ADMINISTRATIVE ORDER NO. 58-22-12-F
of the
City Manager of the City of Eugene

AMENDING AND REPLACING CONSTRUCTION WITHIN AND USE OF THE PUBLIC WAY ADMINISTRATIVE RULE R-7.302 (INCLUDING REPLACEMENT OF THE "UTILITY AND RIGHT-OF-WAY PERMITS CONSTRUCTION WITHIN AND USE OF THE PUBLIC WAY MANUAL") ADOPTED BY ADMINISTRATIVE ORDER NO. 58-03-19-F.

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971, ("EC") authorizes the City Manager to adopt rules for administration of provisions of the Eugene Code. EC 7.302(6) describes the minimum required provisions to be addressed in the administrative rules issued by the City Manager under that section.

B. Pursuant to the above authority, on January 14, 2004, Administrative Order No. 58-03-19-F was issued adopting the Construction Within and Use of the Public Way Administrative Rule R-7.302 ("the Rule") and the Utility and Right-of-Way Permits Construction Within and Use of the Public Way Manual ("the Manual").

C. On April 22, 2022, I issued Administrative Order No. 58-22-12 ordering that notice be given of the opportunity to submit written comments on a proposal to amend the Rule and the Manual in order to reflect current Public Works Engineering standards, to clarify public way restoration requirements, and to make the Manual more user-friendly.

D. Notice of the proposed amendments to the Rule and Manual was given by making copies of the Notice available to any person who had requested such notice and by publication of the Notice in the Register Guard newspaper on April 25, 26, 27, 28, and 29, 2022, providing interested persons an opportunity to submit comments on the proposed amendments until the end of the day on May 10, 2022. The written comments received during the public comment period are addressed in the City Manager's Findings in Consideration of Written Submissions attached as Exhibit B to this Order.

On the basis of these findings, I order that:

1. As of the effective date of this Order, Administrative Rule R-7.302 is amended as set forth below and the "Utility and Right-of-Way Permits Construction Within and Use of the Public Way Manual" is replaced with the "Utility Construction and Use of the Right-of-Way Policies and Procedures Manual" attached as Exhibit A.

2. As of the effective date of this Order, Administrative Order No. 58-03-19-F and the Utility and Right-of-Way Permits Construction Within and Use of the Public Way Manual that is attached to that Order are superseded by this Administrative Order No. 58-22-12-F and the Utility Construction and Use of the Right-of-Way Policies and Procedures Manual attached as Exhibit A.

3. As of the effective date of this Order, the following is Administrative Rule R-7.302 which includes the Utility Construction and Use of the Right-of-Way Policies and Procedures Manual attached as Exhibit A:

CONSTRUCTION WITHIN AND USE OF THE PUBLIC WAY
ADMINISTRATIVE RULE R-7.302

R-7.302 Construction Within and Use of the Public Way - Policy.

In order to create attractive and healthy neighborhood environments and protect the public's right for the safe and unobstructed use of the public way, people or entities wishing to perform work or construction in, or to use, the public way shall first obtain a written permit and shall conform with the standards and procedures provided for in the provisions, specifications, and conditions contained within the Utility Construction and Use of the Right-of-Way Policies and Procedures Manual, attached hereto as Exhibit A and adopted herein. References in other documents to the manual entitled "Utility and Right-of-Way Permits, Construction Within and Use of the Public Way, Policies and Procedures" are outdated references and shall be interpreted as references to the Utility Construction and Use of the Right-of-Way Policies and Procedures Manual.

DJ

MR

Dated and effective this 28 day of July, 2022.

Sarah Medary
City Manager

Exhibit A

City of Eugene
Public Works Maintenance

Utility Construction and Use of the Right-of-Way

Policies and Procedures Manual

February 2022

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PUBLIC WAY USE PERMITS AND PROCEDURES MANUAL

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1 GENERAL REQUIREMENTS

1.01 Introduction

Public ways are intended for the use of all citizens for vehicular, bicycle and pedestrian movement, access to private property and the delivery of public and private utilities, fire, police, and transportation services. Public utility easements (PUE) are a part of the public way. Section 7.007 of the Eugene Code, 1971 charges the City Engineer with the responsibility of protecting the public's rights within the public way for these purposes. That responsibility is discharged in part by controlling construction and special uses of the public way through the issuance of permits. Section 7.302 of the Eugene Code, 1971 specifies that the City Manager issue administrative rules related to construction within and use of the public way.

The primary objectives when exercising authority by this administrative order is to prevent personal injury, property damage, inconvenience to the public, and avoid reduction of the public infrastructure resulting from improper construction practices and public way uses by contractors, public utility owners, public agencies, and property owners. To accomplish this the City manages the public way, a finite resource, in the best interest of the public without discouraging reasonable requests for public and private improvements and special uses of the public way.

In this document the pertinent section of the Eugene Code, 1971 is cited at the end of each paragraph where a Code requirement is referenced, by use of the notation “EC” followed by the applicable section number from the Code. References in this document to the “Eugene Code”, “Code” and “EC” refer to the Eugene Code, 1971 which contains provisions of ordinances enacted by the Eugene City council. Additional requirements for work in the public way are contained in Administrative Rule R-7.302, adopting this Manual and to which a copy hereof is appended as Exhibit A. The wording of this manual and the Eugene Code and Administrative Rule are not identical; in case of conflict between this manual and the Eugene Code or Administrative Rule the Code or Rule shall control. Also herein, the Code’s use of the title “City Engineer”, referring to the Director of Public Works, has often been changed to reflect the working title of the position to which the particular working responsibility or authority has been delegated.

1.02 Purpose

The purpose of these standards are to provide a consistent policy under which certain physical aspects of work within the public way will be implemented. These standards cannot provide for all situations. They are intended to assist, but not act as a substitute for, competent work by the permit holders.

1.03 Definitions

City: The City of Eugene.

Code or City Code: The Eugene Code, 1971.

Utility and Right-of-Way Permits Construction Within and Use of the Public Policies and Procedures Manual: For the purpose of this document this title may be referred to as "the Manual" or "Public Way Use Procedure Manual".

Downtown Core Area: The area bordered on the North by 5th Avenue, on the South by 13th Avenue, on the East by High Street and on the West by Lincoln Street.

Plans: The construction drawings that show the location, type, dimensions, and details of the work to be performed under the permit.

Project: The work to be performed under the permit.

Permittee: An applicant who is granted approval to perform utility related activity in the City of Eugene Rights-of-Way by way of an approved Utility Permit

Public way: Any street, road, alley, right-of-way, pedestrian or bicycle easement, storm drainage easement, wastewater or sanitary sewer easement or other utility easement for public use which is controlled by the city, county or state.

Surface Technical Supervisor: City of Eugene employee who acts to supervise Utility Coordinators and Inspectors, provides support/direction to staff and applicants regarding utility placement and acts as the designee of the City Engineer in cases related to utility coordination.

Right-of-Way: (ROW) Is the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way.For the purpose of this manual Right-of-Way (ROW) is interchangeable with Public Way.

Standard Specifications: The current Oregon Standard Specifications for Construction and the Oregon Standard Drawings both as revised by the City Amendments adopted by memorandum of the City Engineer in effect.

Street Grades: Synonymous with curb grade, as the vertical profile of roadways is defined by the top of curb alignment.

Street Segment: A portion of a street or alley not exceeding 400 feet, generally consisting of one standard length block.

Stormwater Management Facility: Any structure or configuration of the ground that is used as, or by its location becomes, a place where stormwater flows or is accumulated, including but not limited to, pipes, manholes, catch basins, ponds, open drainage ways, runoff control facilities, water quality features, wetlands, and their accessories.

Traffic Control Devices: Both temporary and permanent items covered in the MUTCD (Manual on Uniform Traffic Control Devices) as adopted and supplemented by the State of Oregon and the ITE (Institute of Transportation Engineers) Traffic Control Devices Handbook, including but not limited to traffic signals, signage, marking, and similar devices.

Temporary Traffic Control Plan: A plan that uses the Manual on Uniform Traffic Control Devices (MUTCD) for traffic control devices to control traffic and provide a safe work zone during construction. In addition, it provides for the most efficient movement of vehicles, bicycles, and pedestrians approaching, inside of and leaving a zone of construction.

Utility Coordinator: City of Eugene staff members who provide permit review and adminstrative functions related to utility installation within the City of Eugene Rights-of-Way. Utility Coordinators serve as the direct line of communication between the applicant, installer, inspector, and the Surface Technical Supervisor. In some cases the Utility Coordinator and Utility Inspector are synonymous.

Utility Inspector: Eugene Code places the responsibility on the City Engineer of seeing that all conditions and specifications for work within the public way are satisfactorily performed in-line with sound engineering practice. Responsibility for the inspection, permit review for construction-related activities for private parties, licensees, franchised utilities and EWEB within the public way has been delegated by the Engineer. Those individuals employed with the City of Eugene to ensure that construction work performed within the public way is performed in the best interest of the City of Eugene and its Rights-of-Way management. In some cases the Uility Inspector and Utility Coordinator are synonymous.

Utility: A licensed long term user of the public way, such as municipal utility, electric, gas, water, and telecommunications providers, authorized through specific agreements, sometimes referred to as a 'Franchise' or a License required or authorized by Eugene Code, the City Charter, and/or other applicable statutes.

Utility Easement: Public utility easements (PUE's) are made available for the installation and maintenance of City infrastructure, and licensed and franchised utility facilities. The City, municipal utilities, telecommunications, and licensed and franchised utilities and their operators and designated contractors shall be permitted to access the property with the express purpose of gaining access to established Public utility easements.

