

Article 2: Public Rights-of-Way and Land Development

**Division 11: Procedures for Work on Utility Installations
in the Public Right-of-Way**

*(Retitled from “Procedures for Use of Public Rights-of-Way by Public Utilities”
to “Procedures for Work on Utility Installations in the Public Right-of-Way”
on 10-8-2001 by O-18995 N.S.)*

§62.1101 Purpose and Intent

It is the purpose and intent of this Division to provide policies and procedures for the use of the public rights-of-way within the City in order to:

- (a) Preserve the public rights-of-way by conserving the limited space available within the public rights-of-way within the City.
- (b) Maintain safe conditions for the public use of the public rights-of-way within the City.
- (c) Minimize the inconvenience to the public.
- (d) Provide specific guidelines for the coordination of placement of installations to ensure a level of street improvement that is functionally safe, and preserves the integrity of public facilities.
- (e) To establish cost recovery mechanisms for inspections.

(“Purpose and Intent” added 5-28-1996 by O-18309 N.S.)

§62.1102 Definitions

For purposes of this Division the definitions in Section 62.0102 apply. In addition, the following definitions apply:

Blockage Report means a report made on a City-created form indicating the area and type of work to be done in the *public right-of-way*.

California Coordinate System means the coordinate system used to establish horizontal control, based on the North American Datum of 1983 (NAD83), as established by the National Geodetic Survey pursuant to Public Resources Code sections 8801-8819.

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Cathodic Protection means control of external corrosion on underground or submerged metallic systems.

City Engineer means the Chief Engineer of the City as designated by the Mayor.

City Standard Drawings means that document on file in the Office of the City Clerk as Document No. 769819.

Decorative Surface means any non-standard surface on the *public right-of-way* such as ceramic tile, concrete pavers, stamped concrete, or other surface using a unique treatment.

Dry Utilities means *public utilities* whose *facilities* are for electricity, cable, telephones, fiber optic, traffic signals, street lights, television, or other means of communication.

Exploratory Excavation means a limited excavation, not to exceed three feet by three feet, to determine the actual vertical and horizontal location of underground *facilities*.

Facility or *Facilities* means all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed that are located or are proposed to be located in the *public right-of-way*.

Inspection Fee means the fee assessed pursuant to Section 62.1107 to reimburse the City for costs of inspecting work in the *public right-of-way* within the City.

Joint Trenches means the mechanism approved by the City Engineer for the shared use by *dry utilities* of limited space in the *public right-of-way*.

Markout means a marking on the pavement that identifies the type and approximate horizontal location of underground installations.

Pavement means the fully improved roadway surface within the *public right-of-way*, designed and constructed to support the movement of vehicular traffic. *Pavement* typically consists of asphaltic concrete or Portland cement concrete.

Public right-of-way means public easements or public property that are or may be used for streets, alleys, or other public purpose.

Trenching means the type of excavation for the placement of installations in the *public right-of-way* in accordance with City's Standard Drawings.

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Trench Plate means a temporary structural steel plate, secured in place, to safely support legal loads over excavations in the *public right-of-way*.

Underground Service Alert means the state-mandated agency responsible for, after receiving notice of a planned excavation, notifying all public utilities that have underground installations in the *public right-of-way* prior to an excavation.

Unimproved Rights-of-Way means City rights-of-way that do not have pavement and do not have a sidewalk, curb or gutters.

Wet Utilities means *Public Utilities* whose *Facilities* are for water, reclaimed water, sewer, storm drains, fire hydrants, and any other means of liquid or gaseous conveyance.

(“Definitions” added 5-28-1996 by O-18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1103 Authority of City Engineer and Duty to Obtain City Engineer Approval

The *City Engineer* is authorized to adopt procedures to implement this Division. All persons shall obtain written authorization from the *City Engineer* before commencing any work on *public right-of-way* within the City.

(“Authority of City Engineer and Duty to Obtain City Engineer Approval” added 5-28-1996 by O-18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1104 Records

(a) All persons with installations in the *public right-of-way* shall maintain accurate records relating to the location of that person’s *facility*. For this purpose the person shall use the *California Coordinate System* or the current system used by the person, providing that such system can be readily understood by others. Such records may not be relied upon to provide information other than the approximate location of the person’s installations.

(b) Within fifteen (15) days of receipt of a request, all persons shall make these records available to the City.

