Drafted by	Legal Specialist
Sponsored by/Referred by	Council President and Vice President
Introduced on	July 13, 2015
Advertised on	July 20, 2015

BILL NO. 40 -2015

AN ORDINANCE

AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER STREET 508 STREETS AND SIDEWALKS, PART 7 STREET CUT PERMITS, AS ATTACHED IN EXHIBIT A.

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending the City of Reading Code of Ordinances, Chapter Street 508 Streets and Sidewalks, Part 7 Street Cut Permits, as attached in Exhibit A.

Section 2. This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: July 27, 2015

Vice President of Council

Attest:

City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 27 day of July A. D. 20 15. Witness my hand and seal of the said City this 28 day of July A. D. 20 15

CITY CLERK

Submitted to Mayor: _____
Date: 7/28/15
Received by the Mayor's Office: _____
Date: 7/28/15
Approved by Mayor: _____
Date: 7/28/15
Vetoed by Mayor: _____
Date: _____

Chapter Street 508 Streets and Sidewalks
Part 7 Street Cut Permits

§ 508-701. Purpose.[20]

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a Street Cut Permit (Permit) is obtained from the Department of Public Works. It shall be the responsibility of the person receiving the Permit (the Permittee) to promptly restore the permitted street cut and any other affected facility in proper order and repair in accordance with this ordinance and associated guidance documents. When the street cut involves the use of a utility the Permittee shall be the owner of the utility or the owner's legal agent.

§ 508-702. Application.

Applications for a Permit to break the pavement or surface of any legally open streets shall be submitted on the form provided by the Department of Public Works, shall include all information and applicable fees, and shall be signed by the applicant. The application information and fees shall include the following:

A. **Permit Fee**. Each application shall be accompanied by a permit fee as provided in Chapter 212, Fees.

B. **Inspection Fee.** An inspection fee will be assessed for each separate street cut as provided in Chapter 212, Fees.

C. **Pavement Restoration Fee.** ***It shall be the duty of the party applying for the permit to restore to good order and repair in accordance with the City of Reading's specifications.*** The Permittee shall pay a permanent pavement restoration fee for those cuts where the permanent pavement restoration is provided by the City of Reading, in accordance with Chapter 212, Fees, unless otherwise stipulated. ~~Refer to Section 508-706 Pavement cuts on recently paved streets for additional charges that may apply to recently paved streets.~~ Permittee's *s* who prefer to have their contractor perform the permanent pavement restoration work must have completed a Letter of Agreement with the City to that effect and will not be assessed the permanent pavement restoration fee ***except as noted in Section 508-706 and Section 508-709.C. Refer to Section 508-706 Pavement cuts on recently paved streets for premature degradation charges that will apply to cuts made on recently paved streets, and Section 508-709.C for permanent pavement restoration made Ahead of Paving in coordination with the City.***

D. **Detailed Plan of the work**. ***The applicant shall furnish a*** ~~A~~ scale plan shall accompany the application showing the extent and nature of the planned work at each street cut location within the right- of-way. ***The plan shall set forth, but is not limited to:***

1) ***The purpose for which the excavation is to be made;***
2) ~~The Permittee shall include~~ ***The dimensions and location of the proposed excavation including the nearest cross streets where the excavation or street opening is considered;***
3) ***The full scope of work to be included in the project;***
4) ***The date or dates during which the requested excavation is to be permitted;***

5) *The date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and*
6) *A Traffic Impact Plan (TIP). As specified in §508-709, a TIP shall be submitted with any permit application for all proposed work that is to be conducted on a City roadway.*

~~all other important details on the plan that the Permittee is aware of and other information as required by this section and as directed by the City Engineer *Public Works Director* or his/her designee (City Engineer).~~

E. **Letter of Agreement**. A properly executed Letter of Agreement will be required for all Permits with the exception of a single Permit application for one street cut by a non-utility applicant.