2 PERMITS

2.01 Public Way Use Permits

2.01.1 General

Pursuant to EC 7.290, no person, municipal utility, or operator of a communications system shall do work affecting the public way without first obtaining the appropriate permits required by the City. Public Works Maintenance Utility Coordinator staff issue the following Public Way Use Permits and Exceptions:

1. Utility Permits
    a. Individual Utility Permit
    b. Annual Blanket Utility Permit
2. Street Cut Moratorium Exception

Utility providers may request Utility Permits for individual site installations or an annual blanket permit for on-going operation and maintenance activities which meet certain criteria discussed in Section 2.03.

A Public Way Use permit is required for activity that affects the public way including, but not limited to, installation, or construction of any structure, pipe, pole, conduit, culvert, or facility, including a communications facility as defined in EC 3.005; or other wire line infrastructure in or on a public way, and any construction, reconstruction, grading, oiling, repair, opening or excavation of a public way for any purpose, but does not include the construction of public improvements performed under a contract executed by the City Manager or work performed by City employees under the City Manager's direction.

Issuance of a permit for work within the public way does not relieve the permittee from the responsibility to obtain other necessary permits and to conform to other regulatory requirements.

2.01.2 Emergency Work

When emergency repairs of an existing facility are required, work may commence prior to Utility Permit approval. If an emergency occurs during the normal working hours of the Maintenance Division, 7:00 am to 4:00pm Monday through Friday, immediate notice to the Utility Coordinator staff is required via email to PWMUtilityPermits@eugene-or.gov

Where emergency repairs are necessary outside the normal business hours of the Maintenance Division, the Eugene Police Department (541 682-5111) shall be notified if the work is within a travel lane of a street or alley. If a representative of the Public Works Department is needed, upon request of the permittee, the Eugene Police Department will notify the "on-call" supervisor of the Maintenance Division. For emergency repairs that are likely to impact street trees, the permittee shall contact the Parks and Open Space Division (541 682-4800) immediately the first business day and the Urban Forester consulted to determine impact to public trees. The Utility Inspector will inspect the site of the emergency work at the Utility Inspector's first opportunity.

For all Emergency work an application for a Utility Permit shall be submitted no later than 3 business days following the emergency repairs. The application shall clearly describe the nature of the emergency and the work that was completed. No permanent restoration of emergency workis authorized without prior approval of the Utility Inspector.

Emergency work on moratorium or previously opened streets or alleys require an exceptions request be submitted along with the utility permit application.

2.01.3 Utility Work within City Projects

Any utility installation or relocation within the public way that is being performed concurrently with a public infrastructure improvement or construction project requires a permit issued by the Maintenance Division prior to the commencement of utility work.

2.01.3a City Engineered and Administered Projects

For utility work conducted in conjunction with City engineered or administered projects, the Utility Inspector will verify that a Utility Permit has been issued and that the Engineering Division project manager assigned to the project has copies of all issued permits and associated plans. The Utility Inspector will perform inspections and Utility Locators will respond to all locate requests during contract construction projects administered by the City until such time as the Engineering Division assigned personnel become active on the project. At this point the Utility Coordinator will notify the installing contractor of the change in inspecting personnel in a written message via electronic mail. Once Engineering personnel are on site, they will be responsible for any required utility inspections and locates until the project is substantially complete. Once the Engineering project is substantially complete, and assigned Engineering personnel are no longer on site, the Utility Inspector will again be responsible for ensuring the proper placement of utilities and restoration of the utility cuts and excavations. The installing contractor will again be notified via written message that the inspection oversite has reverted back to the Utility Coordinator. For projects that include street surface work, substantial completion requires completion of the final paving, including the final lift. Substantial completion for projects not involving

street work will be determined by the Engineering project manager in agreeance with the Surface Technical Supervisor.

2.01.4 Failure to Obtain a Public Way Permit or Comply with Permit Condition

Failure to obtain an approved Public Way Permit prior to commencing work in the public way, failing to comply with permit conditions, failing to pay fees or failing to provide required reports within stated timelines may result in any or all of the following:

1. City staff shall collect fees from the responsible party for investigation, review, coordination, inspection, administrative duties, and overhead for any work performed without an approved permit. At a minimum, the permit fee will be double the cost of the original permit fee without any associated joint trench discount.
2. Work performed prior to obtaining an approved permit may result in a Stop Work Order being issued to the responsible party to prevent any further work in the public way until an approved permit is obtained and fees are paid in full. Obligation to secure the site before departure is not dismissed.
3. Failure to comply with permit conditions may result in a Stop Work Order being issued to the responsible party to prevent any further work until a resolution acceptable to the Utility Coordinator and/or Surface Technical Supervisor is reached. Non-compliance with permit conditions may also result in cancellation of existing permits and/or suspending the processing of future permit applications until a resolution acceptable to the Utility Coordinator and/or Surface Technical Supervisor is reached. Obligation to secure the site before departure is not dismissed.
4. Failure to pay required fees may result in cancellation of existing permits and/or suspending the processing of future permit applications until payment is received.

2.01.5 Public Way Permit Application and Construction Drawings

Public Way Permit applications are available electronically on the City web site at https://www.eugene-or.gov/1091/Permits-and-Right-of-Way-Use, applicant shall be completed by a representative of the Utility or Owner. Completed applications shall be submitted electronically. Permits are only issued to the Utility or Owner, not the installing contractor.

Applications for work within the public way shall be accompanied by design drawings of the work described in the application. Drawings deemed incomplete by City staff will be returned to the applicant for completion before City staff will continue review of the application. Drawings shall contain the following elements:

- Provider name and contact information, including Scope description.
- North arrow and scale.
- Vicinity map.
- Identification of the work zone (considered to be a minimum of 10 feet around the perimeter of the proposed excavation or facility placement).
- Paving and right-of-way widths.

- Street names.
- Location of staging and material storage areas within the public way (where applicable).
- Existing curb, sidewalks, and driveways within the proposed work zone.
- Public Utility Easements (where applicable).
- Wetlands (where applicable).
- Trees (where applicable).
- Temporary Traffic Control Plan (when required, See section 3.8 for details)
- Pedestrian Access Plan

Drawing Size and Scale:

- Plans shall be submitted electronically at the following page and should be approximately 11" x 17" and in PDF format. https://www.eugene-or.gov/1091/Permits-and-Right-of-Way-Use
- Horizontal scale shall be 1" = 10 feet, 20 feet, 40 feet, 50 feet or 100 feet.

Plans will be reviewed by City staff for compliance with applicable City codes and design standards. City staff shall review information on the location and size of all known City-owned facilities (stormwater, wastewater, street lights, etc.) and evaluate for conflicts with current and future improvements.

City staff will provide applicable conditions provided by other divisions, including but not limited to; Urban Forestry, Parks and Open Space, and Erosion Prevention.

2.01.6 Public Way Permit Approval

Upon completion of the review process and acceptance of the plans Utility Coordinator staff shall issue the approved permit as is or with any applicable conditions to the applicant. If additional requirements are a condition of approval the requirements will be outlined in the approved permit and are in addition to the requirements stated herein this document and all referenced or associated documents.

2.01.7 Public Way Permit Expiration

All Public Way Permits shall be valid for a period not to exceed 180 days from the date approved. Work shall not be performed under an expired permit. Expired permits shall follow the same process as that used for a new permit including any amended criteria current at the time of the latest permit review

Public Way Permits that have not expired may qualify for a single 180-day extension. Requests for permit extensions shall be emailed to PWMUtilityPermits@eugene-or.gov, prior to the permit expiration date. An extension request will be reviewed and approved, approved with conditions, or denied.

2.01.8 Public Way Permit Fees

Permit application fees are due when invoiced monthly by the City and are non-refundable once processed by billing staff. Permit fees are established pursuant to separate administrative orders.

2.02 Public Way Use Permits for Utilities

This permit is only available to Franchised Utilities or licensees who are authorized to install utilities in the City of Eugene Rights-of-Way. All others seeking permits to conduct non-utility related work within the City of Eugene Rights-of-Way should contact the City of Eugene Permit and Information Center staff at 541-682-8400 or by email at CEWEPIC@ci.eugene.or.us to obtain additional information.

2.02.1 Public Way Use Permits - Individual Utility Permit

Individual Utility Permits are required, unless otherwise specified in a current Annual Blanket Permit, for an activity that affects the public way and meets any of the following conditions:

1. The activity involves the removal, relocation, or modification of the existing facility (*e.g.* changing the foot line or elevation of underground facilities or moving existing surface or above-ground facilities, poles, or guy lines to a new location).
2. The activity involves the cutting of any root 2 inches in diameter or greater of a City-owned street tree, or the cutting of a branch 2 inches in diameter or greater of any City-owned street tree.
3. The activity involves installing more linear feet or diameter of pipe, conduit, or cable than is specified in the currently held Annual Blanket Permit.
4. The activity includes closing a lane of traffic on a neighborhood collector, major collector, minor or major arterial streets.) Excavation of existing material or placement of fill materials or aggregate in the public way.
5. The installation of facilities above or below ground for the purpose of expansion or upgrade.
6. The activity involves installing facilities, cable, wire, or lines in an existing conduit installed previously by the utility owner or by another utility or Developer.

2.02.2 Utility Permits - Annual Blanket Utility Permit

Annual Blanket Utility permits are for the installation of service lines, minor repairs to existing facilities, maintenance functions, and similar recurring activities. An Annual Blanket Permit shall not cover the installation of facilities to expand or upgrade infrastructure beyond the activities specifically addressed in the Utility's current Blanket Permit.