(“Records” added 5-28-1996 by O-18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

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§62.1105 Installations

- (a) All persons wishing to work in the *public right-of-way* shall first call for *markout*.
- (b) All such persons shall give *Underground Service Alert* a minimum of two (2) working days advance notice before any markout or Exploratory Excavation is commenced.
- (c) If unforeseeable circumstances arise requiring immediate action, marking-out shall be done within twenty-four (24) hours after *Underground Service Alert* is notified.
- (d) All cuts shall be made with a sawcut, rockwheel or other method approved by the *City Engineer*.
- (e) New *facilities* placed in the *public right-of-way* shall occupy the locations indicated in the *plans submitted to the City* unless otherwise authorized by the *City Engineer*.
- (f) All installations placed in the *public right-of-way* shall comply with *City Standard Drawings*.

(Amended 10-8-2001 by O-18995 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1106 Placement and Removal of Markouts

- (a) Markouts shall not be placed in the public right-of-way more than thirty (30) days prior to the commencement of excavation work performed in connection with an installation. If the excavation work is not commenced within thirty days of the placement of the markout, the markout shall be immediately removed.
- (b) Markouts shall be removed from all surfaces in the public right-of-way, including decorative surfaces, within thirty (30) days of the completion of the excavation work, if the work is completed, but in any event no later than sixty (60) days from the date the markout is placed in the public right-of-way.

(“Placement and Removal of Markouts” added 10-8-2001 by O-18995 N.S.)

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§62.1107 Documents Required for City Engineer Authorization

- (a) All persons placing installations in the *public right-of-way* shall file a *Blockage Report* with the *City Engineer* no later than two working days prior to commencing any work.
- (b) For any installations funded by a public utility, other than lateral installations or other minor installations as determined by the *City Engineer*, at least two (2) months prior to beginning any cut, the public utility shall submit to the *City Engineer* copies of maps which indicate the area and location of facilities. For any *facilities* funded by public utility customers, the public utility shall provide the requisite number of copies of maps as soon as such *facility* is planned.

(“Documents Required for City Engineer Authorization” renumbered from Sec. 62.1106 on 10-8-2001 by O-18995 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1108 Inspection Fees; Inspections

- (a) All persons placing *facilities* in the *public right-of-way* shall pay an inspection fee to the *City Engineer*. The *City Engineer* has the authority to set the schedule of fees collected provided that such fees do not exceed the reasonable costs of conducting the inspections authorized by Section 62.1108(f). The *inspection fee* shall be paid either: (1) prior to each inspection, or (2) by making payment to the City within thirty (30) calendar days of having received an invoice from the City. Invoices will be sent by the City no more frequently than on a monthly basis.
- (b) If a person elects to make an annual deposit, upon request by the *City Engineer*, the person shall deposit additional money when the funds on deposit are exhausted.
- (c) Funds on deposit shall be carried forward from year to year until expended.
- (d) If a person makes a payment pursuant to Section 62.1108(b)(2), the *City Engineer* will, within thirty (30) days of receipt of payment, provide that person with a copy of the field reports from inspections and a detailed accounting of the number of City staff hours performed on the inspections.
- (e) The *City Engineer* may conduct inspections of any work being done in the *public right-of-way*. The *City Engineer* may inspect the work for compliance with all applicable laws, ordinances and construction standards.

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- (f) If a City inspection discloses nonconformance with any of the requirements of this Division, the City shall provide written notice of the nonconformance within five (5) working days. The person placing the installations shall implement the corrective work specified by the *City Engineer* within five (5) working days of receipt of written notice of nonconformance. If the corrective work is not completed within five (5) working days of receipt of written notice on nonconformance, the City may perform the necessary repairs and all costs related to the repair shall be charged to the person placing the installation.
- (g) The *City Engineer* shall have authority to stop work and to request that the excavation be uncovered to certify compliance with this Division.
- (h) Any City work done directly or indirectly to ensure compliance with the provisions of this Division shall be charged to the person placing the installation which requires the City work.
- (i) Any work which is the result of a City required project shall be exempt from the *inspection fee* requirement of Section 62.1108.

(“*Inspection Fees; Inspections*” renumbered from Sec. 62.1107 on 10-8-2001 by O-18995 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1109 Pavement Restoration

- (a) All persons excavating in the *public right-of-way* shall restore *pavement* at the end of each day with either temporary or permanent *pavement*.
- (b) If permanent surfacing material cannot be installed within forty-eight (48) hours, by the end of each day all intersections, pedestrian crossings and other locations as required by the *City Engineer* shall be trench-plated or backfilled such that the excavation may be driven upon by vehicular traffic.
- (c) All damaged *pavement* shall be restored with surfacing materials which matches both the surface and the structural strength of the adjacent surface.
- (d) All *pavement* on the *public right-of-way* shall be restored with permanent surfacing material within seven (7) days where there are more than two lanes of travel, and within thirty (30) days where there are two or fewer lanes of travel.
- (e) Any striping removed or temporarily placed shall be restored within twenty-four (24) hours where there are more than two lanes of travel, and within seventy-two (72) hours where there are two or fewer lanes of travel.