F. ~~**Bond**~~ ***Guaranty of Work. The Permittee shall guarantee and maintain the street cut, excavation, and any related work for twenty-four (24) months from the completion of the City approved final restoration. Within this twenty-four (24) month period, the Permittee shall correct or cause to be corrected all restoration work in the manner determined necessary by the Public Works Director within five (5) calendar days of receipt of the notification. Failure to perform within the five calendar days may be completed by the City and invoiced to the Permittee for all costs incurred in performance of the work. Payment not made within thirty (30) days of the invoice date will be enforceable against the posted bond, including any fees and costs involved in the collection thereof.***

Each street cut will require a bond ***signed*** or other acceptable form of surety before a Permit is issued. The bond shall be signed by the applicant in the amount as specified in Chapter 212, Fees. The bond shall accompany the Permit application and shall remain in effect for a period of ***twenty-four months (24)*** ~~two years~~ from the date of the acceptance of the final pavement restoration. Public utility companies shall provide a bond as specified in Chapter 212, Fees that will warrant all street cut work performed in that calendar year. Bonds for utility companies shall be renewable on an annual basis. If the condition is such that the Permittee fails to comply with this ordinance by not promptly completing the permitted work, including trench restorations and restoration of other affected facilities or fails to maintain such restorations in proper order and repair following construction, the ~~City Engineer~~ ***Director of Public Works*** shall have cause to remedy that condition by calling on the Permittee's bonding company to perform the work necessary to restore the street and other affected facilities to proper order.

G. **Additional fees and information.** The size and type of street cut(s) may require payment of additional fees and submission of additional information as prescribed in this ordinance. All fees, plan information, bonding, application and Letter of Agreement must be provided and approved before the City will issue a Permit. Permits are issued subject to all other applicable ordinances of the City of Reading, and all applicable state and federal laws.

H. ***Display of permits and signage at work site. Unless otherwise authorized, permit(s) shall be kept at the work site for the duration of the project and made available for inspection upon request of any duly authorized City official. Such permits cannot be affixed to any temporary structure including fences, containers, or construction equipment.***

I. ***Revocation of Permit. All street cut or excavation permits are subject to revocation at any time by the Department of Public Works upon written notice served to whom the permit was granted, their agent, or employee . Such notice shall contain a brief statement detailing the revocation and be issued for failure to cure within three (3) days:***
1. ***A violation of any condition of the permit.***

2. ***A violation of this section or any other applicable City of Reading ordinance relating to the work.***
3. ***The creation or failure to eliminate a condition or action that constitutes a nuisance or endangers the lives, property, or welfare of City residents.***

§ 508-703. Rejection of application

Street Cut Permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit. ***Additionally, no permit shall be issued for non-emergency work commencing from September through November of any calendar year.***

The ~~City Engineer~~ ***Director of Public Works*** may deny or delay issuance of a Permit if existing or anticipated conditions for the use of the street indicate that the street cut work will interfere with the safety and judicious use of the street and the Right-of-Way.

§ 508-704. Permit issuance and schedule for construction of street cuts

Permit applications shall be submitted ~~a minimum of two weeks~~ ***not less than thirty (30) days*** prior to the start of the proposed street cut work***, and construction work must commence within fifteen (15) calendar days of approval; failure to do so may result in permit revocation, or require the submission of a new application.*** The Permittee shall notify the City at least three days in advance of breaking the street. Each Permit shall be valid for a period of ~~six~~ ***four*** months. If deemed necessary, Permit time extensions may be granted as specified in Section 508-709 Other related permits and fees.

§ 508-705. Charged surface

In computing the surface area of the permanent pavement restoration surface to be charged, ***for small single cuts, twelve inches shall be added to all sides of the proposed cut. For Large Street Cuts (per 508-707.A), the charged surface shall include the combined area of each trench, plus, as a separate fee, the area of milling and overlay required to restore the overlying surface. For applicants where the Large Cuts are coordinated with the City for Ahead of Paving Permits, see Section 508-709.C.*** If the Permittee or City inspector determines that the Permittee removed, disturbed or damaged a pavement area greater than what is stated on the Permit, the Permittee shall pay a proportionate amount to be fixed by the Department of Public Works.

§ 508-706. Pavement cuts on recently paved streets

~~Final pavement restorations for~~ ~~s~~ ***Street*** cuts on recently paved streets ~~will be provided by the City, and~~ are subject to ~~additional~~ charges to recover the premature degradation caused by the work. ~~The restoration fee for pavement cuts on streets paved more than 10 years before the date of the application shall be calculated at the permanent pavement restoration rate specified in Chapter 212, Fees.~~ The ~~restoration~~ ***premature degradation*** fee for pavement cuts on streets paved within ten years from the date of the application shall be ~~issued~~ ***based*** on the permanent pavement restoration rate specified in Chapter 212, Fees ***as follows*** ~~following additional fees~~ ; 100% ~~additional for~~ ***of the restoration fee for*** the current year through the fifth year, and 80% ~~additional~~ ***of the restoration fee*** for years six through ten. ***The premature degradation fee applies to all Permittees under these conditions whether they provide the pavement restoration or the City provides the restoration.***

§ 508-707. Special site conditions

Where, in the opinion of the ~~City Engineer~~ ***Director of Public Works*** and at his/her sole discretion, site conditions are determined to involve construction work beyond that required for a small single utility service connection, the Permittee shall provide additional information, and may be required to perform additional work and pay additional fees. Where additional work is required to restore the pavement and other features within the Rights-of-Way, those terms shall be included in the Letter of Agreement before issuance of the Permit.