The Annual Blanket Permit shall include identification of the types of activities and scope of work (length and diameter sizes of service lines, etc.) it authorizes. The Utility shall provide the name and telephone number of a specific "contact person" who will be responsible for responding to City concerns regarding the Utility's activities.

Before beginning any work within the right of way, Utilities shall provide notice to the City of the location and scope of work which will be performed under the Annual Blanket Permit two business days in advance of the work, unless the work is emergency repair work. Emergency repair work must be reported to the City of Eugene Utility Coordinator staff immediately via email at PWMUtilityPermits@eugene-or.gov

The Utility shall also submit a monthly report of all activities and public way cuts, and each service installation or repair performed by the Utility or the Utility's contractor. If an activity report has not been

submitted by the 10th of every month by the Utility, the Annual Blanket Permit may be revoked and all Public Way Use activities shall require an Individual Utility Permit until such time all activity reporting is current and approved by the ROW Technical Supervisor.

Annual permits are subject to revocation if a facility owner fails to comply with the standards established by the City**,** these policies and procedures, or standards established by conditions of the permit or other local regulations. Revocation and reinstatement will be at the sole discretion of the Right-of-Way Technical Supervisor or designee.

2.02.3 Utility Permits - Maintenance Responsibilities

For purposes of surface restoration and maintenance responsibilities of the permittee, an improved public way is a public right-of-way upon which hard surface improvements such as street and alley pavements, public sidewalks, curb ramps, driveway, and alley aprons or bicycle paths have been constructed to engineered design. The permittee is responsible for maintaining surface restoration of a utility or right-of-way cut upon an improved public way. See EC 7.308 (2). Responsibility for surface restoration is that of the permittee.

For purposes of surface restoration and maintenance responsibilities of the permittee, an unimproved public way is a public right-of-way or public utility easement upon which hard surface improvements such as street and alley pavements have not been constructed to engineered design. The permittee shall be responsible for maintenance of surface restoration of work performed within an unimproved public way for a period of one year commencing upon the completion of the work as acknowledged in writing by the overseeing Utility Coordinator. See EC 7.308 (1).

3 CONSTRUCTION IN THE PUBLIC WAY

3.01 Standard Specifications

The Standard Specifications applicable to work within the public way are the current Oregon Standard Specifications for Construction and, as modified by amendments by the City of Eugene, and/or as modified by these special provisions. Placement of facilities within the public way shall conform to applicable design standards for local streets contained in Design Standards for Eugene Streets, Sidewalks, Bikeways and Access ways, current edition of the design standards manual. https://www.eugene-or.gov/443/Public-Improvement-Design-Standards

The Standard Specifications and technical provisions contained herein are **minimum** standards applicable for all work performed within the public way. The City may require additional conditions specific to an individual or blanket permit as deemed appropriate by the Utility Coordinator. These conditions will be listed on the approved permit and will supplement or supersede the Standard Specifications and the technical provisions of this Manual.

The City Infrastructure Development Standards are available for review through links provided at the City of Eugene Public Works Engineering Standard Specifications for Construction webpage at https://www.eugene-or.gov/444/Standard-Specifications-for-Construction

The City encourages the use of innovative materials and construction methods. Specifications for non-standard construction methods and/or materials may be submitted to the Right of Way Technical Supervisor for review.

3.02 Joint Trenching/Notifications

Franchised utilities, City-licensed facility operators, and municipal utilities planning to install a new facility, or perform a major facility upgrade within the public way, greater than 400 linear feet, shall provide notice to the City and all other utilities and license holders who are licensed or franchised to provide services within the project area. The purpose of this notification is to encourage co-location of facilities and minimize impacts on the public way by providing other utilities and license holders an opportunity to install facilities in a joint trench or to coordinate work along the same street segment. Notification timing and format will be determined by the initiating utility or licensee so long as the notification purpose and documentation requirements are met and are reasonable. When requested by the Utility Coordinator, utility providers shall provide documentation of said notice, including to whom and when notice was provided. While as much advanced notice as possible is desirable, reasonable notification is considered to be at least 30 days. Current Notification Contacts can be obtained by contacting Utility Permitting staff via email at PWMUtilityPermits@eugene-or.gov

3.03 Street Cuts and Restoration

3.03.1 Street Cuts and Restoration - Moratorium Streets and Frequency of Opening

Street surfaces that have been placed within five (5) years are "moratorium streets" and shall not be cut unless the Public Works Maintenance Surface Technical Supervisor grants an exception. Requests for cut exceptions must be made be in writing to the Public Works Maintenance Surface Technical Supervisor and shall include a description of the proposed work to be performed and the details of why a less intrusive method of construction (boring for example) cannot be used. If the request is approved, the requirements below apply. Additional conditions for permanent restoration of moratorium streets may be imposed and included in the approved permit, at the sole discretion of the Public Works Maintenance Surface Technical Supervisor. An application to request an exception to the Street Cut Moratorium may be obtained along with the current list of streets on the five (5) year moratorium from Public Works Maintenance Utility Coordinator staff or found on the City of Eugene website Permits and Right-of-Way Use by clicking the following link: https://www.eugene-or.gov/1091/Permits-and-Right-of-Way-Use

In order to reduce and mitigate the impacts of street opening on the life and function of street and alley surfaces, and to minimize the disruption in normal use, the frequency and timing of cutting pavement is limited. No street segment, irrespective of age or condition shall be cut more than once in any 12 month period for new facilities by those utilities who have received notice of prior street openings. Exceptions

to these provisions must be approved in writing by the Surface Technical Supervisor. The exception process is the same as for a moratorium street.

Emergency work on a moratorium or previously cut street shall comply with Section 2.01.2 of this manual.

- Trench cuts on streets classified as Local shall comply with the Standard Specifications and drawings RD300, RD300(A). https://www.eugene-or.gov/444/Standard-Specifications-for-Construction
- Trench cuts on streets classified as either a Collector or Arterial shall be constructed per the Trench Backfill, Bedding, Pipe zone, and Multiple Installations drawing RD300, RD300(A). https://www.eugene-or.gov/444/Standard-Specifications-for-Construction
- Pavement restoration for vacuum-type excavation shall be a minimum of 24" x 24" square. Core cuts 8" diameter (Preferred) or less shall be filled with CLSM.
- Unless otherwise approved by the Utility Inspector, pavement cuts shall be made parallel or perpendicular to the centerline of the public way. Cuts parallel to the centerline shall not be allowed in wheel paths or within bike lanes.
- Whenever pavement removal within public streets would cause the pavement to be cut within 3 feet of an existing edge, curb, score, joint, crack, or existing trench patch the existing pavement shall be removed to that edge, curb, score, joint, crack, or trench patch. Undermined street surface sections shall be removed.
- Trench compaction shall meet current City Standard Specifications 00405.46(c)(2). Specs can be found by following the link below and searching the catalog of numerically organized specs. https://www.eugene-or.gov/444/Standard-Specifications-for-Construction
- Trench excavation areas within the street shall be temporarily surfaced at the end of each workday with a hard surface, i.e., cold-mix, hot-mix or steel plate. Steel plates proposed for use in bike lanes or sidewalks shall be slip resistant to established standards. Prior approval of the Utility Inspector is required before steel plates are placed in bike lanes or sidewalks. Disturbed areas outside of the street shall be backfilled and/or protected. Temporary trench surfaces which settle or are damaged leaving the surface ½" or more below the surrounding surface shall be repaired and resurfaced. The permittee shall monitor and maintain temporary surfaces until permanent restoration is complete.
- Permanent surfacing shall be completed with 60 days of project completion when material plants are in operational phase, or the soonest time that restoration material becomes available when material batching plants are in operation.
- The permittee shall notify the Utility Inspector at least 1 full business day before any permanent surface restoration commences.
- The permittee shall notify the Utility Inspector in writing no more than 2 business days after final restoration has concluded.

- The permittee shall be responsible for maintaining trench cuts and/or panel replacements until such time as the road is resurfaced or fully reconstructed by City project and will be required to repair settlement or damage from trench cuts and/or panel replacement settlement indefinitely.

3.03.2 Street Cuts and Restoration - Portland Cement Concrete ("PCC") Pavements

- Unless an exception is approved by the Public Works Maintenance Surface Technical Supervisor, trench cuts will not be allowed on PCC streets constructed in the year 2000 or later, identified as historical, or having excessively large panels as determined by the Surface Technical Supervisor or designee. Cuts in these streets will require full panel replacement. Requests for a utility trench street cut exception must be made in writing to the Public Works Maintenance Surface Technical Supervisor and shall include a description of the work proposed to be performed and the details of why a full panel replacement cannot be performed. If the request is approved, the requirements below apply and additional conditions for the permanent restoration of the street may be imposed at the sole discretion of the Public Works Maintenance Surface Technical Supervisor and will be included in the approved permit. An application to request a utility trench street cut exception can be obtained from the Public Works Maintenance Surface Technical staff or found on the City of Eugene website under Permits and Right-of-Way Use .
- Trench/street cuts shall be completed per DET 1601& 1601A Current DET Specs and can be found via the following link under Standard Drawings and Cataloged within DET Series Drawings. https://www.eugene-or.gov/444/Standard-Specifications-for-Construction
- PCC in a utility trench restoration shall be placed to a depth matching the existing pavement or 7 inches, whichever is greater. Where the existing pavement is PCC over Cement Treated Base (CTB) or Asphalt Treated Base (ATB), The CTB and ATB shall be replaced to their original depth prior to repaving the trench cut.
- Trench compaction shall meet current City Standard Specifications 00405.46(c)(2). Class A, B, C, or D Backfill - Backfill the trench above the pipe zone in successive lifts not exceeding 24 inches in trench backfill area when more than 4 feet from final surface grade; do not exceed 12-inch lifts in the trench backfill area when less than 4 feet below final surface grade. Do not allow the backfill to free-fall into the trench until at least 3 feet of cover is provided over the top of the pipe. Modify the method of compaction as necessary to protect the pipe. The Utility Inspector will direct field testing of compaction at various lifts during the backfilling of the trench when deemed necessary. In all instances, the compaction of the trench backfill shall be such that the arithmetic average of all tests taken in one day shall not be less than 95 percent of maximum density, and no individual test result shall be less than 93 percent within the rights-of-way. The cost of testing shall be borne by the permittee.

