

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Engineering & Construction Management

AGENDA DATE: Introduction 01/06/2011, Public Hearing 01/18/2011

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert, 541-4423

DISTRICT(S) AFFECTED: Citywide

SUBJECT:

Discussion and action on an ordinance revising the process of obtaining a permit to cut or excavate in the city right-of-way and drill monitoring wells by amending title 13 (streets, sidewalks and public places), Chapter 13.08 (excavations) requiring permits to make a cut or excavation in the city right-of-way and to drill monitoring wells; requiring insurance and bonds; providing the authority to issue citations; and providing for permit and inspection fees and chapter 13.04 (Street and Sidewalks Construction and Maintenance), Section 13.04.010 (Permit Required) of the El Paso City Code concerning sidewalk construction permits; and amending Title 15 (Public Services), Chapter 15.08 (Public Services), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code to exclude monitoring well permits from Special Privilege Permits; the penalty being as provided in section 13.08.140 (Violation-Penalty) of the El Paso City Code.

BACKGROUND / DISCUSSION:

The proposed ordinance revisions are responsive to the ongoing guidance of the City Council to provide improved methods to preserve the integrity of the roadway network and related street infrastructure improvements for the City of El Paso. The revisions will streamline the permit process and elevate the acceptable construction standards and inspection process for all utilities with regard to pavement cuts and the drilling of monitoring wells within the public right- of-way.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE PROCESS OF OBTAINING A PERMIT TO CUT OR EXCAVATE IN THE CITY RIGHT-OF-WAY AND DRILL MONITORING WELLS BY AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.08 (EXCAVATIONS) REQUIRING PERMITS TO MAKE A CUT OR EXCAVATION IN THE CITY RIGHT OF WAY AND TO DRILL MONITORING WELLS; REQUIRING INSURANCE AND BONDS; PROVIDING THE AUTHORITY TO ISSUE CITATIONS; AND PROVIDING FOR PERMIT AND INSPECTION FEES AND SPECIFICATIONS AND CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.010 (PERMIT REQUIRED) OF THE EL PASO CITY CODE CONCERNING SIDEWALK CONSTRUCTION PERMITS; AND AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (PUBLIC SERVICES), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS) OF THE EL PASO CITY CODE TO EXCLUDE MONITORING WELL PERMITS FROM SPECIAL PRIVILEGE PERMITS; THE PENALTY BEING AS PROVIDED IN SECTION 13.08.140 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 13 (Streets, sidewalks and public places), Chapter 13.08 (Excavations), of the El Paso City Code, is replaced in its entirety with the following:

Section 13.08.010 Definitions.

- A. **“Design Standards for Construction”** (“DSC”) means the most recent edition of the regulations of the City Engineer providing design standards for the construction of restoration of any cut or excavation in the City right of way.
- B. **“Normal City Work Hours”** means City workdays from 8:00 a.m. to 3:00 p.m. Saturday, Sunday and official City holidays are not included in City workdays.
- C. **“Parkway”** means the area of the City right-of-way from the back of the curb to the right-of way line.
- D. **“Permittee”** means the governmental entity, person or business entity that has received a permit pursuant to this Chapter.

E. **“Property”** means a parcel of land having a property or parcel identification number issued by the Central Appraisal District.

F. **“Temporary Traffic Control Plan”** means a plan required pursuant to Chapter 18.30 describing temporary traffic control measures to be used for facilitating users through a work zone in a public right-of-way.

G. **“Work”** means any cut or excavation in the public right of way and/or any construction activities within the public right of way, including but not limited to public works projects by governmental entities, but shall not include El Paso Department of Transportation repair and maintenance.

Section 13.08.020 Permit Required.

A. No person shall perform any work, make or cause to be made any cut or excavation in or under any street, alley, sidewalk, parkway or driveway within the City right of way without having first obtained a permit as required in this Chapter. Permits are not required for the following activities in the Parkway: (1) utility service repairs that require excavation depth of three feet or less than three feet and (2) utility pole installation or removal. Permittees who obtain a permit issued pursuant to this Chapter that includes sidewalk cuts will not be required to obtain an additional separate sidewalk permit pursuant to the requirements of Chapter 13.04.

B. When an emergency occurs that requires an excavation, no permit shall be required prior to beginning work needed to respond to the emergency. All other work shall not proceed until a permit has been issued. The Permit Official shall be notified of the emergency as soon as possible. Limitations on hours of work in this Code shall not apply to work required in response to an emergency. Emergencies exist only when there is a present danger to life, health or property, including but not limited to utility service outage. A permit shall be submitted as soon as possible but no later than noon of the City business day following the day the emergency occurred.

Section 13.08.030 Permit—Application and Requirements.

A. Application. The application for the permit required by this chapter shall be made in writing on a form supplied by the Permit Official and shall be signed by the applicant or an

individual who is authorized in writing to act as the agent of the applicant. The application and accompanying documentation shall be submitted to the Permit Official and shall include the following:

1. The name, address, telephone numbers and e-mail address of the applicant and the person or people in charge of the work related to the permit, and
2. Location where the work will be performed including the street address of the property or adjacent property and the parcel identification number of the Central Appraisal District given to such property, and
3. The duration and schedule of the work, and
4. The description of the work, including but not limited to drawings showing the dimensions and characteristics of the proposed cut/excavation and restoration, a plan view of the work area, cross-sections of the backfill requirements and such other design information as may be required by the Permit Official, and
5. A traffic control plan, and
6. Certificates of insurance and permit bond, and
7. The one call system verification number (DIG TESS) for the work related to the permit, and
8. The name of the barricade company responsible for traffic set up, if applicable.

B. An applicant requesting a permit under this chapter shall be responsible for contacting a "one call" notification system servicing the area and will be required to furnish a verification number confirming that such a "one call" has been made as part of the application for permit. A permit issued under this chapter shall be denied for the failure of the applicant to contact a "one call" notification system servicing the area, and to provide a verification number confirming that such a "one call" notification system has been contacted by the applicant. This requirement, however, shall create no duty, express or implied, on the part of the City to verify that the applicant notified the one call system and received a verification number.

C. Public utility companies having permanent installations in or under streets, alleys or any other City right of way or City owned property by franchise or by Special Privilege License from the City shall obtain permits as required in this Chapter.

D. Term. Permits shall be for a fixed term not to exceed thirty consecutive calendar days. The permit shall clearly identify the expiration date of the permit. If a permittee does not complete the work by the permit expiration date, the permittee must apply for and may be granted a permit extension for an additional thirty consecutive calendar days. An application for the extension of the term of the permit must be submitted to the Permit Official prior to the expiration date.

E. Traffic control permits are required pursuant to Chapter 18.30 and are in addition to the permit required in this Chapter. Applicants for a permit under this Chapter must also apply for a traffic control permit from the Traffic Engineer when such permit is required pursuant to Chapter 18.30. Failure to obtain a traffic control permit for the work that is subject of a permit issued under this Chapter shall result in the revocation of a permit issued pursuant to this Chapter.

F. Permittees shall request appointments for inspections by City inspectors for backfill, two sack, asphalt or concrete placement by calling the Permit Official. Requests shall be made on or before the City work day prior to the day the Permittee wishes the inspection to take place. Appointments shall be made subject to the availability of the City inspectors. Inspections not performed during normal City work hours shall be subject to the after hours inspection fee in Section 13.08.040.

Section 13.08.040 Fees, Bonds and Insurance.

A. Fees: The established fees shall be as follows:

1. Permit Fee: The permit fee shall be charged for each permit issued. The permit fee shall be paid when the permit is issued, and shall not be refunded. Permit fees shall not include the costs related to occupancy that prevents the use of parking meters and Permittees shall be subject to parking meter fees pursuant to Title 18. Permittees obtaining a permit under this Chapter shall not be required to pay the sidewalk, street or alley space rental or storage fees that are required in Title 18. No permit fee will be charged to public utility companies operating under a franchise from the City or state or to City agencies, provided that City agencies are required to pay for inspection costs incurred by the Permit Official. Contractors applying for a permit to perform work on

behalf of a public utility that is operating under a franchise with the City or the state shall not have to pay the permit fee when the public utility has provided verification to the City that such contractor is working on behalf of the public utility for the work authorized under the permit.

2. Permit extension fee: The permit extension fee shall be one-third of the original permit fee and shall be charged for each thirty-day extension of the permit. Permit extension fees shall be paid prior to issuance of each extension. No permit extension fee will be charged to public utility companies operating under a franchise from the City or state or to City agencies, provided that City agencies are required to pay for inspection costs incurred by the Permit Official.

3. Initial Inspection fee: The initial inspection fee shall be included in the permit fee and includes the City's cost of up to two hours of inspection of the work during normal City work hours by City employees.

4. Additional Inspection fee. Permittees shall pay an additional inspection fee that shall be charged for each additional hour or part of an hour of inspection by the City that is in addition to the first two hours of inspection.

5. After hours inspection fee. An inspection fee for inspection performed by the City during hours other than normal City work hours shall be charged for each hour or portion of an hour inspection is provided.

B. Bond Requirements. No permit shall be issued under this Chapter to any person, firm or corporation applying for a permit until such applicant has filed with the Permit Official a bond in the minimum amount of Fifty Thousand and No/100 Dollars (\$50,000.00), signed by a surety company authorized to do business in Texas. The Permit Official may require a bond in an amount in excess of fifty thousand dollars in the event the permit application is for work in excess of fifty thousand dollars. The City shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Chapter, that the principal shall pay all damages which are sustained by the City and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Chapter, and that the principal shall indemnify the City against claims arising out of such failure to comply, including but not limited to the one-warranty

period required in this Chapter. Bonds shall be issued for a duration sufficient to cover the one-year warranty period. The surety shall be acceptable to the City as to solvency and such surety shall be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the City becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the Permit Official may require a bond from a surety listed in Circular 570. Permit applicants that have provided a bond to the City in the amount required by the Permit Official for a permit pursuant to the requirements of a Chapter of the City Code other than this Chapter that meets all of the requirements established in this Chapter shall not be required to obtain an additional bond but are required to provide a copy of such bond, provided that such bond specifically includes coverage for the permit or permits issued pursuant to this Chapter. Permittees who have multiple permits issued pursuant to this Chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit. Contractors under contract with a government agency shall provide the bond required in this Section. No bond is required when all of the work performed pursuant to a permit issued under this Chapter to a government agency is performed entirely by the employees of that government agency. Public utility companies operating under a state or City franchise shall not be required to provide the bond required in this section when the work authorized in a permit will be performed solely by employees of such public utility. Any person or entity that is not an employee of the public utility performing work under a permit on behalf of a public utility shall provide the bond required under this section.