Special site conditions include, but are not limited to, permanent restoration of the street surface by the applicant, permanent restoration of the street beyond the area of the trench cut opening, construction of features within the Rights-of-Way other than trench restoration, and other special site construction work determined during the application. Examples of special site conditions are described below:

A. **Large cuts.** Additional restoration of the pavement wearing surface will be required for cuts larger than those made for small single utility service connections. Large street cuts include, but are not limited to, the following conditions:
   1. Where two or more transverse or longitudinal cuts are made within a 100 foot long section of street ***and the total area of the cuts is equal to or greater than 40.0 square feet***. (Transverse cuts are typically made for laterals that run across the street, and longitudinal cuts are typically made for mains running with the street.)
   2. ***Where the area of a single cut is equal to or greater than 40.0 square feet.***
   3. ~~Where a single longitudinal cut exceeds 100 feet.~~

   The additional restoration for these cuts shall comply with the City's ~~drawing~~ ***standard engineering drawings*** and specifications for Large Street Cut Restoration which shall include milling and overlaying of the wearing surface of the entire ~~travel~~ lane(s) between the curb and the street centerline within the area bounded by the cut(s).

B. **Curb ramps.** For conditions where the Permittee proposes ~~a street cut~~ ***an alteration to*** ~~within~~ a street ~~intersection, or along, or through a pedestrian walkway~~ ***crosswalk or other crosswalk*** within the City's Rights-of-Way and where the existing curb ramps at that ~~intersection~~ ***crosswalk*** do not meet the current requirements of the Americans with Disabilities Act (ADA), the Permittee will be required to ~~install ADA compliant~~ ***upgrade the crosswalk to meet current ADA standards including*** curb ramps ~~at all corners within~~ ***for*** that ~~intersection~~ ***crosswalk. Crosswalk and pedestrian access route alterations, as defined by the ADA and Penn DOT, shall include any project that will affect or could affect the accessibility or use of the accessible route. Alteration projects that meet these conditions shall be determined by the Director of Public Works on a case by case basis and shall follow the latest Penn DOT guidance, including Publication 13M, Chapter 6.*** ~~*Alterations include any extensive resurfacing or overlaying of the pavement within the crosswalk.*~~ ~~The area within a street intersection is the area delineated by the curb radii and the lines drawn across the streets that connect the termini of the curb radii, or the lines drawn parallel to the outside edge of the pedestrian walkways, whichever generates the larger area. This condition also applies where the work will disturb any street corner beyond the curbline.~~ ***City crosswalks are located at all street intersections whether or not crosswalk markings are present. Crosswalks are also located along sidewalks where the sidewalks cross alleys and driveways. For crosswalks that are not marked, the crosswalk area within a street intersection is the area delineated by the outside curb radii and the lines drawn across the streets that connect the termini of the curb radii, excluding the area of the interior***

rectangle. The interior rectangle is formed by projecting the curblines into the intersection and the rectangle is defined by the corners of the intersecting projected curblines. Unmarked crosswalks include the area that is defined by the projection of the sidewalk across the street, alley or driveway. For street cuts proposed under these conditions the Permittee will be required to construct, or reconstruct curb ramps at ***the crosswalk*** ~~each and every corner of the intersection or alley~~ to meet the current ADA and Penn DOT requirements. To facilitate the proper construction of the ramps, the Permittee shall include with their Permit application the following additional provisions:

1. An existing conditions survey that includes all of the curb ramps within the intersection, alley or other accessible route where the cut is proposed to determine compliance and/or non-compliance with ADA.
2. Curb ramp designs for construction of each new and non-compliant curb ramp. The curb ramp designs must comply with the most current applicable Penn DOT standard for curb ramps. The existing condition survey and the ramp designs must be sealed by a qualified engineer or surveyor registered in the Commonwealth of Pennsylvania.
3. An amendment to the Letter of Agreement that states that the Permittee will construct or replace curb ramps within the intersection or alley that does not currently meet ADA and Penn DOT requirements.
4. A bond, letter of credit or other form of appropriate surety that includes an amount equal to cost to construct the ramps per the approved design. The form of surety other than a bond must be approved by the City Solicitor. The amount of the surety must be approved by the ~~City Engineer~~ ***Director of Public Works.***

Ramp designs will be reviewed by the ~~City Engineer~~ ***Director of Public Works*** for approval prior to issuance of the Permit. For projects that involve state and/or federal funding, additional Penn DOT approval shall be required.

