take you to the “Review” page. Verify that all information is correct. If corrections are needed, click on the appropriate “Edit” button, make the necessary corrections, and click “Save and Close” or “Continue Application”.
- 18) This will take you to the “Pay Fees” page. This page will display a calculation of “preliminary fees” that you owe. *Need to include a calculation for parking meters that are being blocked.* Click “Continue Application”.

19) This will take you to the page where you can choose from two (2) payment options to pay the fee owed.

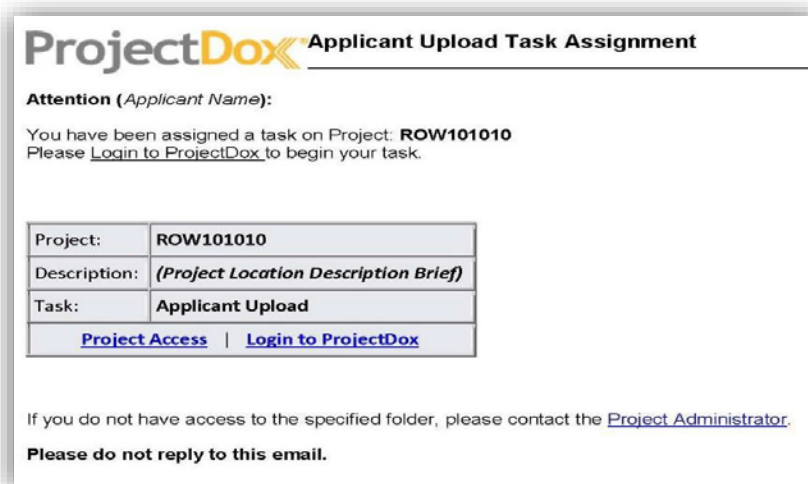
- **“Pay with Credit Card”** option, enter all the required information and click **“Submit Payment”**.
- **“Trust Account”** with the City Building & Safety Department, select the **“Pay with Trust Account”** option. Select from the **“Licenses”** pull down, the Trust Account License type and select from the name of your Trust Account from the Then select **“Record”** and click on **“Submit Payment”**.

i To setup a **“Trust Account”**, contact Building and Safety Department at (402) 441-6455.

20) Then hit **“Submit Payment”**

21) When the payment is approved, you will be taken to the **“Record Issuance”** page where you will see that your **“Application had been successfully submitted”** and where you can find your **“Permit Number”**. You may print or view your receipt if you click on the **“Print/View Receipt”** button.

22) Following payment, you will receive an auto email from ProjectDox (see example below) that will provide you a web link to upload Construction Plans and Traffic Control Plans. Once you have uploaded these plans, you have completed your Permit Application process and the Plan Review process begins.



Example of Email to Applicant

i Notification to the applicant regarding the need to make changes to the plans, is made through an email. Once the applicant has made the necessary changes to the plans, the updated plans must be re-submitted utilizing the applicant’s ProjectDox account.