C. Insurance requirements. No permit applicant shall be issued a permit until the applicant presents evidence satisfactory to the Permit Official that the applicant meets the following minimum insurance requirements:

1. The applicant shall procure and shall maintain during the term of the permit such Commercial General Liability, Property Damage Liability and Vehicle Liability Insurance, naming the Permittee and any subcontractor performing work associated with the Permit as insured, co-insured or additional insured for claims for damages for personal injury,

including accidental death, as well as from claims for property damage that may arise from work associated with the permit.

2. Minimum limits of liability and coverage shall be Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) for bodily injury liability, including death, for each person and Five Hundred Thousand and No/100 Dollars (\$500,000.00) in the aggregate and One Hundred Thousand and No/100 Dollars (\$100,000.00) for property damage for each occurrence and One Hundred Thousand and No/100 Dollars (\$100,000.00) in the aggregate.

3. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and approved by the Permit Official. Such policy shall include an endorsement that the City is named as an additional insured to the full amount of the policy limits and that Permit Official shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for non-payment of policy premiums. The required endorsement shall be provided to the Permit Official. The Permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and Permittee, his officers, agents, servants or employees. Failure by Permittee to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit by the Permit Official. The Permit Official shall provide notice of cancellation of the permit to the Permittee, at which time the Permittee shall cease the work allowed under the permit.

4. Permit applicants who have provided certificates of insurance to the City pursuant to the requirements of a Chapter of the City Code other than this Chapter that meet all of the requirements established in this Chapter shall not be required to obtain an additional insurance but are required to provide such certificates of insurance showing present coverage as required in this Chapter.

Permits shall be required in connection with all City (including but not limited to El Paso Public Service Board/El Paso Water Utilities), county, state or federal public works projects provided that no permit fee shall be required for such projects. When the work permitted under this Chapter is performed by the employees of a governmental agency, the insurance requirements of this section may be met by providing certification that government agency obtaining the permit is self-insured. Work permitted under this Chapter performed by those contracting with a governmental agency shall provide the insurance required herein.

5. Self – insurance. A Permittee may satisfy the vehicle insurance requirements of this section by providing the City with a current “Self-insurance Certificate” issued by the Texas Department of Public Safety or its successor agency. A Permittee may satisfy the worker’s compensation insurance requirements of this section by providing the City with a current “Certificate of Authority to Self-insure” issued by the Texas Department of Insurance, Division of Worker’s Compensation or its successor agency.

Section 13.08.050 One-year Warranty and Maintenance requirement

Any person issued a permit shall agree and warrant to maintain the excavated area for a period of one year after the completion of the restoration of the right of way, as approved by the City. Maintenance of the excavated area shall include the repair of any type of failure, including, but not limited to, the area permittee was required to repave. Repairs during the warranty period shall meet the standards of the DSC. The City may conduct inspections of the restored area throughout the one-year warranty period and require maintenance and correction of the work by the permittee. Failure of the permittee to correct the work shall constitute a violation of this Chapter.

Section 13.08.060 Permit—Limitations.

A. Each permit shall specify the location of each cut or excavation allowed in the permit and the dates during which the City right-of-way or any portion thereof may be cut or excavated as to each such location. The time for each cut or excavation allowed in the permit shall not exceed thirty consecutive calendar days, provided that if the work for a cut or excavation is not completed within the time allowed in the permit, the permittee

shall obtain a permit extension. A work schedule for each such location not completed as required in the original permit shall be submitted with the application for the permit extension. Each permit extension shall not be issued for more than thirty consecutive calendar days.

B. Master permits may be issued for multiple cuts or excavations in the City right-of-way provided that they pertain to the same project scope of work, adequate documentation is provided to the Permit Official and the requested master permit does not create conflicts with street closures and property access.

C. Permits shall not be assignable. No person shall use the name of another in obtaining a permit, and no person shall allow his name to be used by another in obtaining a permit, except in the case of an authorized agent acting for his principal.

Section 18.08.070 Excavation and Cut Location Limitations

The Permit Official may restrict the area in which a cut or excavation may occur. In granting permission for a cut or excavation, the Permit Official shall consider the need for the proposed cut or excavation, amount of traffic at the location in question and safety factors, including but not limited to the hazards likely to be created by such cut or excavation. The Permit Official shall have the authority to require a location of the cut or excavation other than the location requested by the applicant when one or more alternative locations are available to the applicant. The Permit Official's determination of required location shall be based on the following information that shall be provided by the Traffic Engineer to the Permit Official: the amount and pattern of traffic, nature and condition of the right of way and safety factors, including but not limited to reduced risk to the traveling public.

Section 13.08.080 Protective measures.

A. While the cut or any part thereof is open, and while any part of the street, sidewalk or public place is obstructed by rubbish or material, the Permittee shall erect and maintain traffic control devices as required by the Traffic control permit and shall maintain safe passage for pedestrian and vehicular traffic.

B. If substantially the full width of any street, alley, sidewalk or public place is excavated, the Permittee shall maintain a driveway or walkway across the excavation until it is

refilled. The driveway or walkway, as applicable, shall be specified in the plans submitted with the application for the permit and such driveway and/or walkway shall meet specifications approved by the Permit Official.

C. If the Permittee fails to take any protective measures herein required, the Permit Official may, in his discretion, authorize the work to be done by City forces or by contract. Permittee shall pay the City for its costs of protective measures within ten City working days of receiving an itemized statement for such costs.

D. Steel plates. Requirements for providing and maintaining steel plates are contained in the DSC.

Section 13.08.090 Specifications

A. All work, including but not limited to cutting of paving, excavation, backfill, bedding, base course and placement and compaction of pavement shall be done pursuant to the standards and specifications in the City's Design Standards for Construction, Addendum 1, or successor standards for construction in effect at the time of the issuance of the permit or as specified in the permit by the Permit Official. The DSC governs the construction and restoration of the streets, sidewalks, parkways, driveways, and related infrastructure within the City's right of way and does not apply to the construction related to public utility infrastructure within the City 's right of way.

B. Minimum patching requirements. The minimum area that shall be patched pursuant to the standards in the DSC and any provision specified in the permit, includes:

FOR EXCAVATIONS ACROSS THE RIGHT-OF-WAY: (1) patching the excavated area; and (2) patching two feet from each side of the excavation area, and (3) patching eight feet in all directions from the areas patched pursuant to (1) and (2) of this paragraph, provided that patching need not extend across a median when the excavation did not extend across the median and providing that if the area patched under (1), (2) and (3) of this paragraph extends into an area that was patched prior to the excavation, such patching shall be extended to include all of the area of the prior patch, as shown in the illustrations in the DSC.

FOR EXCAVATIONS ALONG THE LENGTH OF THE RIGHT-OF-WAY: In traffic lanes: (1) patching the excavated area and (2) patching to the next existing original paving joint, provided that patching shall always be no less than to the center of the wheel path in all lanes in which the excavation occurs. In parking and other lanes such as bike lanes: (1) patching the excavated area and (2) patching to the curb or original paving joint, whichever is the greater distance, provided that patching shall always be not less than to the center of such lane, as shown in the illustrations in the DSC.

OTHER AREAS: The requirements for patching other areas within the City right-of-way, including but not limited to sidewalk and curb repair, are set forth in the DSC.

Section 13.08.100 Responsibility of Permittee.

A. The Permittee shall be responsible for, and shall hold the City harmless against, all damages to persons or property resulting from the making or repair of the cut or excavation, whether done by himself or by the City; and the taking out of the permit shall be deemed a contractual acceptance of this obligation by the Permittee in a condition of the issuance of the permit. The person making the cut or excavation shall continue to protect it and be responsible for its condition until the work allowed in the permit is completed as required in the Permit.

B. If the Permittee fails to complete any work required of him hereunder as promptly as reasonably possible consistently with good construction practice, or if the Permittee fails to take any protective measure required of him by this chapter, the work may, in the discretion of the Permit Official, be done by City forces or by contract whether requested or not; and the proper charge shall be made against the Permittee in accordance with this section.

Section 13.08.110 Monitoring wells.

A. Permit Required. Where drilling of a monitoring well is proposed on public right-of-way or City-owned property, a monitoring well permit shall be required. A permit application may cover one or more monitoring wells for a single property. If additional wells are required on the same property subsequent to a permit having been issued, a new

monitoring well permit shall be required for the additional wells. Separate monitoring well permits shall be required for wells on property not included in an existing monitoring well permit. A monitoring well permit shall expire at the end of one year from the date of issuance of the permit, at which time the permit will become void and a new permit, obtained through the filling of a new application with the Permit Official, shall be required.

B. Monitoring Well Permit Fees. A permit application shall be accompanied with the established permit fee. The permit fee shall not be refundable. The permit fee shall include the cost of inspecting the capping of the monitoring wells that are allowed under the permit. If any person commences construction work on public right-of-way or City-owned property prior to the issuance of a permit, such person shall submit an application for a permit and pay the established permit fee for an application submitted after work begins, provided, however, that such additional fee shall not be required in cases of an emergency, as emergency is described in Section 13.08.015B. For purposes of this subsection, the Texas Commission on Environmental Quality or the director of the Department of Environmental Services may declare an emergency; provided, that the City is properly notified by written notice to the Permit Official. Permit fees shall not include the costs related to occupancy that prevents the use of parking meters and Permittees shall be subject to parking meter fees pursuant to Title 18. Permittees shall not be required to pay sidewalk, street or alley space rental under Title 18 or for sidewalk, street or alley storage fees pursuant to Title 18.

C. Permit Contents. The monitoring well permit application shall be on a form approved by the Permit Official that shall be submitted to the Permit Official and include the information required in Section 13.08.030A. 1 through 8 and the following information.

1. A site map of the proposed monitoring well(s);
2. A narrative describing the need for the well(s), the extent of interruption of traffic, and the proposed drilling schedule of the monitoring well(s);
3. When issued by the Texas Commission on Environmental Quality (TCEQ), a copy of the demand letter requesting corrective action on delineation of ground contamination, which shall contain the LPST identification number if available;
4. The applicant shall be required to provide copies of the permit application and accompanying information to the engineering services manager of the El Paso Water

Utilities and the Permit Official.

D. Other requirements. The requirements of Section 13.08.20 B shall apply to all monitoring well permits. The permit shall require that the Permittee shall meet all TCEQ requirements for capping the monitoring well.

E. Permit Issuance. Upon verification by the applicant that the previously described information has been provided to all indicated departments, the application shall be accepted for processing. The Permit Official shall, within five City working days after acceptance of the application, issue or deny the permit based on the information provided. It shall be the responsibility of the applicant to obtain clearance from all affected utility agencies and the engineering services manager of the El Paso Water Utilities and submit such clearances with the permit application. The applicant shall meet the insurance and the bond requirements of Section 13.08.030.