Following construction of the curb ramps, The Permittee shall submit to Public Works completed as-built (record) drawings of the work indicating that the ramps were properly inspected and were found to comply with the approved design.

C. ***Steel Plates. When a temporary surface is required the temporary installation and maintenance thereof shall be the responsibility of the Permittee until the permanent surface is completed and accepted.***

1. ***Steel Plates shall only be used to secure open excavations when the Permittee is unable to backfill the same day excavation occurs and may be utilized for a period not to exceed four (4) business days, unless otherwise permitted by the City. In the event steel plates must be left unattended for a period exceeding 4 business days without prior approval, the Permittee is required to notify the City of Reading Public Works Department the reason(s) and necessity of the plate(s), as well as the estimated time before resuming their work.***
2. ***All steel plates shall be properly marked with the utility and contractor name, and a twenty-four (24) hour contact phone number in the event of a disturbance. Additionally, the steel plates shall be of sufficient thickness to resist bending and vibration under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Permittee shall be required to backfill, pave the excavation, or use alternative methods sufficient to remedy the disruption.***
3. ***Skid-resistant plates are required: from November and through April and in high-traffic locations including, but not limited to crosswalks near schools, hospitals or elderly housing, stop bars, handicapped ramps, on bridges and major intersections. The City does reserve the right to require skid-resistant plates when deemed necessary.***

4. *The plates shall be secured to prevent any lateral movement. If movement occurs, the Permittee will be notified to re-secure plating immediately; otherwise the Permittee shall be charged 115% of the cost incurred by the City to secure the Permittee's plates.*
5. *All plated locations ~~must have "Caution: Steel Plates Ahead" signs constructed with Retro Reflective Florescent Orange material (Type 4) bracketed 6 feet in height or greater on unobstructed poles or posts placed at approximately 100 feet in advance of the steel plate location, unless otherwise approved by the City of Reading Public Works Department. "Steel Plates Ahead" signs must be taken down when plates have been removed from the work site.~~ must utilize traffic control devices as defined to include, signs, signals, or markings generally used to warn, or guide vehicular traffic through streets, highways, or private roads open to public travel as regulated by the Manual on Uniform Traffic Control Devices (MUTCD).*

§ 508-708. Inspection 22

If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant additional inspection beyond routine spot-inspection or due to noncompliance with the Permit conditions, the Permittee shall be charged for all expenses incurred by the City of Reading for the additional inspection(s).

§ 508-709. Other related permits and fees.

A separate Permit shall be issued for each individual street cut. In addition to the streets cut previously described, Street Cut Permits will be issued for the following:

A. **Bore holes**. Bore holes are small auger drilled excavations, up to 8 inches in diameter and no deeper than18", made in the pavement section for the purpose of investigating pavement conditions, or to open the pavement for investigations below the pavement section. Bore holes made below the pavement section must utilize non-destructive excavation methods. Non-destructive excavation shall be limited to methods that use pressurized air and vacuum systems to excavate borings, up to 4 square feet in area, for visual examination of underground utilities and other subsurface conditions. Non-destructive methods other than air-vacuum systems must be approved in writing by the ~~City Engineer~~ ***Director of Public Works*** prior to issuance of the Permit. Bore holes are street cuts and a bore hole fee will be charged for each bore hole made, as specified in Chapter 212, Fees. A Permit will be required for each bore hole grouping. The Permittee shall restore the bore holes in the same manner as a standard street cut. The work shall be completed within 30 days of boring. If the applicant does not restore the bore holes within that time period, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the Permittee.

B. **Emergency cuts**. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a Permit at the discretion of the utility company conducting the investigation and repairs. ***Within two hours of*** commencing an emergency cut ***or excavation***, the City's Police Department shall be notified ~~immediately~~ at (610) 655-6111, as well as other potentially affected utilities and the PA One Call System. An authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and a proper Permit application accompanied by appropriate fees and other required documents shall be submitted to the City within seven business days of the commencement of the work.