(“*Pavement Restoration*” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

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§62.1110 Restoration of Decorative Surfaces

In addition to the requirements of Section §62.1108, in any area where there is a *decorative surface* on the *pavement*:

- (a) Before disturbing any *decorative surface*, all persons excavating in the *public right-of-way* shall provide information to the *City Engineer* to establish that it is necessary to disturb the *decorative surface* because other alternatives, such as rerouting, boring, jacking, or scoping, cannot be used.
- (b) Before commencing work on the *decorative surface*, specifications shall be prepared that are designed to minimize destruction and ensure restoration of the same quality of surface. The specifications shall be submitted to the *City Engineer* for approval.
- (c) Written notice shall be delivered to the *City Engineer* at least two (2) working days before starting construction or trenching that will involve any disturbance of *decorative surfaces*. The notice shall include the location and estimated start and completion dates.
- (d) If unforeseeable circumstances arise requiring immediate action, written notice shall be delivered to the *City Engineer* as soon as possible upon the start of construction.
- (e) If the unforeseeable circumstances requiring immediate work arise after normal business hours, written notice shall be delivered to the *City Engineer* at the beginning of the next regular working day.
- (f) If it is necessary to remove any *decorative surface*, it shall be removed without damaging adjacent surface material.
- (g) In the *public right-of-way* in the Centre City area of City, removable sections shall be designed and installed over any installations involving a *decorative surface* to provide access to the installations without destroying the *decorative surface*.
- (h) *Decorative Surfaces* shall be restored, at no cost to the City, with surfacing material that matches both the surface and the structural strength of the adjacent surface.

(“*Restoration of Decorative Surfaces*” added 5–28–1996 by O–18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(1-2013)

§62.1111 Safety and Traffic Control

- (a) All persons working in the public rights-of-way shall be responsible for the safe movement of both vehicular and pedestrian traffic through that person's construction and maintenance operations.
- (b) The *City Engineer* shall be notified of scheduled construction at least two (2) working days before commencing work.
- (c) Signs, warning devices, traffic control plans and general conditions of safety, as described either in *City Standard Drawings* or other State standards, shall be maintained
- (d) All persons performing work in the public rights-of-way shall identify him, her or itself with on-site signs indicating the name of the person and the phone number to call in case of a complaint or emergency. Such signs shall remain on-site for two (2) weeks after completion of work.

(“*Safety and Traffic Control*” added 5-28-1996 by O-18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

§62.1112 Relocation of Installations

- (a) All persons maintaining *facilities* in the *public right-of-way* shall relocate or remove their *facilities* whenever such relocation is necessary for a proper governmental purpose, whether or not that purpose is to be accomplished by a public entity or by a private entity on behalf of a public entity. In such cases, the cost of the relocation or removal shall be borne by the person.
- (b) When *facilities* need to be relocated or removed as a result of construction by a private entity, except as set forth in Section 62.1112(a), the cost of such relocation or removal shall be borne by the private entity undertaking the construction. That private entity shall contact the owner of the *facilities* affected by the work to advise them of proposed improvements. That private entity shall also make specific arrangements for the relocation of any conflicting *facilities*.

(Amended 4-12-1999 by O-18632 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

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§62.1113 Cathodic Protection

- (a) Public utilities maintaining *facilities* in the *public right-of-way* shall provide *Cathodic Protection* in accordance with the practice of the National Association of Corrosion Engineers (NACE).
- (b) If the NACE standards conflict with either the California Department of Transportation or California Public Utilities Commission’s requirements, the most stringent requirements shall govern.

*(“Cathodic Protection” added 5–28–1996 by O–18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)*

§62.1114 Quality Control

- (a) All persons performing work in the public rights–of–way are solely responsible for ensuring that the work performed, whether by that person, contractors, subcontractors, employees, agents or representatives, complies with all applicable City and State standards.
- (b) At the beginning of each calendar year, each public utility with *facilities* in the *public right-of-way* shall submit a quality control plan and emergency closure plan to the *City Engineer* for approval.
 - (1) The quality control plan shall indicate the number of inspectors and the areas to which they are assigned.
 - (2) Each emergency closure plan shall indicate steps to be taken during a flood or earthquake to address safety issues.
 - (3) An emergency closure plan shall be filed with the *City Engineer* and with the City Emergency Operations Center.

*(“Quality Control” added 5–28–1996 by O–18309 N.S.)
(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)*