F. Notification to Director of the Department of Environmental Services. Whether the monitoring well is on public right-of-way, City-owned property or private property, copies of the well driller's log submitted to the Texas Commission on Environmental Quality shall be provided to the director of the City's Department of Environmental Services. If at any time during the construction, operation or monitoring of a well, suspected hazardous or toxic substance is encountered, the director of the Department of Environmental Services shall be immediately notified by the Permittee.

Section 18.08.120 Appeal. Any applicant or Permittee aggrieved by the decision of the Permit Official concerning the issuance, denial, revocation or suspension of a permit may appeal such decision to the Construction Board of Appeals in accordance with the requirements and procedures of Chapter 2.30.

Section 18.08.130 Authority to issue citations.

The Permit Official is authorized to enforce the provisions of this Chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this Chapter.

Section 13.08.140 Violation--Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars. Each day the violation occurs shall constitute a separate offense.

Section 2. That Title 13 (Streets, sidewalks and public places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.010 Subsections A and B (Permit required), of the El Paso City Code, is amended as follows:

Section 13.04.010 Sidewalk and Curb Permit required.

A. Except as otherwise provided in this code, no person shall construct, alter or repair any sidewalk or curb or change the grade thereof within the City's right-of-way without a permit. A permit under this Chapter shall not be required for sidewalk and/or curb construction, alteration or repair that is included in a permit issued pursuant to Chapter 13.08. Permits under this Section shall be issued only by the Permit Official. The Permit Official shall not issue any permit under this section without receiving the approval of the Traffic Engineer. In granting or refusing such permit the Traffic Engineer shall consider and be guided by the need for the proposed cut or alteration, the amount and pattern of traffic at the location in question, safety factors and the hazards likely to be created. The Permit Official may suspend a permit for non-compliance with the requirements of this chapter. The permit official shall provide notice of suspension of the permit to the Permittee, at which time the Permittee shall cease the work allowed under the permit and shall not resume work until authorized to do so by the Permit Official. Any person aggrieved by the decision concerning the issuance, denial, revocation or suspension of a permit issued under this Chapter may appeal such decision to the Construction Board of Appeals in accordance with the requirements and procedures of Chapter 2.30.

Section 3. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and permits), Subsection 15.08.120.G.7 (Exceptions), of the El Paso City Code, is hereby amended as follows:

7. The temporary use of public right-of-way or public property for the drilling of monitoring wells complying with Chapter 13.08.

Section 4. Except as expressly herein amended, Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations); Title 13 (Streets, Sidewalks and Public

Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.010 (Permit Required); and Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS _____ DAY OF _____ 2011.

THE CITY OF EL PASO:

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

PAVING CUT TRENCH REPAIR

GENERAL NOTES

CITY OF EL PASO SPECIFICATIONS FOR TYPE C ASPHALT SHALL BE USED FOR PAVEMENT REPAIRS UNLESS OTHERWISE DIRECTED BY THE CITY ENGINEER. CONTRACTOR MUST USE INDUSTRY STANDARD EQUIPMENT & METHODS FOR PAVING.

REPAIRS PERPENDICULAR TO THE STREET THAT ARE MORE THE 8' IN WIDTH AND EXTEND FROM EITHER GUTTER TO GUTTER OR FROM GUTTER TO THE CENTER OF THE STREET WILL REQUIRE THE USE OF A PAVING MACHINE.

LONGITUDINAL REPAIRS THAT ARE MORE THAN 8' IN WIDTH AND MORE THAN 15' IN LENGTH WILL REQUIRE THE USE OF A PAVING MACHINE.

TWO-SACK MATERIAL SHALL BE TWO SACKS OF CEMENT PER ONE CUBIC YARD OF SOIL, MATERIAL MUST BE PRE-MIXED, MIXING ON THE JOBSITE WILL NOT BE ALLOWED. THE MATERIAL MUST BE LEFT TO CURE FOR A MINIMUM OF 24 HOURS & CONTRACTOR MUST ASSURE THAT THE MATERIAL IS DRY PRIOR TO APPLYING EMULSION AND SETTING PAVING INSPECTION.

EMULSIFIED ASPHALT SS-1, SS-1h, CSS-1, OR CSS-1h SHALL BE EVENLY APPLIED THROUGHOUT THE CUT.

REPLACE ALL PAVING MARKINGS. MATERIALS MUST MEET CITY OF EL PASO STREET DEPARTMENT SPECIFICATIONS.

ASPHALT MUST BE COMPACTED WITH A STEEL DRUM ROLLER; USE OF A PLATE TAMPER WILL NOT BE ALLOWED.

THE USE OF VIBRATORY EQUIPMENT MUST BE APPROVED BY THE CITY ENGINEER.

A 1" THICK STEEL PLATE MUST BE PLACED OVER THE ENTIRE CUT & HAVE AN ASPHALT TRANSITION; REFER TO SHEET 3-59G.

CONTRACTOR MUST COMPLY WITH OSHA SAFETY GUIDELINES THAT APPLY TO TRENCH EXCAVATIONS. PAVING CUT INSPECTIONS WILL NOT BE CONDUCTED IF CONTRACTOR IS NOT IN COMPLIANCE WITH SAFETY GUIDELINES TO INCLUDE TRENCH SHORING.



TITLE 19 - SUBDIVISION ORDINANCE
ENGINEERING and
CONSTRUCTION MANAGEMENT
DEPARTMENT
DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1

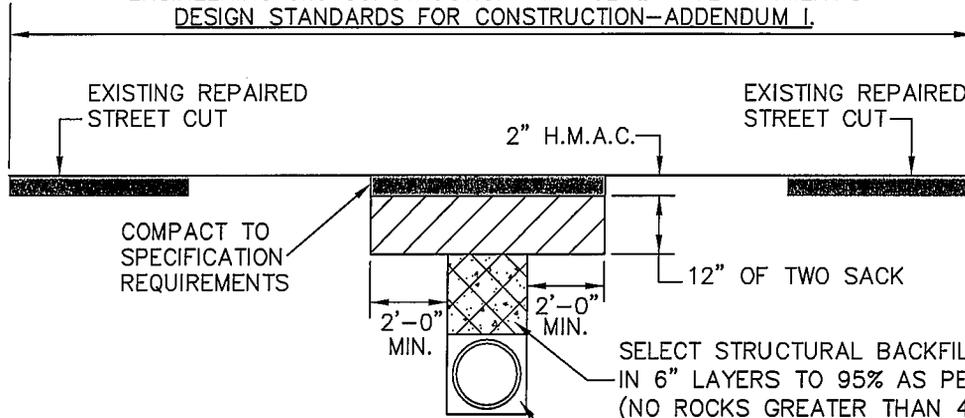
PAVEMENT CUT TRENCH REPAIR

3-59A

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

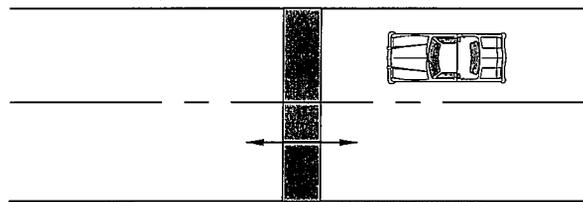
Checked By RAS/IR/RS
Drawn By CoEP STAFF

REPAIRS MUST BE MADE IN ACCORDANCE WITH
ENGINEERING and CONSTRUCTION MANAGEMENT DEPARTMENT'S
DESIGN STANDARDS FOR CONSTRUCTION-ADDENDUM I.



SELECT STRUCTURAL BACKFILL COMPACTED
IN 6" LAYERS TO 95% AS PER ASTM D1557
(NO ROCKS GREATER THAN 4") OR USE
TWO-SACK MIXTURE

PIPEZONE SHALL BE COMPACTED
IN 6" LAYERS TO 95% AS PER
ASTM D1557 OR TWO-SACK AS
APPROVED BY UTILITY COMPANY.



PLAN VIEW



TITLE 19 - SUBDIVISION ORDINANCE
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DEPARTMENT
DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1

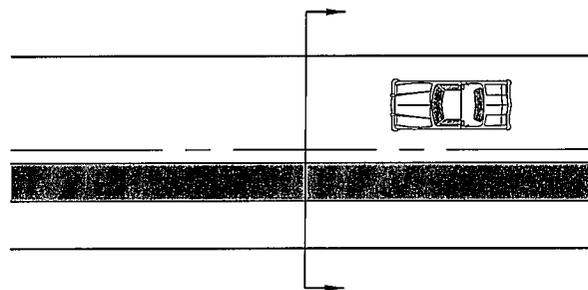
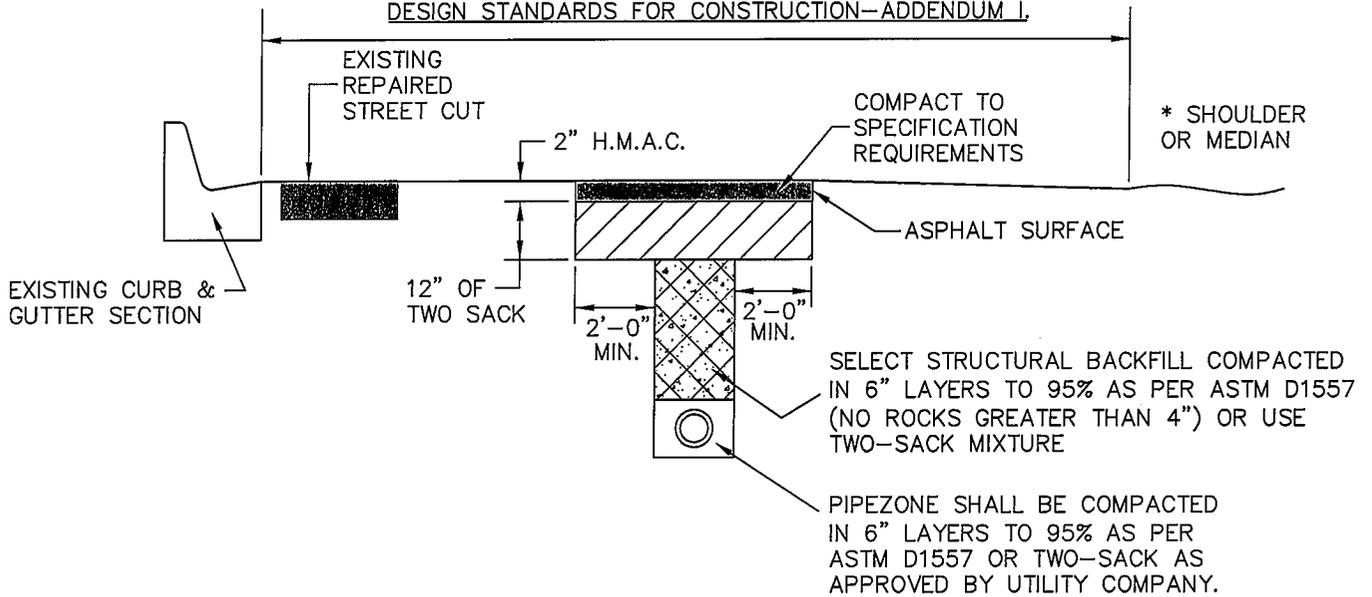
PAVEMENT CUT TRENCH REPAIR

3-59B

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

Checked By RAS/IR/RS
Drawn By CoEP STAFF

REPAIRS MUST BE MADE IN ACCORDANCE WITH
ENGINEERING and CONSTRUCTION MANAGEMENT DEPARTMENT'S
DESIGN STANDARDS FOR CONSTRUCTION-ADDENDUM 1.