1) ***A Permittee shall perform emergency work until the emergency is eliminated, unless otherwise directed by the City.***
2) ***Once obtained, the emergency permit shall be kept on site and presented upon the request of any City official authorized to enforce this part.***

C. **Ahead of Paving Permit**. Applicants proposing street cuts at locations that are scheduled for street improvements by the City of Reading will be charged at the Ahead of Paving Permit fee rate as specified in Chapter 212, Fees. A detailed construction plan must accompany each application for an Ahead of Paving Permit. ~~Excavation, backfilling and~~ ***Temporary and*** ~~street cut~~ ***permanent trench*** restoration will be performed by the Permittee at his/her cost and in accordance with the schedule as directed by the ~~City Engineer~~ ***Director of Public Works. The Permanent pavement surface restoration will be coordinated with the Director of Public Works. The fee charged for this restoration shall be determined by applying typical costs for this construction work applied to the charged surface per Section 508-705.***

D. A Traffic Impact Plan (TIP). The TIP shall detail the method by which vehicular and pedestrian traffic will be affected and controlled during a permitted project. The TIP shall also include any barricades, signs, lights or other approved safety devices necessary to facilitate a closure and where the work results in closing or diverting traffic into another lane, a Flag person shall at all times be posted while the work is actively being performed. For street closures within the City that also require PennDOT permits, the application must include a copy of the state issued permit and comply with all traffic control standards. In residential districts zoned R1, the Public Works Director may waive the requirement for a TI; however, all other traffic control regulations are enforced.

E. ~~D~~ **Time extension.** For conditions where the permitted work may not be completed, or has not been completed, on or before the Permit expiration date, the ~~City Engineer~~ ***Director of Public Works*** may, if he/she deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening. If an extension of time beyond the Permit expiration date is necessary for the Permittee to complete the work, then a written application must be submitted and signed by the Permittee at least two weeks prior to the expiration date. Permit time extensions will only be granted upon the timely submission of the Permit extension application and the payment of the time extension fee, as specified in Chapter 212, Fees. ***Any Permittee that fails to request and receive an extension for permitted work and continues to work shall be in violation of this section.***

§ 508-710. Construction Standards

A. Plan and subsurface drawings and record drawings. All applicants shall include with their application scale drawings that clearly and accurately shows the location of the proposed work with respect to existing facilities within the vicinity of the proposed work that will be, or could be, affected by the work. The scope of the drawings shall include as a minimum: all adjacent underground utilities, curb lines, sidewalks, traffic control loops, and similar features in both plan and cross section view. Upon completion of work, the Permittee shall furnish to the Director of Public Works record drawing(s) that indicates the as-constructed location, size and type of utility or feature installed or altered and its location with reference to the street surface and the adjacent curb lines. The standard of accuracy for the drawings shall be:

1. For standard single utility service connections: the same as those submitted for Final Plan under Chapter 515 Subdivision and Land Development Ordinance.
2. For large street cuts and cuts required for work other than a single service connection: as specified on the City of Reading's Street Cut Restoration drawing.

H. Work to conform to the City of Reading standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and ***in accordance with the City of Reading engineering standard drawings and specifications*** ~~shall conform to all requirements and standards of the City of Reading~~. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the Permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at Permittee's own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the Permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to the ~~City Engineer~~ ***Director of Public Works*** for resolution.

§ 508-711 ***Comprehensive General Liability and Indemnification. The applicant for a street cut or excavation permit shall provide a certificate of insurance with general liability coverage, including any liability normally covered by a General Liability policy with limits of not less than $1,000,000 per occurrence and $2,000,000 in the annual aggregate. Prior to commencement of the performance of the excavation, Contractor shall furnish to the City a certificate of insurance evidencing required coverage in at least the limits required herein, naming the City of Reading, its elected officials, agents, and employees as Additional Insured for "ongoing operations" and "products and completed operations". Moreover, the applicant agrees, as a condition governing the issuance of permit that they shall hold harmless the City of Reading, its elected officials, agents, and employees from any and all claims and actions whatsoever arising under the execution of said permit.***

§ 508-712 **Violations and penalties.**

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any time extension fee, or violates any of the other provisions of this section shall, upon conviction before Magisterial District Judge, be sentenced to pay a fine not exceeding $300 ***for an initial offense and not to exceed $1,000*** for ~~each~~ ***subsequent violations*** ~~offense~~, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.