- In monolithic curb and gutter concrete streets, a new joint shall be allowed up to 18" from the face of the curb to leave the "gutter" intact. On streets with bike lanes, cut location shall be determined by the Utility Inspector.
- Fully reinforce any cut repair where the repair length to width ratio exceeds 1.5:1.
- Trench cuts shall be square with the edges of the panel (no diagonal cuts).
- Construct Asphalt to Concrete Transition panel where PCC connects to AC (See DET1601(A)).
- Match joint locations in cut repair with existing joint locations.
- Dowels and rebar reinforcement shall be required on all concrete placed in the street and shall comply with the Standard Specifications and drawing DET 1600 & DET 1601.
- When required by the Utility Inspector the designer shall provide a jointing plan. The jointing plan shall comply with City Standard Specifications and industry best practices (See Portland Cement Association for Examples).
- Utility trenches patched with PCC shall be kept free of traffic or other detrimental trespasses through use of suitable barriers and other traffic control devices for a minimum period of 7 days or the point at which it reaches a minimum strength of 3000 psi. An alternative using 9.0 sacks of Portland cement per cubic yard of concrete allows the traffic to be returned after a minimum period of 3 days. In no case shall vehicle trespass occur on PCC streets until the PCC reaches a strength of at least 3000 psi. When an early street opening, less than (7) seven days, is desired furnish Class 4000 – 1 concrete with admixture to accelerate the strength to at least 3000 psi in 7 days. The use of high early strength concrete may be necessary when early opening to traffic is required. Work shall also comply with City Standard Specifications Section 00754.
- Where PCC overlaid by asphalt concrete is encountered, the pavement in the trench cut shall be replaced with PCC overlaid with AC to match existing, but the combined thickness shall not be less than 7" for Local streets, 9" for Collectors and 10" for Arterial streets.
- The permittee shall notify the Utility Inspector at least 1 full business day before any permanent surface restoration is to be made by the permittee's own staff or that of contractor working for the permittee.
- The permittee shall notify the Utility Inspector in writing no more than 2 business days after final restoration has concluded.
- The permittee shall be responsible for maintaining trench cuts and/or panel replacements until such time as the road is resurfaced or fully reconstructed and will be required to repair damage from trench cuts and/or panel replacement settlement indefinitely.

3.03.3 Street Cuts and restoration - Asphalt Cement Concrete Pavement

- See Section 3.04.1 to obtain approval for trench cuts on streets with a paved surface less than 5 years old.

- Construction of trench cuts on streets classified as Local shall comply with the Standard Specifications and drawings RD300, RD300(A), with the addition of a minimum of 12" CLSM backfill directly beneath the asphalt concrete. Prior to construction with pre-authorization from the Utility Inspector, compacted crushed aggregate backfill may be substituted for CLSM. Additional restoration requirements may be required by the Utility Inspector and will be included in the permit conditions or may be determined at any time during construction depending on specific site conditions.
- Trench cuts on streets with a paved surface that is classified as either a Collector or Arterial shall comply with the standard specifications and drawings RD300 and RD300(A) with the addition of a minimum of 12" CLSM backfill directly beneath the asphalt concrete. Prior to construction with pre-authorization from the Utility Inspector compacted crushed aggregate backfill may be substituted for CLSM with a requirement of compaction testing. The permittee shall be responsible for all costs associated with testing.
- Pavement restoration for vacuum-type excavation shall be a minimum of 24" x 24" square. Core cuts 8" diameter (Preferred) or less may be filled with an approved material.
- Unless otherwise approved by the Utility Inspector, pavement cuts shall be made parallel or perpendicular to the centerline of the public way.
- Whenever pavement removal within public streets would cause the pavement to be cut within 3 feet of an existing edge, curb, score, joint, or crack, the existing pavement shall be removed to that edge, curb, score, joint, or crack. Undermined street sections shall be removed.
- Trench compaction shall comply with City Standard Specifications. Backfill lifts shall not exceed 12" in depth. Trenches less than 3' in depth shall be backfilled above the pipe zone with CLSM. Backfill compaction in trenches deeper than 3' shall be tested by an independent facility. Full-depth CLSM backfill (above the pipe zone) in trenches deeper than 3' shall not require testing. The Utility Inspector may direct field testing of compaction when deemed necessary. The permittee shall be responsible for all costs associated with testing.
- Trench excavation areas within the travel way shall be temporarily surfaced at the end of each workday with a hard surface, i.e., cold-mix, hot-mix, or steel plate. Steel plates shall not be allowed in bike lanes. Disturbed areas outside of the street shall be backfilled and/or protected. The permittee shall monitor and maintain temporary surfaces.
- After final paving compaction, all joints between new and existing paving shall be sealed with hot placed joint filler meeting City specifications 02440.30 and section 07746 and sanded to prevent pickup and tracking.
- In addition to sealing the joints, the contractor shall fog seal the entire surface of the trench cut per section 00705 of City specifications.
- Permanent surfacing shall be completed with 60 days of project conclusion.
- The permittee shall notify the Utility Inspector at least 1 full business day before any permanent surface restoration is to be made by the permittee's own staff or that of contractor working for the permittee.

- The permitee shall be responsible for maintaining trench cut paving until such time as the road is resurfaced and will be required to repair damage from trench settlement indefinitely.

3.03.4 Street Cuts and Restoration - Temporary Trench Patching and Permanent Trench Restoration

The following requirements apply whenever trenches are permitted:

- The permittee shall not open more than 400 linear feet of trench at any time. In addition the permittee shall backfill and resurface all trench by the end of each day. The permittee shall be required to backfill and patch temporarily with asphalt concrete material any excavation in a vehicle traffic lane, bike lane, sidewalk, or on a bike path the same day of excavation and shall maintain the temporary patch until the final surface repair is placed. Temporary trench repair shall be maintained daily sufficiently to prevent settlement or an irregular surface. All deviations or settlement exceeding ½" shall be repaired. Additionally, temporary restoration within a bike lane, sidewalk, or on a bike path shall meet all established ADA standards, including, but not limited to slope, cross-slope, rise, and smoothness.
- Where it is impracticable in new subdivisions and new road construction projects to backfill and complete temporary surface restoration the same day of trench opening, the permittee may seek prior written approval to leave a trench open overnight. With prior written approval, the permittee may leave a maximum of 400 linear feet of trench open overnight, provided the permittee provides driveway access to adjoining property, establishes and maintains barriers and warning devices, and adequately protects citizens, vehicles, bicycles and pedestrians from open trench zones.
- With prior written approval, the permittee may be allowed to use temporary steel plates to cover certain types and sizes of excavations overnight. Steel plates shall not be used in bike lanes, bike paths, sidewalks or pedestrian areas without prior approval from the Utility Inspector or Surface Technical Supervisor. Whenever temporary steel plates are installed over the street cut, they shall be capable of carrying a minimum of H-20 loading. The steel plates shall have a minimum of 12 inches bearing on all sides of a cut. The steel plates on Arterial and Collector streets shall be anchored to minimize shifting. All steel plates shall have their edges shimmed with cold mix asphalt. The cold mix shim shall be maintained daily until its removal.
- As soon as practicable, but in no case greater than 60 days after completion of the permit work and at permittee's expense, permanent pavement replacement within the public way shall be completed in accordance with City Standards by a qualified contractor or by the permittee if the Utility Inspector agrees the permittee has the required resources and trained personnel. If the permittee fails to make the permanent pavement repair within the time specified, the City may perform the repair and charge the cost thereof to the permittee without prior notification. *See* EC 7.307 (1).
- **NOTE: The permittee is responsible for ensuring that the Utility Inspector is notified 1 business day before the permanent repairs are to be made.**

- The Utility Inspector shall maintain a file containing the location of and the permittee responsible for all temporary pavement patches. An inspection 50 days after the placement of a temporary patch shall be made with a notification provided to the permittee requiring permanent restoration if the temporary patch is still in place.