PLAN VIEW

Transverse section view of parallel utility cut repair.



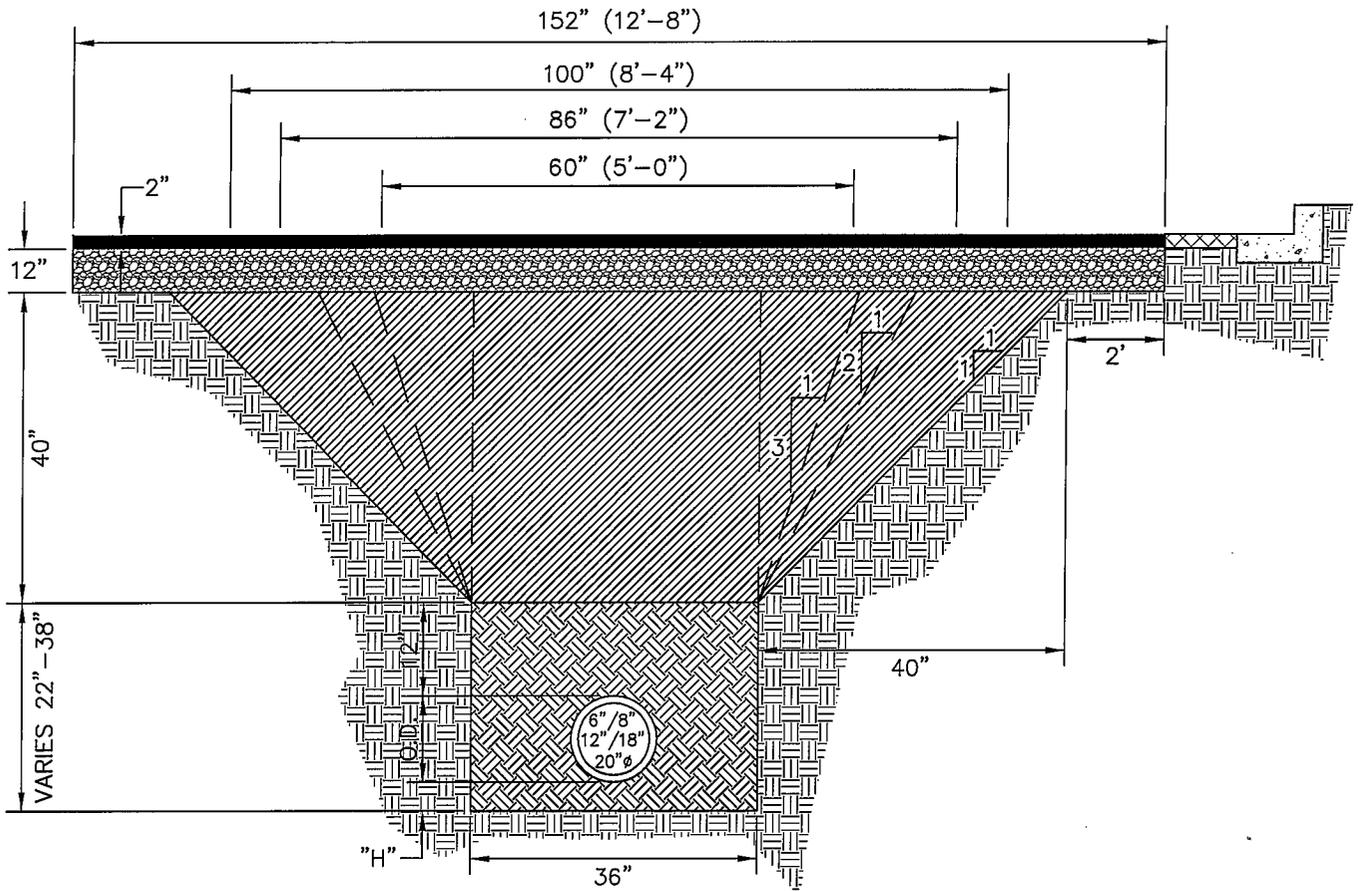
TITLE 19 - SUBDIVISION ORDINANCE
ENGINEERING and
CONSTRUCTION MANAGEMENT
DEPARTMENT
DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1
PAVEMENT CUT TRENCH REPAIR

