

RESOLUTION NUMBER R- 298358

ADOPTED ON SEP 09 2003

A RESOLUTION ESTABLISHING THE  
AMOUNT OF THE TRENCH CUT FEE

WHEREAS, capitalized terms used in these recitals are defined in Section 1 of Ordinance Number O-2003-128 (to be codified in Section 62.1202); and

WHEREAS, studies performed on Public Rights-of-Way in the cities of Austin, Kansas City, Burlington, Cincinnati, Los Angeles, Sacramento, Phoenix, and San Francisco, all have concluded that Excavations degrade and shorten the life of the Public Rights-of-Way; and

WHEREAS, the studies performed on Public Rights-of-Way in the cities of Los Angeles, San Francisco and Sacramento concluded that this degradation occurs no matter how well the Excavation is restored; and

WHEREAS, in order to determine the extent to which the pavement degradation found by studies in other cities occurs in the City of San Diego, the City retained Engineering & Research Int'l, Inc., [ERI, Inc.] to determine the effect of Excavations on the surface of Public Rights-of-Way in the City of San Diego; and

WHEREAS, the studies performed by ERI, Inc., determined that even if pavement restoration in the trench itself is structurally adequate, Excavations damage the strength and life of the pavement located adjacent to the trench where the Excavation occurs; and

WHEREAS, the study performed by ERI, Inc., determined that, on average, the approximate cost of performing repairs necessary to mitigate the damage that the Excavations cause to the Public Right-of-Way surface is a specified amount per square foot of trench Excavated; and

WHEREAS, on SEP 22 2003, the City Council enacted Ordinance No. O-2003-128 finding that the Public Utilities making and benefitting from an Excavation in a Public Right-of-Way should be required to pay the City an Excavation Fee that recovers the cost of mitigating the damage caused to the Public Right-of-Way surface by the Excavation; and

WHEREAS, the San Diego Municipal Code section 62-1205, as added by said Ordinance, requires that the Excavation Fee be paid for Excavation of a Public Right-of-Way, and provides that the amount of the Excavation Fee shall be established by resolution of the City Council; and

WHEREAS, said Ordinance also finds and declares that because Excavations cause the greatest damage to newly Resurfaced Public Rights-of-Way, and to provide an incentive to avoid Excavations in newly Resurfaced Public Rights-of-Way wherever feasible, the Excavation Fee should be highest for Excavations in recently Resurfaced Public Rights-of-Way, and should decrease as the age of the Public Right-of-Way being Excavated increases; and

WHEREAS, the City Council is aware that the studies in other cities have been performed on Public Rights-of-Way in the cities of Austin, Kansas City, Burlington, Cincinnati, Los Angeles, Sacramento, San Francisco and Phoenix concluding that Excavations in Public Rights-of-Way degrade and shorten the life of the surface of the Public Rights-of-Way, and the City Council has considered the study performed by ERI, Inc., describing the damage and degradation caused to the Pavement located adjacent to trenches Excavated in Public Rights-of-

Way, and calculating the estimated costs for all maintenance, repair or Resurfacing that would be necessary to mitigate this damage and degradation; and

WHEREAS, the City Council has considered the testimony and other information presented to the City Council regarding the basis for and the amount of the Excavation Fee.

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that:

1. The City Council finds that an Excavation Fee is established based on the study performed by ERI, Inc. which estimated the cost for, including but not limited to, maintenance, repair or Resurfacing necessary to mitigate the damage and degradation that Excavations cause to the Pavement.

2. The Excavation Fee authorized by Chapter 6, Article 2, Division 12 of the Municipal Code, as added by Ordinance No. O-2003-128, shall be in the amounts set forth in the attached Exhibit A, which is attached hereto and incorporated herein by this reference.

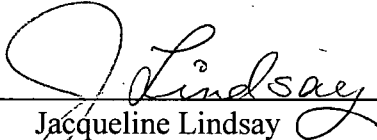
3. The Excavation Influence Area authorized by Chapter 6, Article 2, Division 12 of the Municipal Code, as added by Ordinance No. O-2003-128 shall be as set forth in the attached Exhibit B, which is attached hereto and incorporated herein by this reference.

4. The fees herein established do not exceed the estimated reasonable costs of providing the maintenance, repair or Resurfacing services necessary to fully mitigate the damage and degradation that Excavations cause to the Pavement located adjacent to the Excavation, and such fees are established in order to compensate and reimburse the City for the estimated reasonable costs of providing such services.

5. This resolution shall become effective on the same date that Ordinance No O-2003-128 becomes effective.

6. The definitions in Chapter 6, Article 2, Division 1, Section 62.1202 are incorporated herein by this reference.

APPROVED: CASEY GWINN, City Attorney

By  \_\_\_\_\_  
Jacqueline Lindsay  
Deputy City Attorney

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8/28/02  
Or.Dept:E&CP  
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**EXHIBIT A**

**The Excavation Fee is as Follows in Dollars Per Square Feet:**

Street Classification	Utility Type	Age Group (Years)*					
		≤5	>5 & ≤10	>10 & ≤15	>15 & ≤20	>20 & ≤25**	>25**
Arterial Street	Wet	1.51	1.08	0.65	0.22	0.00	0.00
	Dry	1.05	0.75	0.45	0.15	0.00	0.00
Major Street	Wet	1.04	0.74	0.44	0.15	0.00	0.00
	Dry	0.52	0.37	0.22	0.07	0.00	0.00
Collector Street	Wet	2.12	1.65	1.18	0.71	0.24	0.00
	Dry	0.59	0.46	0.33	0.20	0.07	0.00
Residential Street	Wet	0.90	0.70	0.50	0.30	0.10	0.00
	Dry	0.72	0.56	0.40	0.24	0.08	0.00

\* *Age of a Public Right-of-Way shall begin on the date of the last Resurface or Slurry.*

\*\* *Excavation in Arterial and Major streets that are twenty years or older are not subject to the Excavation Fee pursuant to San Diego Municipal Code [SDMC] section 62.1204(a)(2). Collector and Residential Streets that are older than twenty-five years are not subject to the Excavation Fee pursuant to Section 62.1204(a)(2).*

\*\*\* *Definitions in SDMC sections 62.1202 are incorporated herein by this reference.*

**EXHIBIT B**

**The Excavation Influence Area is as follows:**

<b>Street Classification</b>	<b>Wet Utilities</b>	<b>Dry Utilities</b>
Arterial Streets	64 inches	67 inches
Major Streets	74 inches	44 inches
Collector Streets	80 inches	46 inches
Residential Streets	77 inches	42 inches

\* *Definitions in San Diego Municipal Code sections 62.1202 are incorporated herein by this reference.*

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