3.04 Location and Placement of Utility Infrastructure

All construction and maintenance work performed by the permittee shall be completed in a manner designed to leave all areas in which work was performed in a condition as near as possible to like new, and at least better than, that which existed before the work began. A "patched" appearance is detrimental to the abutting properties, and both the permittee and the City shall make efforts to avoid this wherever possible. Placement of facilities within the public way shall conform to all applicable plans, codes, administrative rules, and the Standard Specifications adopted by the City including:

- While private citizens may be issued a permit to perform work within the public way, only licensed, bonded contractors may perform work that involves the placement or removal of street or alley pavement, placement of embankment fill, or any underground utility work that requires the use of traffic control devices.
- The preferred locations of utility infrastructure are within a public utility easement (PUE) adjacent to the public right-of-way, beneath sidewalk locations, and within the plant strip area. Longitudinal installations within the plant strip area shall comply with specific installation standards outlined in this manual. Alternate locations may be allowed within the right-of-way if topography or site conditions make use of the primary locations infeasible.
- All on-site utilities and communications facilities in new developments shall be located underground except to the extent they are authorized to be above-ground pursuant to EC 9.6775.
- A licensee or owner of above ground wires, cables or lines that cross a right-of-way that is subject to capacity enhancing improvement project shall install underground conduit crossings at the time of the improvement project, at the utility's expense.
- All underground pipes and conduits in the public way shall be laid a minimum depth of 30 inches below the surface of the street or alley grade and 30 inches below ground level in public utility easements unless otherwise approved by the City Manager or designee.
- Utilities placed within a public way scheduled for construction or reconstruction, where a design grade has been established, all underground pipes and conduits shall be laid a minimum depth of 30 inches below the design grade of the street or alley surface or 30" below the ground surface if behind the curb.
- No portion of a utility trench within a street shall be located closer than 1 foot parallel to the face edge of the gutter. Utility trenches behind the curb shall not be located closer than 1 foot parallel to the back edge of the curb.
- If a street light or traffic control facility is damaged, the permittee or contractor shall immediately notify the Utility Inspector and Traffic Operations personnel. Traffic Operations is available at 541-

682-4800. Repairs shall be completed by City staff, or by an approved contractor as directed by the Utility Inspector, at the permittee's expense.

- All traffic control markings removed or otherwise impacted during construction shall be replaced in kind with like material.
- Surface restoration within a bike lane shall be made the full width of the bike lane. In no case shall a longitudinal restoration leave a parallel surface joint within the bike lane area.
- The top finish elevation grade for underground vaults in the street shall be at least 18 inches below the finish grade of the surface AC or PCC.
- Above-ground facilities shall not be placed in a manner that would cause a vision obstruction as defined by EC 6.010 (j).
- When wastewater lateral markers in new developments are damaged, the permittee or the permittee's contractor shall replace the marker and ensure its correct location
- Sections of a sidewalk and driveway approaches removed by the permittee, shall be removed to the nearest existing score or joint in each direction. In addition, portions of the sidewalk and driveway approaches damaged by the permittee's work shall be removed and replaced in whole panels to the next nearest joint.
- When sidewalk, curb ramps or driveways are impacted or replaced, it shall be in accordance to current ADA requirements and City standards as shown in the Standard Drawings specifications.
- Where sections of curb or curb and gutter are removed by the permittee, a minimum of 10 linear feet of curb and gutter shall be removed and replaced. An alternative to this requirement shall be removing and replacing three (3) linear feet of curb and gutter with the new curb and gutter tied into the existing curb by inserting three 12 inch x #4 rebar dowels drilled and epoxied into six (6) inch deep holes in the adjoining existing curbs and gutters, 1 dowel in the curb and 2 dowels in the gutter at each end of the replaced section (City Standard drawing RD 700(A).
- When the gutter bar portion of the curb and gutter is removed along an asphalt street, at least 24 inches of asphalt concrete shall be removed to allow sufficient room for placement of the forms for the new face of the gutter and proper compaction of asphalt restoration. An alternate to the removal of adjacent asphalt shall be to saw cut the asphalt at the face of the gutter bar, using the edge of asphalt as the form for concrete replacement
- Catch basins or storm inlets abutting the work area shall be inspected by the permittee or permittee's contractor at the conclusion of work and cleaned of construction-related debris as necessary.
- Public dry wells shall not be disturbed in any way without the prior written consent of the Utility Coordinator. If a public dry well is encountered during excavation, the permittee or permittee's contractor must immediately stop working in the area of the dry well. Any disturbance or damage to a public dry well must be reported immediately to the Utility Coordinator and repair/replacement shall be the responsibility of the permittee.

The placement of above ground utility infrastructure shall meet the following:

Along with these standards, placement of above ground utility infrastructure shall comply with the Eugene Local Street Plan, Eugene Arterial and Collector Street Plan, Public Infrastructure Development Standards, and Eugene Code.

Not withstanding poles, above ground infrastructure shall not exceed six feet in any dimension or exceed 20 square feet in elevation view, and shall not exceed 100 square feet for each side of a street segment. Where a public utility easement (PUE) is available, above ground infrastructure shall generally be located within this area, with an exception of hydrants and shutoff valves that do not interfere with public infrastructure including trees.

Minimum setbacks are:

- Alley approach – 15 feet
- Pedestrian path or sidewalk – 1 foot
- Driveway approach – 5 feet
- Fire hydrants – 5 feet
- Street trees – 10 feet
- Back edge of street curb – 1 foot
- Street intersection – 35 feet
- Manhole or catch basin – 5 feet
- Drainage ditch, swale or stream – 5 feet
- Street lights – 10 feet
- Regulatory traffic signs – Shall not block sign or vision
- Traffic control facilities – 10 feet

Above ground facilities and wirelines shall not impact or visually obstruct a traffic control device.

3.05 ADA Impacts and Restoration

When permitted work impacts structures covered by ADA accessibility rules (sidewalk, sidewalk ramps, and driveway or alley approaches for example) the permittee shall reconstruct said facility to the City's current adopted specifications for construction comprised of the Oregon Specifications for Construction and Oregon Standard Drawings as modified by City drawings and Amendments and the US Department of Transportation and Department of Justice for ADA compliance. Replacement ramps shall be designed and stamped by an engineer for the permittee and approved by the City prior to construction.

3.06 Planting Strip and Tree Impacts

Underground facilities may be installed longitudinally in a planting strip within new subdivisions and existing developed areas that have a minimum clear width of 6 feet between the back of the curb and the

front edge of the sidewalk. Protect existing in-situ topsoil or place a minimum depth of 2 feet of topsoil meeting the requirements of the Standard Specifications within the planting strips.

Unless otherwise required by EC Chapter 9, fire hydrants and main-line shut-off valves may be placed in the planting strip as long as their location allows for street tree planting requirements as detailed in Administrative Rule R-7.280. All other surface and above-ground facilities shall be located in a PUE adjacent to the public way. In existing areas without the benefit of a PUE, facilities such as transformers, junction boxes, and water meters may be allowed in the planting strip. Utilities are required to avoid conflicts with stormwater-related conveyance and treatment facilities. This section does not apply to the street light or traffic control facilities owned by the City.

Utilities placed in the planting strip area of new subdivisions and existing developed areas with no trees shall be laid a minimum of 36 inches below finish grade and require a minimum depth of 2 feet of Topsoil meeting the requirements of the Standard Specifications within the planting strips.

No tree root over 2 inches in diameter of trees shall be cut without the approval of the Urban Forester or designee. Utility lines shall be installed and maintained by tunneling under roots within the critical root zone whenever possible. Alternatively, hand-digging around roots or using other non-destructive methods of excavation, such as an air spade or vacuum excavation, are acceptable methods of preventing damage while working within the critical root zone.

Protective fencing shall be required around street trees and other designated trees to protect the area of the critical root zone outside of the immediate excavation area but within the work zone. See City of Eugene Standard Tree Protection Drawing LS120 and Standard Specifications. Temporary placement or storage of construction materials, equipment, tools, or soil shall not occur within the critical root zone of street trees. The soil within the critical root zone of street trees shall be protected from rutting or compaction damage from construction equipment, such as tires or outriggers. In areas where protective fencing cannot be placed, reasonable means should be taken to protect the tree's root zones such as the use of wood chips, steel plates, or plywood. No construction debris or waste, solid or liquid (such as brick dust, mortar, concrete washing, etc.) shall be permitted within the critical root zone of street trees. Reasonable care shall be taken to avoid damage to tree foliage from exhaust stacks or construction equipment.

Except for pruning necessary to protect EWEB lines or crews performing emergency work or line clearance maintenance work required by state regulations, no person shall prune a tree growing within the public right-of-way in a manner, not in compliance with ANSI A-300, American National Standard for Tree Care Operations, Tree, Shrub and Other Woody Plant Maintenance Standard Practices. All operations shall also comply with ANSI Z-133.1, American National Standard for Tree Care Operation Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush Safety Requirements. A permit shall be required when pruning limbs 2 inches or greater in diameter.

3.07 Traffic Control

3.07.1 Protective Measures and Routing of Traffic

The permittee shall comply with all City traffic control standards including the latest editions of Part VI of the Federal Manual on Uniform Traffic Control Devices (MUTCD), the Oregon Department of Transportation Short Term Traffic Control Handbook, and the City of Eugene Work Zone Traffic Control Standards Supplement, and as specified in Sections 00220 and 00225 of the Standard Specifications https://www.eugene-or.gov/444/Standard-Specifications-for-Construction. Sidewalk detour or by-pass accommodations may be required by the Utility Inspector at any time or location deemed appropriate by the Utility Inspector.

NOTE: Bicycle lanes and sidewalks are considered legal travel lanes herein and must be accommodated as such. It shall be the duty of any person working, cutting, or making an excavation in or upon any public way to establish and maintain barriers and warning devices necessary for the safety of the workers and the general public. The Utility Inspector may review the permittee's placement of these barriers and warning devices. When, in the judgment of the Utility Inspector, additional barricades or warning devices are necessary, the Utility Coordinator shall inform the permittee, and the permittee shall take prompt action to comply.

If a project will last longer than a single work shift, the permittee must inspect all traffic control devices at the beginning and end of each shift, and maintain all devices as necessary to meet established permit conditions.