3-59C

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

Checked By RAS/IR/RS
Drawn By CoEP STAFF



PAVEMENT REPLACEMENT
 36" TRENCH WIDTH
 PAVEMENT REPLACEMENT WIDTH
 DEPENDS ON SOIL TYPE



TITLE 19 - SUBDIVISION ORDINANCE
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 FOR CONSTRUCTION

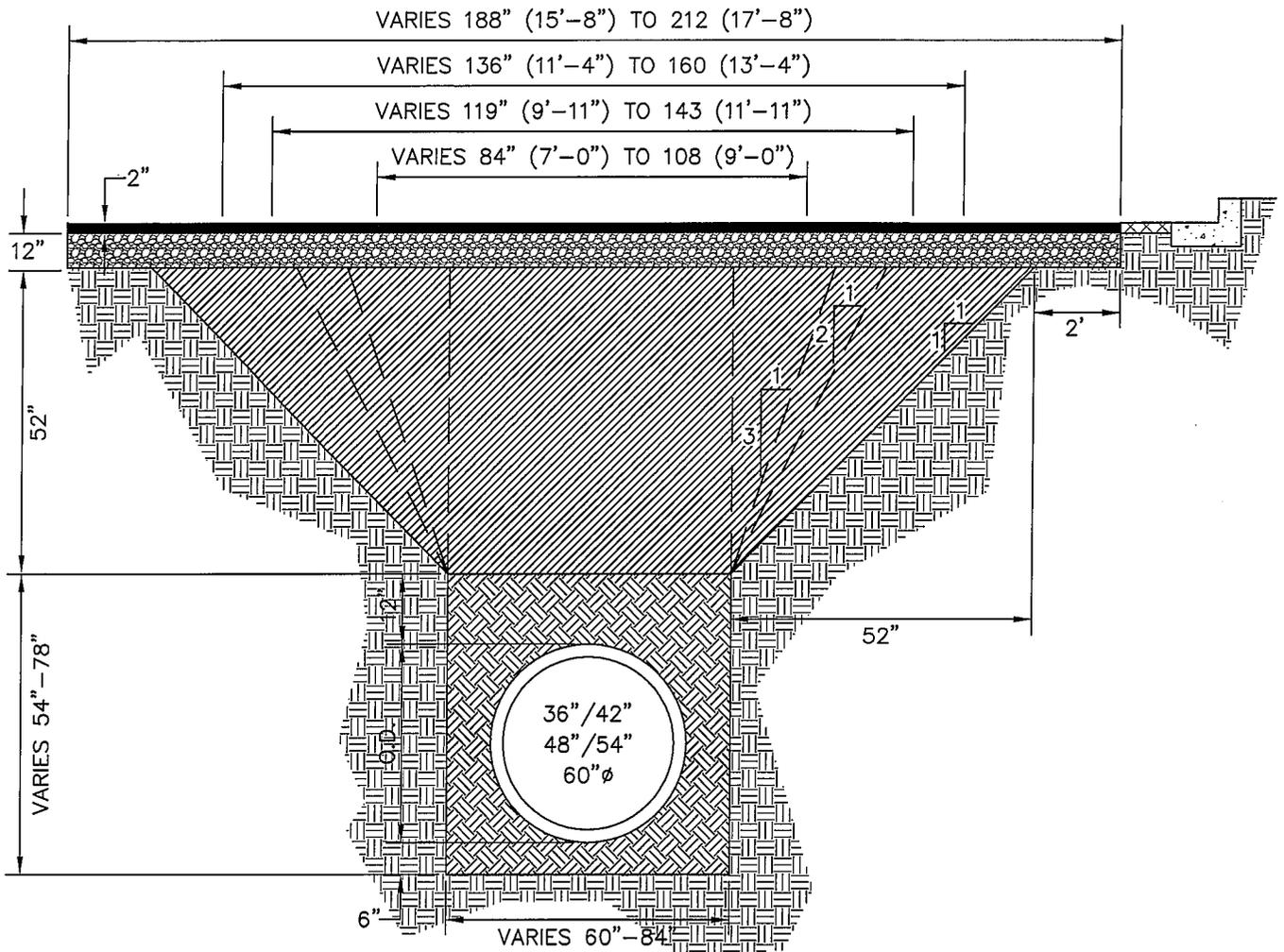
ADDENDUM 1

PAVEMENT CUT TRENCH REPAIR

3-59D

Approved By R. A. SHUBERT
 Date SEPT. XX, 2010

Checked By RAS / IR / RS
 Drawn By CoEP STAFF



PAVEMENT REPLACEMENT
TRENCH WIDTH AND
PAVEMENT REPLACEMENT WIDTH
DEPENDS ON SIZE OF PIPE AND
SOIL TYPE



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FOR CONSTRUCTION

ADDENDUM 1

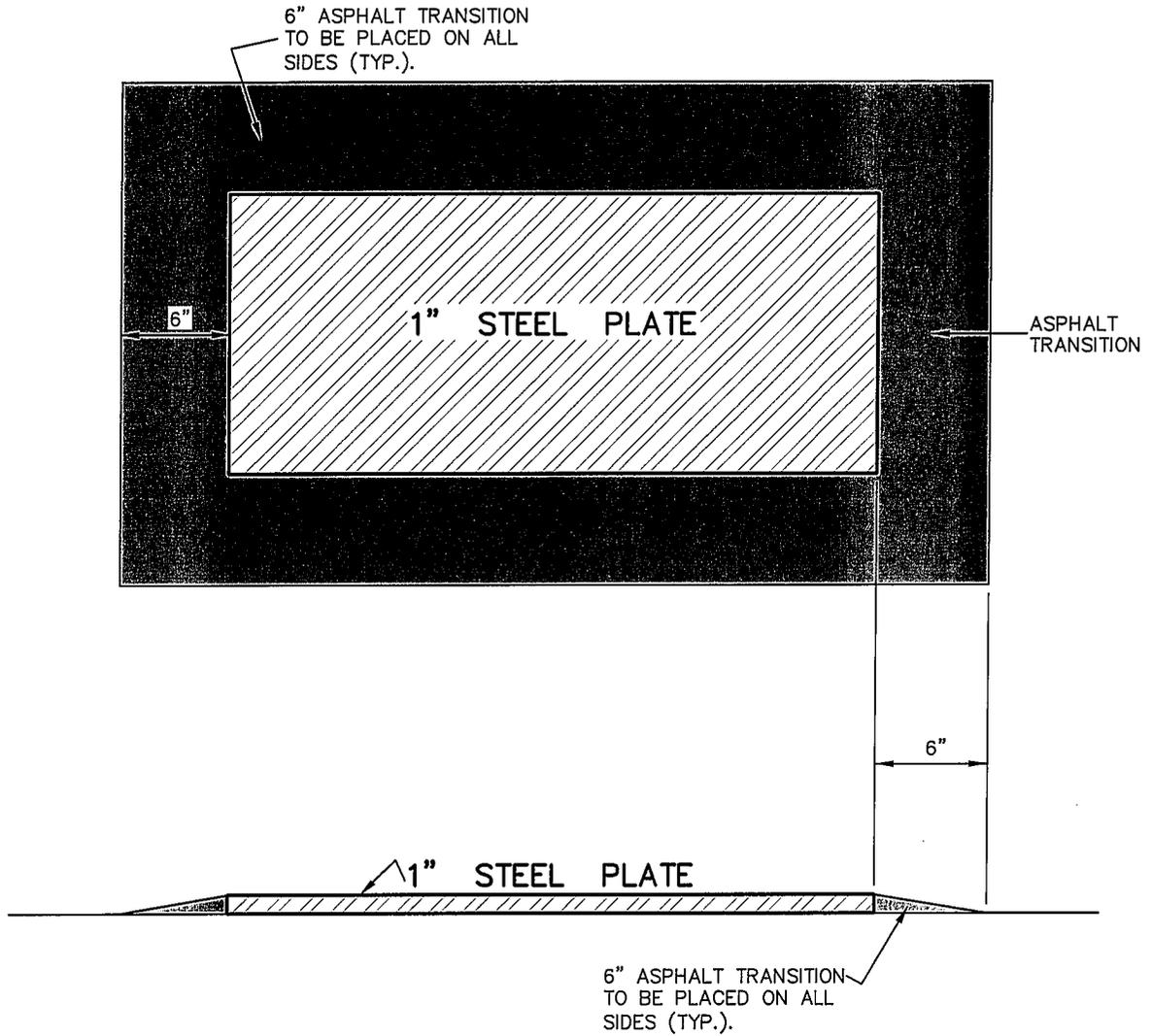
PAVEMENT CUT TRENCH REPAIR

3-59F

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

Checked By RAS/IR/RS
Drawn By CoEP STAFF

STEEL PLATES



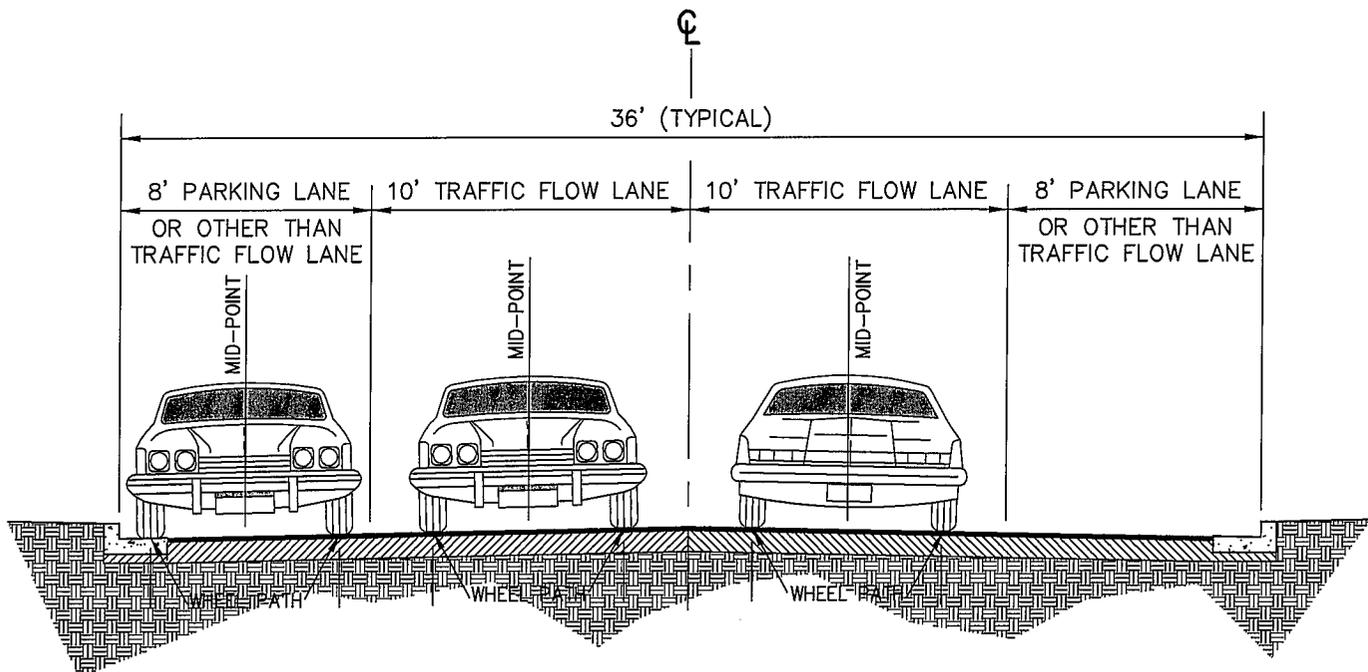
TITLE 19 - SUBDIVISION ORDINANCE
ENGINEERING and
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DEPARTMENT
DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1
PAVEMENT CUT TRENCH REPAIR

3-59G

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

Checked By RAS/IR/RS
Drawn By CoEP STAFF



NOTES:

1. PAVING CUTS MADE WITHIN THE TRAFFIC FLOW LANE MUST BE REPAIRED BY PAVING FROM THE STREET CENTERLINE TO THE MID-POINT OF THE WHEEL PATH OR FROM THE MID-POINT OF THE WHEEL PATH TO THE OUTER EDGE OF THE TRAFFIC FLOW LANE.
2. PAVING CUTS MADE WITHIN THE PARKING LANE OR OTHER THAN TRAFFIC FLOW LANE MUST BE REPAIRED BY PAVING FROM THE MIDPOINT TO THE GUTTER OR FROM THE MIDPOINT TO THE TRAFFIC FLOW LANE.
3. THIS STANDARD APPLIES TO ALL STREET CROSS-SECTIONS AND WILL BE EVALUATED ON A CASE BY CASE BASIS.

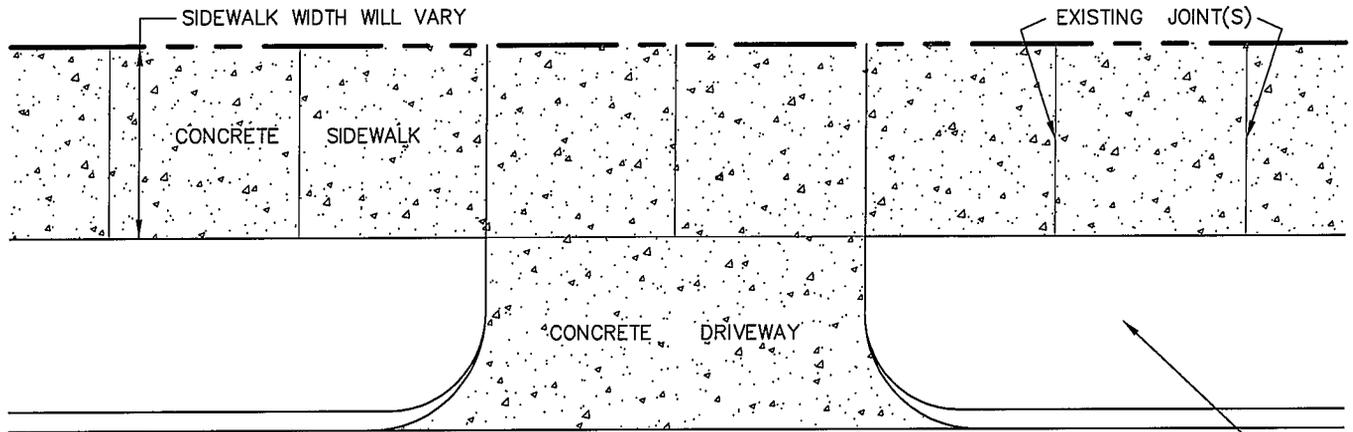


TITLE 19 - SUBDIVISION ORDINANCE
**ENGINEERING and
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 DEPARTMENT**
**DESIGN STANDARDS
 FOR CONSTRUCTION**

ADDENDUM 1
PAVEMENT CUT TRENCH REPAIR
 3-59H

Approved By <u>R. A. SHUBERT</u>	Checked By <u>RAS / IR / RS</u>
Date <u>SEPT. XX, 2010</u>	Drawn By <u>CoEP STAFF</u>

TYPICAL FOR UTILITY REPAIRS ON SIDEWALKS, DRIVEWAYS AND PARKWAYS.



AREAS BETWEEN SIDEWALK AND CURB MUST BE RESTORED TO IT'S ORIGINAL OR BETTER CONDITION. (TO INCLUDE IRRIGATION LINES AND LANDSCAPING).

NOTES:

SIDEWALKS – REPLACE TO NEAREST JOINT. NO PATCHING WILL BE ALLOWED. REPLACEMENT MUST COMPLY WITH THE CITY OF EL PASO DESIGN STANDARDS FOR CONSTRUCTION (DSC) SECTION 6.

DRIVEWAYS – REPLACE TO NEAREST EXPANSION JOINT OR ENTIRE SECTION. NO PATCHING WILL BE ALLOWED. REPLACEMENT MUST COMPLY WITH THE CITY OF EL PASO DESIGN STANDARDS FOR CONSTRUCTION (DSC) SECTION 6.

EXCAVATIONS – EXCAVATION IN THE PARKWAY MUST BE COMPACTED IN ONE FOOT LIFTS TO 95% AS PER ASTM D1557.



