

AN ORDINANCE 2016-11-10-0894

APPROVING REVISIONS TO CHAPTER 29 OF THE MUNICIPAL CODE WHICH GOVERNS RIGHT-OF-WAY MANAGEMENT REGULATIONS TO MANAGE CONSTRUCTION, EXCAVATION, AND PLACEMENT OF UTILITIES.

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WHEREAS, Chapter 29 of the Municipal Code governs right-of-way management regulations to manage construction, excavation, and placement of utilities; and

WHEREAS, on January 25, 2001, City Council repealed Chapter 29-106 through 29-194 of Chapter 29, and adopted new sections Chapter 29-106 through 29-204; and

WHEREAS, the purpose of this Ordinance is to revise outdated language, provide clarifications and include language which provides staff with the ability to enforce signage at the job site and require a conspicuous identifier on contractor and utility personnel while working in the City's right-of-way; and

WHEREAS, the definition of "Right-of-Way (ROW) User" in Section 29-107 will be amended to include utilities and contractors that use public right-of-way for purposes of work, excavation, provision of services, and to install, construct, maintain, and repair facilities; and

WHEREAS, the definition of "Utility" in Section 29-107 will be amended to capture the type of communications services that use facilities located within the right-of-way, including mobile services, telecommunications services, information services, cable services, and video services; and

WHEREAS, Section 29-120(a) will be amended to require that any right-of-way user engaged in making or backfilling any excavation must show the permit, or a copy thereof, to the right-of-way manager or designee; to provide that an approved traffic control plan, if applicable, must be maintained at the job location; sets out the information that must be included on signs maintained at permitted job locations; and require that employees and contractors engaged in carrying out permitted work shall have on their person a conspicuous identifier of the utility for whom the permitted work is begin perform; and

WHEREAS, City staff recommends that the enforcement of the proposed revisions begin on February 1, 2017, so the City may conduct educational outreach to the Right-of-Way Users and public about the importance and requirements of this Ordinance; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of the City of San Antonio, Texas, Chapter 29, Article IV "Excavations", Division 1 "General Provisions", Section 29-107 entitled "Definitions" and

Section 29-120 entitled "Excavation to be under supervision of the director" are hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 29, Article IV "Excavations", Division 1 "General Provisions", Section 29-107 entitled "Definitions" is hereby amended as follows:

Right-of-way (ROW) user means a person, its successors and assigns, that uses the right-of-way for purposes of work, excavation, provision of services, ~~or~~ and to install, construct, maintain, repair facilities thereon, including, but not limited to, landowners, utilities, ~~and~~ service providers, and contractors.

Utility shall mean any privately or publicly owned entity which uses public rights-of-way to furnish to the public any general public service, including, without limitation, sanitary sewer, gas, electricity, water, ~~telephone~~ mobile services, telecommunications services, information services, cable services, video services, petroleum products, telegraph, heat, steam or chilled water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the right-of-way. Poles are regulated herein only as specifically set forth in this chapter.

SECTION 3. Chapter 29, Article IV "Excavations", Division 1 "General Provisions", Section 29-120 entitled "Excavation to be under supervision of the director" is hereby amended as follows:

(a) Any ROW user engaged in making or backfilling any excavation in any right-of-way shall at all times while such work is in progress keep at the job location the permit, or a copy thereof, and shall, on demand, exhibit the permit to the director, right-of-way manager or designee, or any police officer. At all times while the work is in progress the ROW user shall also maintain at the job location, a ~~sign~~, barricade, approved traffic control plan if applicable, or other device and signs bearing the contractor's name, the ROW user's name the name of the utility that is having facilities installed, maintained, repaired, replaced, and/or removed under, on, or above the ROW, contact information for both the contractor and utility, and a brief description of the permitted work. Employees and contractors of the ROW user engaged in carrying out the permitted work shall also have on their person a conspicuous identifier of the utility for whom permitted work is being performed.

SECTION 4. All other provisions of Chapter 29, Article IV "Excavations", Division 1 "General Provisions", Section 29-107 entitled "Definitions" and Section 29-120 entitled "Excavation to be under supervision of the director" shall remain unchanged and in full force and effect as expressly amended by this Ordinance.

SECTION 5. Staff is directed to incorporate and make changes in the Utility Excavation Criteria Manual to conform to this Ordinance.

SECTION 6. This Ordinance is effective upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage. The Chapter 29 revisions approved by this Ordinance shall not be enforced until February 1, 2017.

PASSED AND APPROVED this 10th day of November, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

For

City Attorney

Agenda Item:	14 (in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20)						
Date:	11/10/2016						
Time:	10:13:09 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving revisions to Chapter 29 of the Municipal Code which governs right-of-way management regulations to manage construction, excavation and placement of utilities to include language that will require contractors to have job site signage and on-person identification of the company for whom the right-of-way work is being performed. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				