If in the judgment of the Utility Inspector or the Public Works Maintenance Traffic Technical staff, the permittee's traffic control measures are inadequate and/or have not been maintained adequately and create a hazardous condition that affects public safety, the City may issue a Stop Work order and/or use its own forces to provide adequate traffic control and correct the safety issues without prior notification. All costs for this work will be charged to the permittee.

3.07.2 Lane Closures, Working Time, and Parking Restrictions

An approved temporary traffic control plan (TCP) including provisions, signing and detours (if necessary) for bicyclists and pedestrians from Public Works staff is required for a permittee either to close a street travel lane or restrict parking on either an arterial or collector street, or within the downtown core area. The downtown core area is defined as that area bordered on the North by 5th Avenue, on the South by 13th Avenue, on the East by High Street, and on the West by Lincoln Street. A copy of the written authorization must be at the worksite at all times the closure or restriction is in effect. The Utility Inspector shall have the authority to enforce the conditions stated in the restriction or closure authorization.

Due to the conflicts between traffic and construction work during peak traffic hours, work on arterial or collector streets and/or within the downtown core area shall be prohibited during the hours of 7:15 - 8:15

a.m. and 4:00 - 6:00 p.m Monday through Friday. Night work may be required for lane closures on major arterials. The temporary traffic control plan shall specify hours of operation. No work activities shall be performed on an arterial street without an approved Temporary traffic control (TCP) permit. Whenever approved lane closures on arterial or collector streets or within the downtown core area are performed, the permittee shall be responsible for informing the local media (*i.e.* major local newspapers, radio stations, and television stations), law enforcement, fire protection, ambulance, transit agencies, and school districts of the approved closure.

Reviewing applications and issuing authorizations for lane closures and parking restrictions outside the above-described limits shall be the responsibility of the Utility Inspector. However, when the Utility Inspector has concerns about unusual traffic control issues, the Utility Coordinator may refer the particular request to Traffic Operations personnel for authorization.

To avoid noise disturbances, normal working times for work performed under a permit shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., unless specifically authorized by permit, license, or variance or as directed on the permit. *See* EC 4.083(g), EC 4.084.

3.08 Erosion Prevention, Site Restoration and Cleanup

Erosion prevention measures shall be incorporated into all work performed under a right-of-way permit in compliance with EC 6.630(2) and Administrative Rule R-6.645. The intent of those provisions is to ensure that construction-related activities prevent or minimize erosion, sedimentation, and other stormwater-related problems. No person shall engage in any construction-related activity in a manner that can potentially impact water quality. All persons shall prevent and/or control erosion, sedimentation, and other construction-related impacts to stormwater quality in a manner designed to meet the outcomes specified in R-6.645 (D) Eugene City Code. Failure to implement measures that meet those outcomes shall subject the person to any or all of the following: stop-work order; citation for violation; administrative compliance order; and civil penalties.

The permittee must promptly remove and clean all excess earth, stone, crushed rock, rubbish, debris, and any unused material that results from work performed. As work progresses, all public ways shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. All cleanup shall be at the expense of the permittee. Upon failure to do so, within 24 hours of notification, the City may perform the work and charge the cost thereof to the permittee. If in the judgment of the Surface Technical Supervisor, a hazardous condition exists that affects the public health, safety, and welfare, the notification requirement may be waived and the City may take immediate necessary corrective action to remove the hazardous conditions and charge the costs thereof to the responsible party.

Upon completion of the proposed work, the worksite and all disturbed landscaping shall be restored to a condition as near as possible to that which existed immediately prior to the work. Restoration may include but is not limited to, regrading, seeding, and mulching. Pursuant to R-6.645-F, no person shall commence

any construction-related activity without first obtaining from the Engineering Division an erosion prevention permit, if the construction-related activity:

- Will result in the disturbance of 1 acre or more of land.
- Is located in a sensitive area as designated pursuant to R-6.645-E.

Pursuant to R-6.645-E, a construction site shall be considered a sensitive area by the City for which an erosion prevention permit will be required if the site meets one or more of the following criteria:

- The slope of the parcel in the area of disturbance is greater than 10 percent.
- The site, by City definition, contains highly erodible soils.
- The parcel or tax lot of record has the potential to drain directly into a water feature or its designated buffer area.

For all other construction activities not subject to the erosion prevention permit requirements, compliance with the standards for preventing and controlling erosion, sedimentation, and other impacts associated with construction site management practices is required. (*See* R-6.645-D.)

All construction activity that will result in soil disturbance during the wet weather season (October 15th through April 30th) shall, at a minimum, implement and maintain the following Best Management Practices (BMPs) on the site:

- Gravel construction site entrances.
- Protection of all stormwater systems, water features, and natural resources.
- Cover all exposed soil not currently protected by secondary containment or treatments.
- Timely removal of sediment, soil, or construction-related material from the right-of-way**,** adjacent property, and the City's stormwater system, including water features and related natural resources. All violations that occur shall have corrective action taken immediately.

Groundwater extracted from excavated areas shall be disposed of in a manner that will not damage adjacent property, the City's stormwater system, water features, or related natural resources. Dewatering systems shall be designed and operated so as to prevent removal of the natural soils and so that the groundwater level outside the excavation is not reduced to the extent that would damage or endanger adjacent structures or property. Approval of the system does not guarantee that it will meet the outcomes or be acceptable for use in all situations. Modifications to the system will be required if the outcomes cannot be met. No sediment-laden water should ever leave the construction site.

Activities involving cleaning of construction equipment and disposal of excess construction materials shall be conducted so that materials and washout will not be deposited into catch basins, gutters, ditches, or areas where runoff may carry materials into the City stormwater system.

3.09 Pole Installations

All permits for installation, revision, or upgrades to utility infrastructure located on a City-owned pole shall include all design and engineering information required by the Traffic Operations Supervisor for review.

All permits for installation, revision, or upgrades to utility infrastructure located on a privately owned pole located in the public way shall include concurrence from the owner of the pole. The City may require all design and engineering information for review prior to permit issuance.

3.10 Inspection

The permittee shall notify the Utility Inspector by calling the contact number identified on the permit at least 2 business days prior to commencement of work within the public way. Business day means any day other than a Saturday, Sunday, or legal holiday. Any permit may require a pre-construction meeting on site with the Utility Inspector and permittee and/or their contractor prior to commencement of work as directed on the conditions of the permit. Work commenced without a preconstruction meeting as specified in the permit shall be considered work without a permit, and established penalties shall apply, and may result in the permit being suspended or revoked. The permittee shall be responsible for scheduling and attending pre-construction meetings with the Utility Inspector.

Work under the permit is subject to City inspection before, during, and after completion of the work. A copy of the approved permit and plans or drawings must be on the worksite at all times.

The Utility Inspector will inspect work performed under standard public way work or cut permits and annual permits for work within the public way. Upon request by the Engineering Division, the Utility Inspector may also inspect other work performed in the public way under a revocable permit or a public improvement permit.

Upon receiving the notice of commencement for the proposed work, the Utility Inspector will make reasonable accommodations to meet with the contractor's representative in charge of the construction at or before the commencement of the work covered by the permit. At this time, the methods and planned sequence of the operations should be discussed, unanswered questions resolved, and agreement obtained on preexisting damage to facilities already in place.

The Utility Inspector will periodically monitor operations performed by the contractor to see that work is performed according to the permit conditions. The work must strictly conform to the approved plans. Any changes in the proposed facility from that shown on the approved permit shall have the prior consent of the Utility Inspector. If a field change is approved by the Utility Inspector, the permittee shall submit modified permit drawings that document the change. The Utility Inspector may require the permittee to apply for a new permit if the requested change cannot be resolved by a field decision.

The Utility Inspector may require changes in construction technique or workmanship if hazardous conditions are present and may issue a Stop Work Order to halt construction if it does not conform to the approved permit and plans or drawings.

Inspections of the permittee's work by the Utility Inspector shall in no way relieve the permittee from the obligation of performing all work within the public way in strict accordance with the requirements of the City of Eugene Standard Specifications (*see* Section 3), provisions of this manual, the Eugene Code, recognized national standards, related administrative rules, specific permit conditions, or specific requirements communicated by the Utility Inspector. Nor shall this inspection relieve the permittee of the permittee's responsibility to perform any required corrections in case the work is later found to be - deficient.

The permittee shall notify the Utility Inspector of completed work within five business days.

The Utility Inspector shall maintain accurate records of the number of inspections each month, and public way work or excavation permits issued. Licensees, franchised utilities, and municipal utilities shall submit monthly reports of all public way excavations made by their staff or contractors. These records will be used by the Utility Inspector to track work activities and manage and maintain available foot lines and space for other facilities. Data from the Utility Inspectors will also be used to support Utility Locators who submit statistics to the LUCC and the OUCC to assist in tracking utility coordination trends state-wide.

In some situations, testing of materials and installation methods, including but not limited to compaction testing, may be required by the Utility Inspector at the Utility Inspectors' sole discretion. These inspections and tests shall meet the current minimum requirements adopted by the City for public works projects. All costs incurred for private inspections, reporting, and testing required by the Utility Inspector are the sole responsibility of the permittee.

3.11 Utility Locating

The utility coordinating councils, member agencies, and affected construction and excavation contractors have worked to establish a state-wide utility notification center whose purpose is to provide a convenient and consistent mechanism by which excavators can notify utility operators of underground facilities of planned excavation work, placing locate requests prior to excavation. Through this notification system, utility operators are able to mark the location of their underground facilities in the area of a proposed excavation, informing and coordinating with the excavator to prevent damage and avoid service disruptions.