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ADDENDUM 1
PAVEMENT CUT TRENCH REPAIR
3-59I

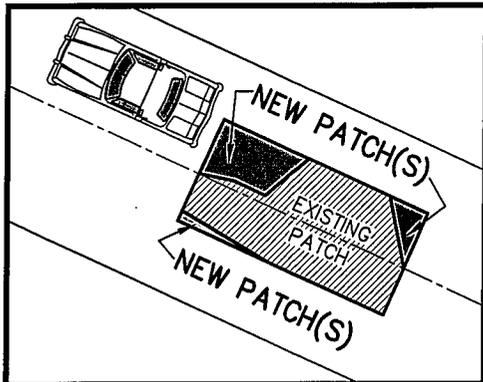
Approved By <u>R. A. SHUBERT</u>	Checked By <u>RAS/IR/RS</u>
Date <u>SEPT. XX, 2010</u>	Drawn By <u>CoEP STAFF</u>

NOTE;

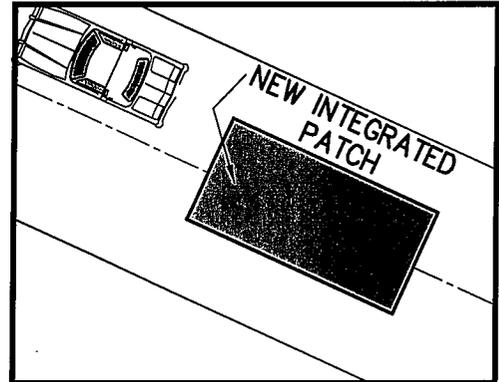
Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

Patch slope and grade must match existing pavement.

NOT ACCEPTABLE

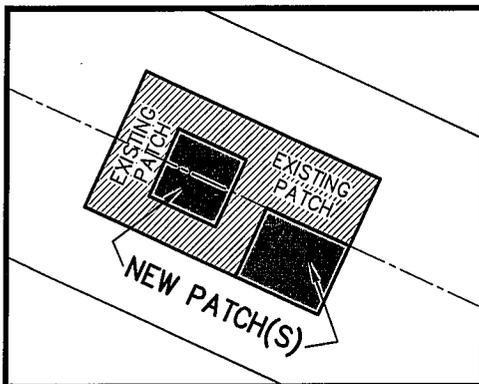


ACCEPTABLE

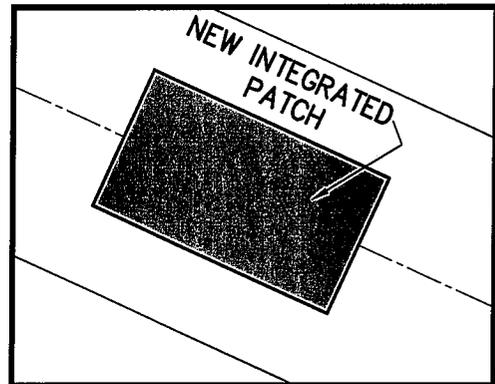


Do not construct patches with angled sides and irregular shapes.

NOT ACCEPTABLE



ACCEPTABLE



Patches within existing patches are not allowed.



TITLE 19 - SUBDIVISION ORDINANCE
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ADDENDUM 1
PAVEMENT REPAIR AREA
3-59J

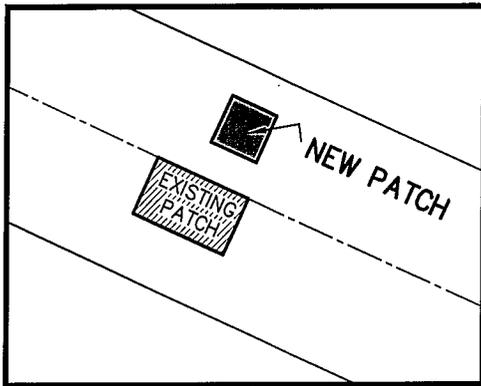
Approved By <u>R. A. SHUBERT</u>	Checked By <u>RAS/IR/RS</u>
Date <u>SEPT. XX, 2010</u>	Drawn By <u>CoEP STAFF</u>

NOTE;

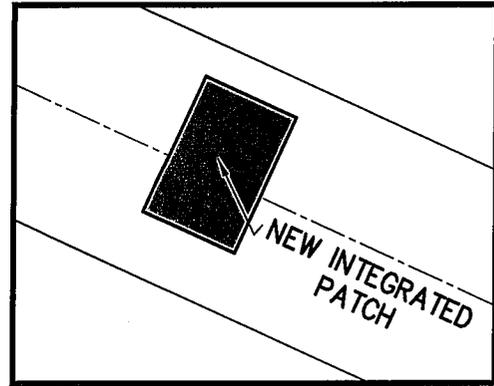
Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

Patch slope and grade must match existing pavement.

NOT ACCEPTABLE

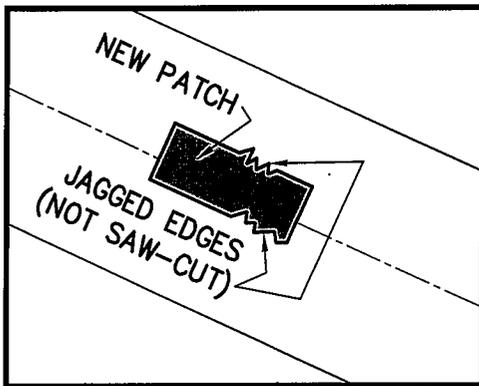


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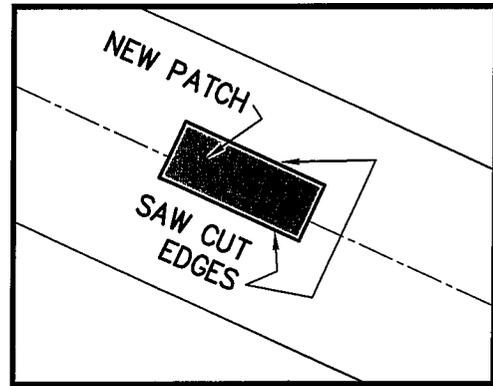


The patch area must include any existing patches that are within a 8' perimeter of the new cut.

NOT ACCEPTABLE



ACCEPTABLE



All edges shall be saw cut.



TITLE 19 - SUBDIVISION ORDINANCE
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DEPARTMENT
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FOR CONSTRUCTION

ADDENDUM 1
PAVEMENT REPAIR AREA
3-59K

Approved By R. A. SHUBERT Checked By RAS / IR / RS
Date SEPT. XX, 2010 Drawn By CoEP STAFF

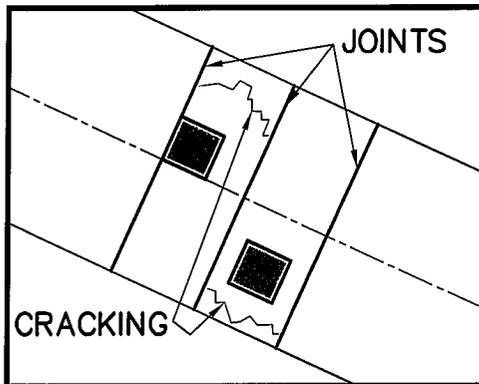
NOTE;

Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

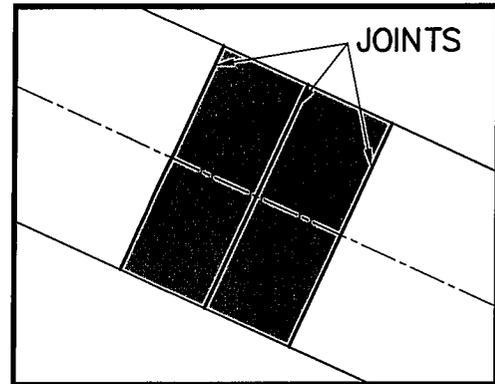
Patch slope and grade must match existing pavement.

CONCRETE PAVEMENT

NOT ACCEPTABLE



ACCEPTABLE



In concrete pavements, remove sections to existing joints.

NOTE;

Concrete pavement repairs must match existing design or as directed by the City Engineer.

Concrete shall be 4,000 P.S.I. @ 3 day high early strength.



TITLE 19 - SUBDIVISION ORDINANCE
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DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1

PAVEMENT REPAIR AREA

3-59L

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

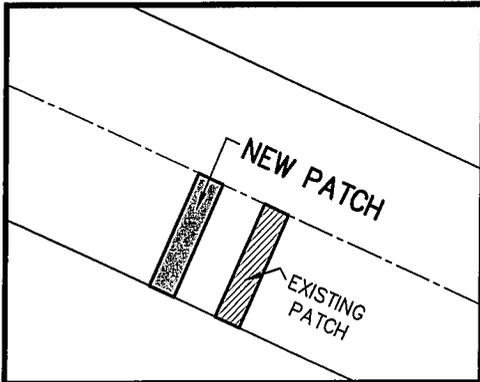
Checked By RAS / IR / RS
Drawn By CoEP STAFF

NOTE;

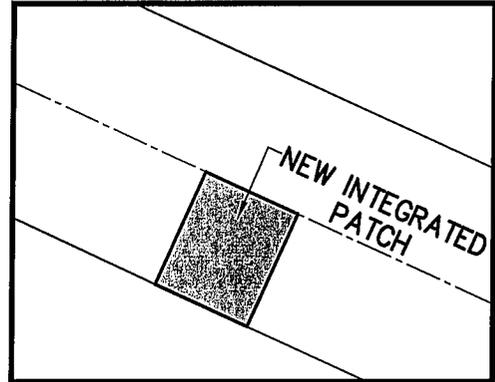
Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

Patch slope and grade must match existing pavement.

NOT ACCEPTABLE

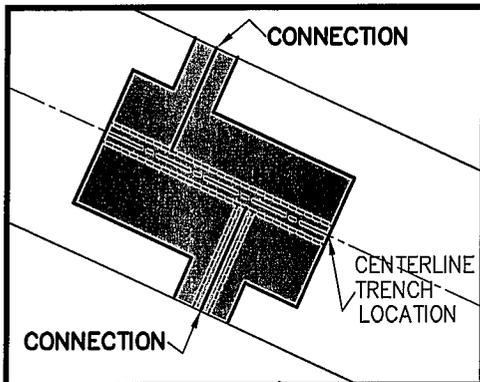


ACCEPTABLE

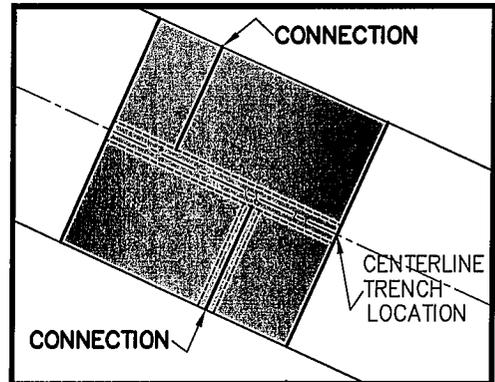


The patch area must include any existing patches that are within a 8' perimeter of the new cut.

NOT ACCEPTABLE



ACCEPTABLE



Patches must avoid frequent width changes.



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FOR CONSTRUCTION

ADDENDUM 1
PAVEMENT REPAIR AREA
3-59M

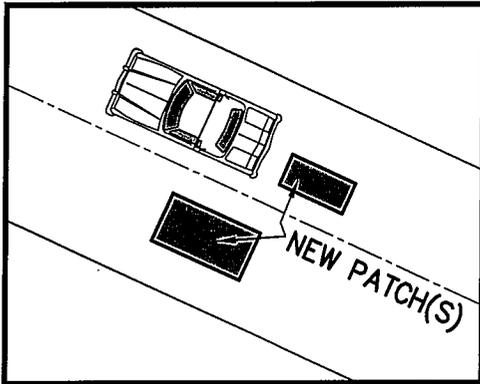
Approved By R. A. SHUBERT
Date SEPT. XX, 2010
Checked By RAS/IR/RS
Drawn By CoEP STAFF

NOTE;

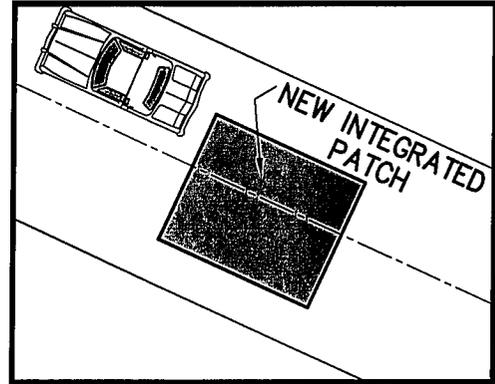
Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

Patch slope and grade must match existing pavement.

NOT ACCEPTABLE

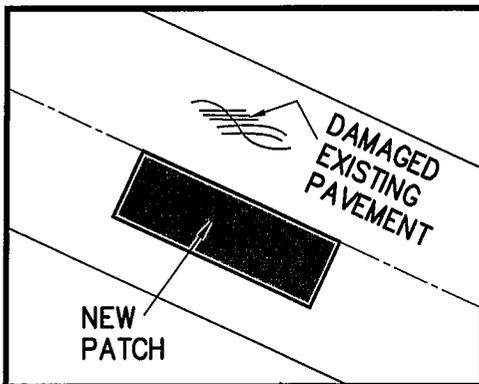


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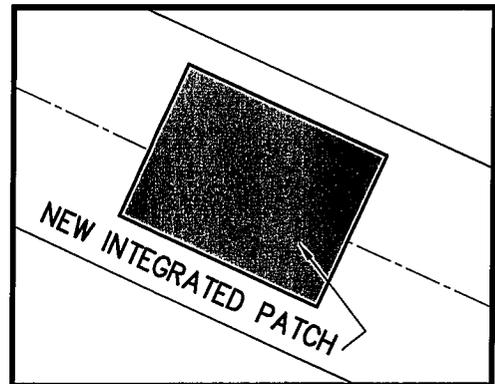


Do not allow the edges of patches to fall in wheel paths.

NOT ACCEPTABLE



ACCEPTABLE



Damaged pavement caused by contractor's equipment must also be included as part of the repair.



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ADDENDUM 1

PAVEMENT REPAIR AREA

3-59N

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

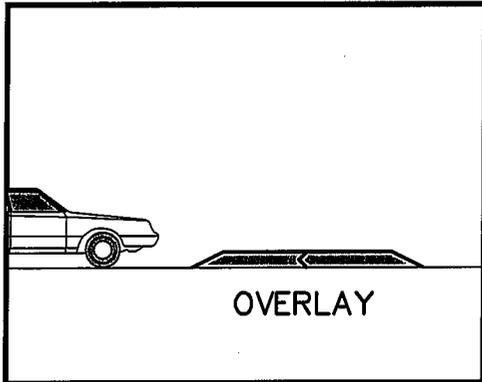
Checked By RAS / IR / RS
Drawn By CoEP STAFF

NOTE;

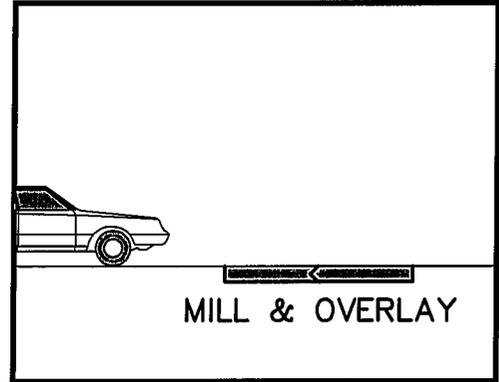
Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

Patch slope and grade must match existing pavement.

NOT ACCEPTABLE

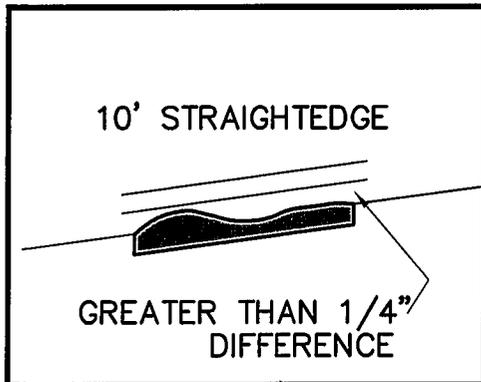


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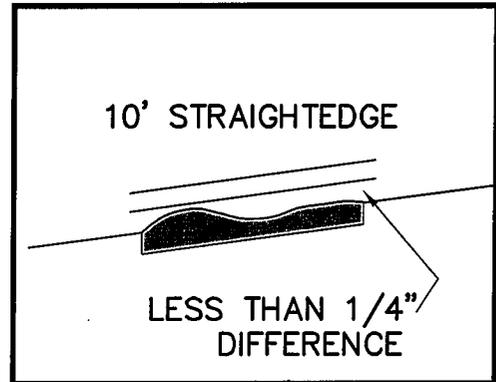


Patches may not decrease rideability.

NOT ACCEPTABLE



ACCEPTABLE



Surface tolerances for street repairs shall meet the standard for new construction.



TITLE 19 - SUBDIVISION ORDINANCE
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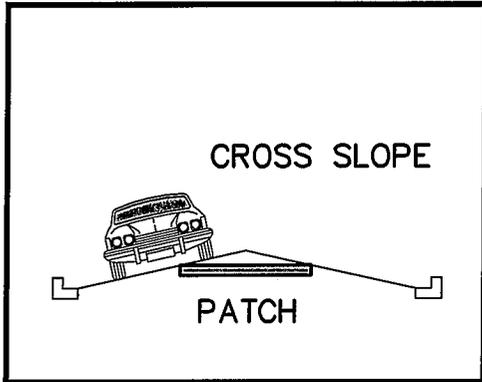
ADDENDUM 1
PAVEMENT REPAIR AREA
3-590

Approved By R. A. SHUBERT Checked By RAS/IR/RS
Date SEPT. XX, 2010 Drawn By CoEP STAFF

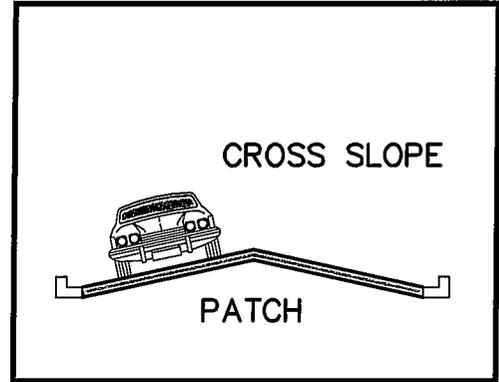
NOTE;

Drawings are conceptual only. See detailed cross-section sheets for repair procedures.

NOT ACCEPTABLE



ACCEPTABLE



Patch slope and grade must match existing pavement.