Excavators, including city agencies, wishing to place locate requests may do so by telephoning the Utility Notification Center at 811 or 1-800-332-2344 or by submitting a request online. Excavators must comply with all Oregon Revised Statutes and State laws governing excavation and requesting utility locates.

General information and online applications can be found on the Utility Notification Center website at http://digsafelyoregon.com/ or http://www.call811.com.

An emergency locate should not be requested unless it involves emergency repairs immediately required to an existing facility and meets the definition of "emergency" contained in the OUCC Standards Manual.

Utilities and providers who install facilities within the public rights-of-way shall comply with the requirements for locating said facilities as established by Oregon Utility Notification Center (OUNC). Providers shall also comply with the mapping and location data requirements contained within the franchise or license agreements and Eugene Code.

3.12 Warranty

Patches or excavations within the public way in need of maintenance shall be reported to the Utility Inspector. In most cases, a utility cut requires maintenance or repair if any part of the replacement surfacing deviates more than ½" inch from the finished surface street grade or ¼" inch from a finished sidewalk grade.

If, upon reasonable notice, the permittee fails to restore and maintain the public way affected by the permittee's work, the City may perform the work and charge the cost to the permittee. If, in the judgment of the Surface Technical Supervisor, a hazardous condition exists that affects the public health, safety, and welfare, the notification requirement may be waived and the City may take necessary corrective action to remove the hazardous conditions and charge the costs thereof to the responsible party without prior notification.

If more than one permittee has worked within the affected area, the Surface Technical Supervisor shall allocate the responsibility and cost for restoration and maintenance. Factors to be considered in the allocation of responsibility include the nature of the work each performed, the type of deterioration occurring, when each permittee performed work, the kind of equipment and construction techniques each used, and other such factors which may be deemed relevant.

3.13 Damage to Existing Facilities

The permittee shall be responsible for all damage to public or private property and infrastructure resulting from the permittee's failure to properly protect people and property and infrastructure while carrying out the work. *See* EC 7.297 (2).

The Utility Inspector and the owner of any damaged facility must be immediately notified of damage to public or private facilities caused or found by the permittee.

When private wastewater or stormwater lines are damaged the permittee shall immediately notify the City Building Wastewater Inspector at Public Works Maintenance (682-4800). Required repairs shall meet the

State of Oregon Plumbing Specialty Code and be inspected by the Building Wastewater Inspector. The Building Wastewater Inspector shall note on the City's wastewater or stormwater connection records the damage and the permittee responsible for the damage.

If a permittee's failure to comply with OAR 952-001-0010 through 952-001-0090, failure to protect facilities identified on approved permits or project plans, or failure to use reasonable care to protect City facilities reasonably known to exist causes damage to a City facility, the permittee shall be responsible for all costs of repair or restoration of the facility.

3.13.1 Damage to City-owned Facilities

When the damaged facility is a publicly owned wastewater line, stormwater components, traffic signal or street light facilities, public trees, or public dry well facilities the permittee shall immediately notify the Utility Inspector. The Utility Inspector shall submit a damage report and a subsequent repair inspection report to the Right of Way Technical Supervisor. To aid in the updating of the infrastructure condition records, the damage repair report shall include a measured location and description of the damage and repair.

The Permittee shall call the City of Eugene Public Works Maintenance and Parks and Open Spaces Division main office at (541) 682-4800 during regular working hours from 8:00 – 5:00. If a City telecommunication line is damaged, the permittee shall immediately notify the Utility Inspector and the Information Services Division (ISD) at (541) 682-5078. When the facility is damaged during non-business hours the permittee shall call the Eugene Police non-emergency number at (541) 682-5111 and request they be transferred to the After Hours Supervisor.

All repairs shall be the permittee's responsibility and shall be performed at the permittee's expense. The City shall have the option of providing repairs consultation to the permittee responsible for the damage, directing the repair performed by the person(s) responsible for the damage, or having the repair performed by City crews at the expense of the permittee responsible for the damage.

If a permittee contests responsibility for the damage to a City facility discovered within the permittee's work zone, the permittee shall still be held responsible for effecting immediate repairs to the damaged facility. The permittee should then be directed to submit billing to the City of Eugene, Risk Services showing the exact time and materials expended to effect the repairs. Also, the permittee should include, in narrative form, an explanation as to the cause of the damage, the reasons the permittee should not be held responsible, and justification for the billing.

Section 4 – Transfer of Telecommunication Licenses

In the event a telecommunication license is transferred under the conditions contained in EC Chapter 3, 1971, the new licensee shall be responsible for all the previous licensee's outstanding agreements and obligations to the City regarding use of the publicway. These shall include but not be limited to maintenance of restored utility trenches within the public way and completion of all work authorized by outstanding permits.

Section 5 - References

Eugene Code 2.021, 3.005, 4.083, 4.084, 6.010, 6.630, 6.645, 7.007, 7.28, 7.290, 7.297, 7.307 & 7.308;
City of Eugene Web page: https://www.eugene-or.gov/
City of Eugene Standard Specifications and Drawings for Public works Construction, Oregon Chapter APWA, current edition and amendments: https://www.eugene-or.gov/
City of Eugene Public Way Use Permit: https://www.eugene-or.gov/
City of Eugene Temporary Surface Permit (Type 1 and Type 2): https://www.eugene-or.gov/
Oregon Utilities Coordinating Council Standards Manual
Oregon Manual on Uniform Traffic Control Devices (MUTCD)
City of Eugene Work Zone Traffic Control Standards 00220 & 00225
Oregon Administrative Rule 652-001-0010 thru 952-001-0090
Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Access Ways: https://www.eugene-or.gov/DocumentCenter/View/62377/Complete-Streets-Design-Standards-draft

FINDINGS
of the City Manager of the City of Eugene
in Consideration of Written Submissions Regarding
ADMINISTRATIVE ORDER NO. 58-22-12

CONSTRUCTION WITHIN AND USE OF THE PUBLIC WAY
ADMINISTRATIVE RULE R-7.302
AND
UTILITY MANUAL

Comments were submitted by EWEB on May 10, 2022. With regard to those comments, the City Manager of the City of Eugene finds as follows:

Question 1: Can the Pedestrian Access Plan be incorporated into the traffic control plan?

Finding: Section 2.01.5 Public Way Permit Application and Construction Drawings identifies the requirements for project drawings. The Pedestrian Access Plan, commonly referred to as TPARS (Temporary Pedestrian Accessible Routes) is part of the Temporary Traffic Control Plan.

The plan is a written and drawn plan within the TCP that identifies requirement for providing safe, effective and accessible routes for pedestrians through or around the work zone.

The detail and complexity of the Pedestrian Access Plan is dependent on a number of factors including work zone location, available accessible routes, length of impact time, and other factors. The Utility Inspector is responsible to determining the level of accessibility required for the specific location.

Question 2: For how long are utilities responsible for maintaining surface restorations, and does it extend to cracksealing and potholes in or adjacent the trench patch?

Finding: Section 2.02.3 establishes the permittee (Utility Provider) as being responsible for the surface restoration. The responsibility for surface maintenance in an unimproved public way is for one year, and in an improved public way is in perpetuity, until such time as the City reconstructs or overlays the surface.

Sealing of trench joints is required at the time of initial restoration. The City has a crackseal program and utility trenches are sealed in conjunction with this ongoing maintenance. However, potholes are typically formed when moisture is allowed to penetrate the subgrade or inadequate compaction occurs in or adjacent the trench line. In an excavation the trench wall is destabilized and can lead to surface failures directly adjacent the trench line. Adequate compaction of the trench and adjacent area is required to minimize the chance of surface failures.

Surface failures that occur in or directly adjacent the trench line are the responsibility of the permittee to maintain and repair. Permittees are responsible for proactively tracking, managing, inspecting and maintaining trenches associated with their work until the City reconstructs or overlays the surface. The Utility Inspector may notify the permittee when the City becomes aware of a failure; however, it is the permittees responsibility to manage this activity. It is the

responsibility of the permittee to repair the failure within a reasonable timeframe. Hazards require an immediate response from the permittee.

Question 3: How does this apply when patching into existing improvements that do not meet current design standards? Several specific examples include sidewalk width (36") for ADA, and thermoplastic versus paint striping.

Finding: 3.01 Standard Specifications and the design standards identify the minimum standards for all work performed in the public way.

There are situations where current infrastructure design does not meet the current standard. An example would be ADA standards. Through the years ADA standards have been refined and improved to accommodate impaired individuals. Incremental improvement is often the only way substantive improvement occurs. All public sidewalk repairs or replacements shall meet current City Standard Specifications.

The City requires all striping to be thermoplastic. Replacement of striping shall meet City Standard Specifications. There are locations where yellow curb is paint and in these locations replacing with paint is appropriate.

Question 4: Joint trenching does not make sense in all situations and deference to the utility should take into consideration separation and safety requirement. Utilities don't typically respond to joint trench notifications and providing an annual CIP list to other utilities could help with timing constraints on individual projects.

Finding: Section 3.02 Joint Trenching/Notifications does not require joint trench; however, joint trench is encouraged to minimize the impact to the public and preserving space for other public way uses. Utilities are responsible to determining compatible infrastructure and ensuring separation and safety requirements governing the utilities are met. The City does provide an incentive by way of reduced permit fees for joint trench participants.

Notification timing and format is determined by the initiating utility as long as the purpose and notification requirements are met and are reasonable. An annual CIP list, shared with all utility providers would likely meet the standards, with the exception of unplanned or unscheduled work exceeding 400 feet in length. In those situations, individual notice would likely still be required.