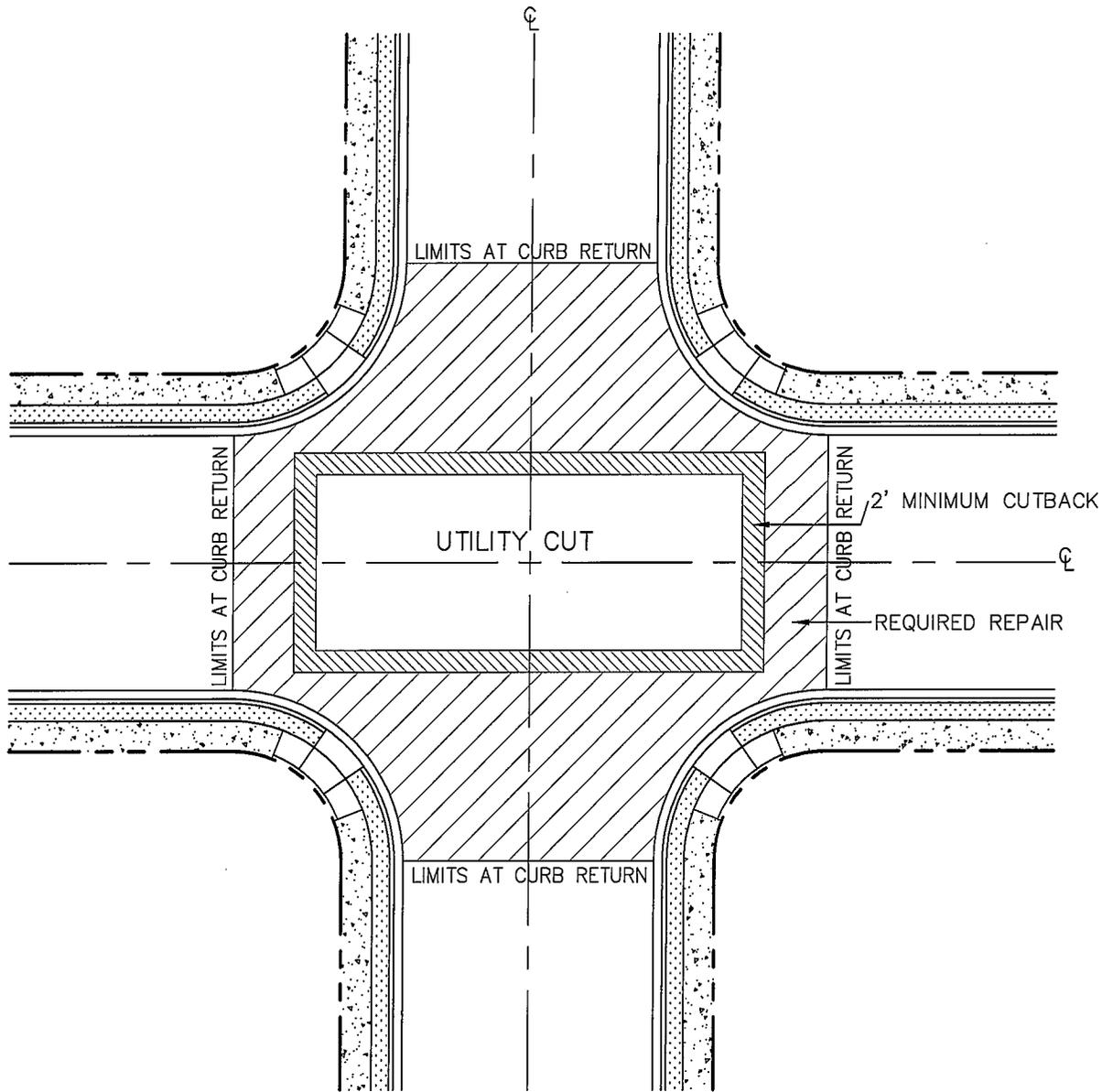


TITLE 19 - SUBDIVISION ORDINANCE
ENGINEERING and
CONSTRUCTION MANAGEMENT
DEPARTMENT
DESIGN STANDARDS
FOR CONSTRUCTION

ADDENDUM 1
PAVEMENT REPAIR AREA
3-59P

Approved By R. A. SHUBERT
Date SEPT. XX, 2010

Checked By RAS / IR / RS
Drawn By CoEP STAFF

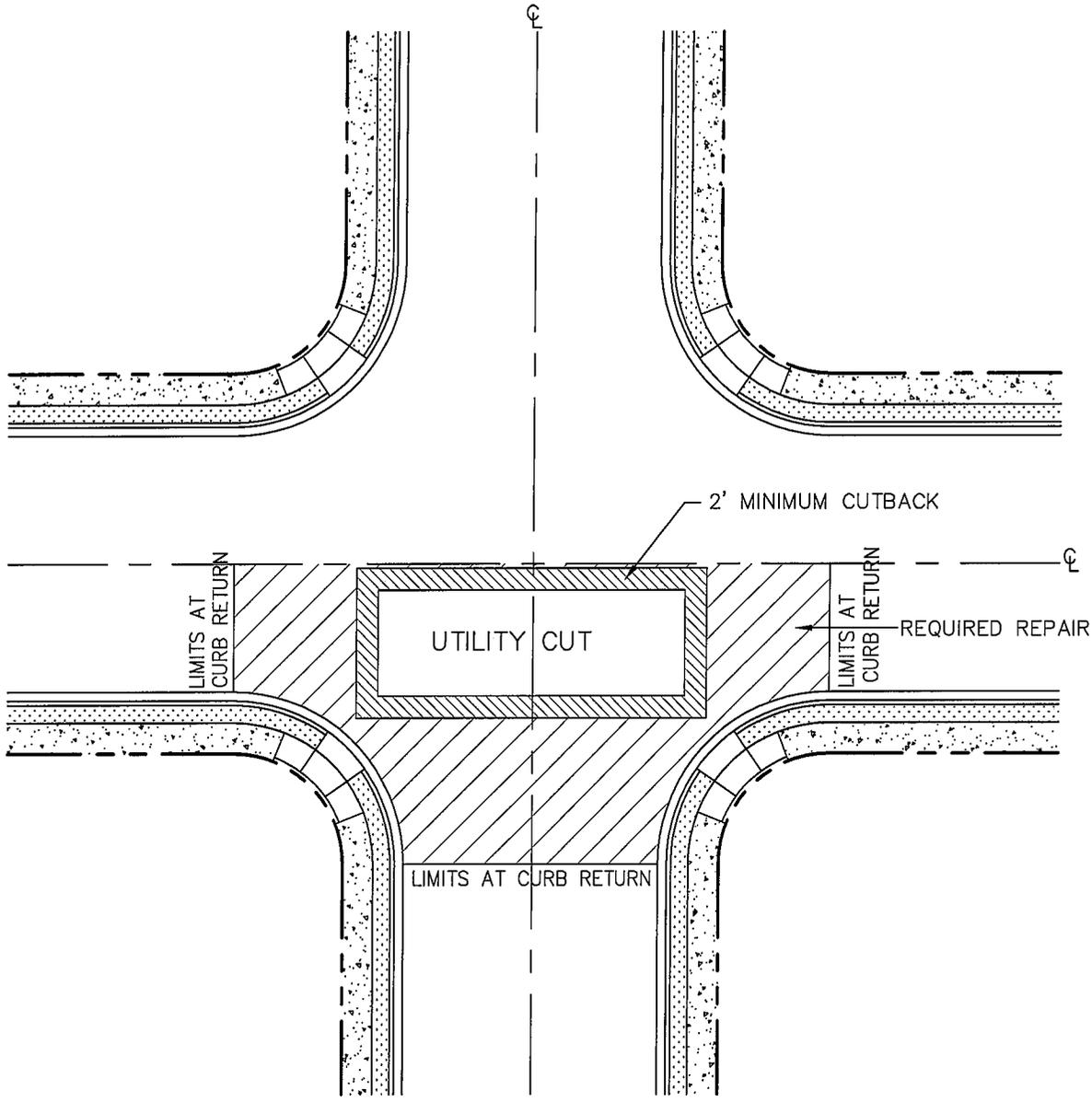


TITLE 19 - SUBDIVISION ORDINANCE
**ENGINEERING and
 CONSTRUCTION MANAGEMENT
 DEPARTMENT**
**DESIGN STANDARDS
 FOR CONSTRUCTION**

ADDENDUM 1
PAVEMENT REPAIR AREA
 3-59Q

Approved By R. A. SHUBERT
 Date SEPT. XX, 2010

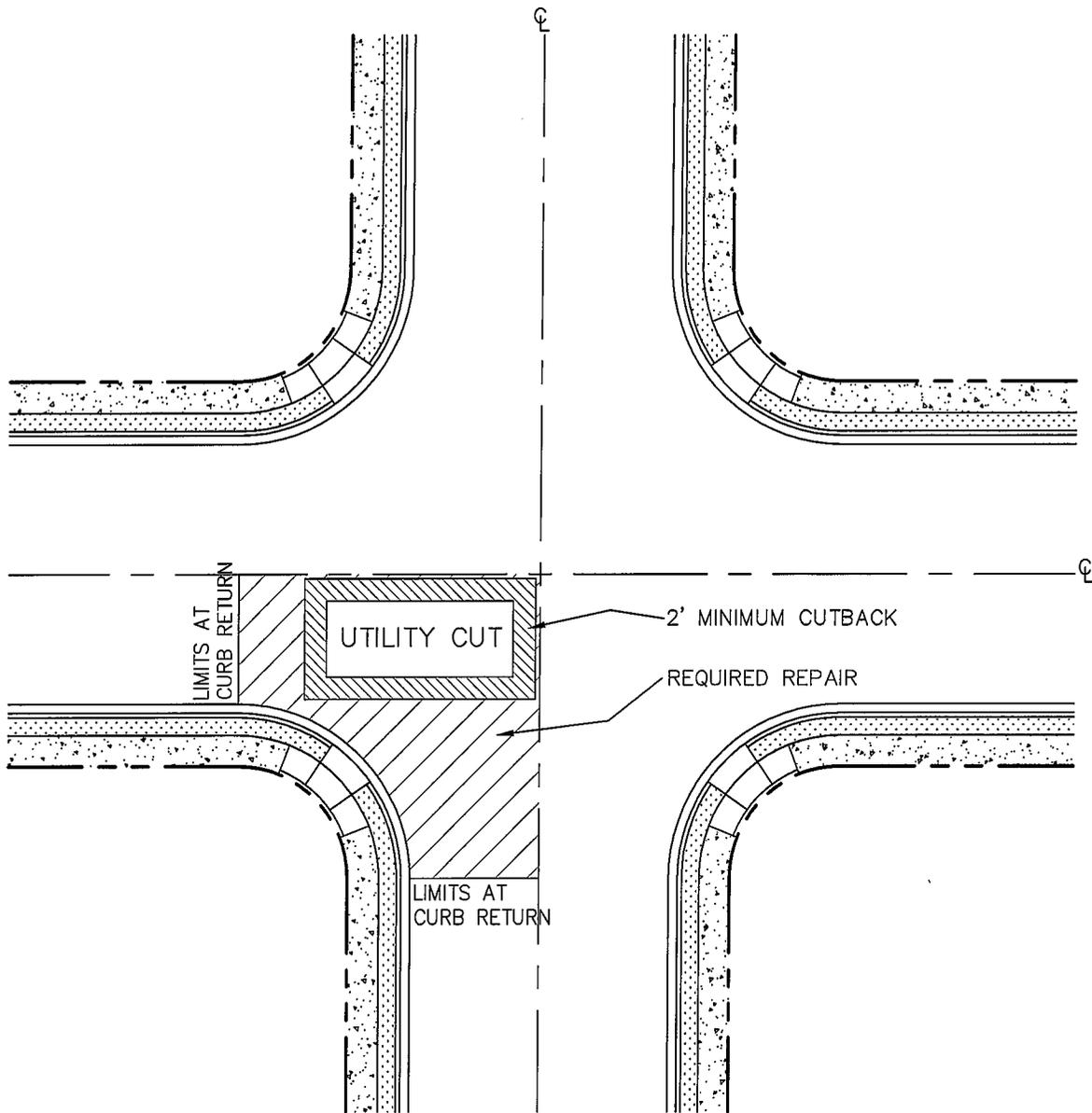
Checked By RAS / IR / RS
 Drawn By CoEP STAFF



TITLE 19 - SUBDIVISION ORDINANCE
**ENGINEERING and
 CONSTRUCTION MANAGEMENT
 DEPARTMENT**
**DESIGN STANDARDS
 FOR CONSTRUCTION**

ADDENDUM 1
PAVEMENT REPAIR AREA
 3-59R

Approved By <u>R. A. SHUBERT</u>	Checked By <u>RAS / IR / RS</u>
Date <u>SEPT. XX, 2010</u>	Drawn By <u>CoEP STAFF</u>



TITLE 19 - SUBDIVISION ORDINANCE
**ENGINEERING and
 CONSTRUCTION MANAGEMENT
 DEPARTMENT**
**DESIGN STANDARDS
 FOR CONSTRUCTION**

ADDENDUM 1
PAVEMENT REPAIR AREA
 3-59S

Approved By R. A. SHUBERT
 Date SEPT. XX, 2010

Checked By RAS/IR/RS
 Drawn By CoEP STAFF