Question 5: In section 3.03.1 Street Cuts and Restoration – Moratorium Streets and Frequency of Opening, can there be options for requesting in writing a street cut exception on moratorium streets?

Finding: Requests for exception on a moratorium street may be made in writing by mailed letter or email to the Public Works Maintenance Surface Technical Supervisor. Communication regarding permit submittals, questions, and program contact can also be submitted to PWMUtilityPermits@eugene-or.gov and this communication will be forwarded to the supervisor as appropriate.

Question 6: Section 3.03.1 places a moratorium on streets less than five years old, could there be an exception for small areas for taps or tie-ins that could avoid the fee and not go through the approval process, or for under 100 sq. ft. that requires the fee but does not go through the approval process?

Finding: Section 3.03.1 Street Cuts and Restoration – Moratorium Streets and Frequency of Opening, nor EC7.295(2) allows the cutting of a moratorium street without approval. The fees covering this activity are adopted by Administrative Order and do not provide for an exception to wave fees, regardless of the basis for the cut or the excavation size.

The reason behind requiring an exception for cutting new street surfaces is to maximize the useful life and investment from the public. Every cut diminishes the useful life of the surface. The City encourages utility providers to plan ahead in an attempt to limit the surface impacts on new streets. The City publishes an annual CIP list that utilities and other public way users can use to determine where surface investments are scheduled. Utilities have an obligation to be a partner in planning and coordinating work in a way that will maximize the public's investment in our infrastructure.

Question 7: Section 3.03.1 Street Cuts and Restoration – Moratorium Streets and Frequency of Opening, what is the definition of a street segment?

Finding: A street segment is a portion of a street or alley not exceeding 400 feet in length, generally consisting of one standard length block.

Question 8: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements, identifies streets that are not allowed to be cut based on construction year, identified as historical, or excessively large panels. Where is the list of map of historical streets?

Finding: Typically, streets considered of historical value contain trolley rails or other significant community history. Questions about a specific street segment may be directed to the Public Works Maintenance Surface Technical Supervisor.

Question 9: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements limits cuts on some concrete street. While a cut may be allowed, is there a requirement of full panel replacement and is the full panel required to be removed as excavation occurs?

Finding: While some concrete street cuts are limited, there is an exception process similar to the moratorium street exception process. Requests for exception should be made to the Public Works Maintenance Surface Technical supervisor in writing.

Trench cuts in some concrete streets require full panel replacements at the time of restoration. The full panel does not need to be removed as part of the initial excavation but will require removal and replacement at the time of restoration.

Question 10: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements, current practice is to dowel and reinforce concrete patches, and replacement will

add a huge amount of cost and impact to property owners and neighbors. Narrow patches can be plated but not a full panel replacement.

Finding: There is a place, like on older concrete streets where patching is appropriate and should be considered. On streets where full panel is required, there are options that alleviate the need to plate for cure time. Rapid set concrete, while higher in cost, is one option that will allow material placement and within a few hours has achieved design strength and traffic access is restored. There are those situations where the shortened closure timeframe far outweighs the additional material cost for the concrete type.

Question 11: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements, the referenced DET 1601 & 1601A shows partial panel replacement, which would not be allowed on older concrete streets with the referenced larger panels, “excessively large panels?”

Finding: There are some excessively large panels irrespective of age that would not be approved for trench size repairs. When a trench repair is approved, the referenced detail applies to partial panel replacement. An example of excessively large panels that may not be appropriate for trench cuts are located in intersections. The turning movement, loading, and volume impact the design criteria when cut, and full replacement is appropriate to maintain the design lifespan and investment in these areas. Even in panels where patching is approved, permittees may want to consider if the reinforcing detail are warranted versus a full panel replacement.

The Utility Inspector has the authority to determine which concrete street panels are approved for patching and which panels require full replacement based on size, age or existing condition.

Question 12: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements, regarding compaction testing, where does the inspector direct utilities to test, and where are the test to be sent?

Finding: The Utility Inspector may require compaction testing at any time and location within the excavation area if CLSM is not used for backfill. In practical matters, the Inspector will communicate that testing is required and will direct where testing is to occur within the excavation area. The Inspector will attempt to provide advance notice to allow the coordination of contract testing services without disruption of the project as much as possible. There are some scenarios where short notice testing is deemed appropriate by the Inspector.

Compaction test results may be sent directly to the Inspector or to the general utility coordination email at PWMUtilityPermits@eugene-or.gov along with the project location and permit number.

Question 13: Section 3.03.2 Street Cuts and Restoration – Portland Cement Concrete (PCC) Pavements, is the length to width ratio of 1.5:1 for full reinforcement referring to each individual concrete panel?

Finding: Full reinforcement of any individual panel is required when the length to width ratio exceeds 1.5:1.

Question 14: Section 3.03.3 Street Cuts and Restoration – Asphalt Cement Concrete Pavement, is there a way to provide compaction testing on every project instead of requesting an exception to the CLSM backfill requirement?

Finding: There is an exception process for allowing granular backfill in place of CLSM. If a permittee (utility) would like to receive blanket approval for granular backfill in conjunction with compaction testing as a standard operating procedure, a blanket exception could be considered. Requests for a blanket exception should be submitted to the Public Works Maintenance Surface Technical Supervisor for consideration. The exception may be approved, approved with conditions or denied based on the merits of the request.

Question 15: Section 3.03.3 Street Cuts and Restoration – Asphalt Cement Concrete Pavement, the part referencing trench compaction is confusing. Is CLSM required or is granular backfill allowed with testing, and could testing be provided on every project instead of requesting an exception on every project?

Finding: There is an exception process for allowing granular backfill in place of CLSM. If a permittee (utility) would like to receive blanket approval for granular backfill in conjunction with compaction testing as a standard operating procedure, a blanket exception could be considered. Requests for a blanket exception should be submitted to the Public Works Maintenance Surface Technical Supervisor for consideration. The exception may be approved, approved with conditions or denied based on the merits of the request.

Question 16: Section 3.03.3 Street Cuts and Restoration – Asphalt Cement Concrete Pavement, regarding temporary trench surfacing requirements at the end of day. Is there a way rock backfill could be left 1” low on some local and low traffic roads instead of temporary coldmix, which could save time and money?

Finding: This section, along with EC7.307, requires a temporary hard surface be installed and maintained on any vehicle, bicycle, or pedestrian travel lane the same day of trench backfill.

There may be some locations, like a parking bay that could be protected where a temporary hard surface may not be required for a short period of time when construction is actively underway. The Utility Inspector has the authority to determine when and where a temporary hard surface is not necessary outside of the travel lane.

Question 17: 3.03.4 Street Cuts and Restoration – Temporary Trench Patching and Permanent Trench Restoration, does this section imply that a trench in a parking area can be left open or graveled?

Finding: There are some areas within the public way where temporary trench patching may not be necessary or required, and a parking bay that could be protected during active construction may be an example. The Utility Inspector has the authority to determine when and where a temporary hard surface is not necessary outside of the travel lane.

Question 18: Section 3.04 Location and Placement of Utility Infrastructure, identifies the PUE, beneath sidewalks and the plant strip and being the preferred locations for utility infrastructure. Could water facilities be located in the street to avoid conflicts with trees, rain gardens, etc.?

Finding: Alternate placement locations may be allowed within the public way with approval. The requesting utility would need to demonstrate that the preferred locations were infeasible due to site conditions, including other infrastructure and design criteria for the public way.
Request for alternate placement of utilities may be submitted to the Public Works Maintenance Surface Technical Supervisor for evaluation and consideration.

Question 19: Section 3.05 ADA Impacts and Restoration, is the expectation that driveways be replaced to ADA standards? This may require obtaining easement, design, and construction which can take substantial time.

Finding: Driveway approaches are one pedestrian related facility that are required to be upgraded when impacted, and the impact may come from utility, private or municipal activity. The Standard Drawings contained within Standard Specifications provide the design options covering most all situations. Specific direction on which detail is appropriate for a location can be provided by the Utility Inspector.

Question 20: Section 3.06 Planting Strip and Tree Impacts, it is not convenient for certain water infrastructure such as air release valves and sampling stations to be placed in the PUE (Public Utility Easement), they are typically installed behind the curb for access.

Finding: PUE's are provided for the express purpose of siting utility infrastructure and allowing adequate space for other infrastructure such as trees within the plant strip. While some life safety infrastructure is appropriate in the limited plant strip area, most other infrastructure needs to be located outside of the plant strip or behind the sidewalk.

Question 21: Section 3.06 Planting Strip and Tree Impacts, when impacting less than 30 percent of the CRZ (critical root zone) and working in the street, is it required to hand dig or use other non-destruction methods to prevent damage to tree roots? It is not practical to vacuum excavate a trench line in the street for extended distances.

Finding: Cutting roots over 2" in diameter requires approval of the Urban Forester. To avoid potential harm or an unintended technical felling of a public tree, working within the CRZ (critical root zone) of the tree requires implementing non-destruction techniques.

There are situations where little rooting is found under street pavement and areas where significant root structure is in this area. While an exception to non-destructive excavation in paved areas within the CRZ isn't reasonable, Urban Forestry and the Utility Inspector is always available for consulting on a specific site and there may be options based on the specific conditions encountered.

Question 22: Section 3.06 Planting Strip and Tree Impacts, tree protection fencing is required outside of the immediate excavation area but within the work zone. Does this apply to paved portion of CRZ?

Finding: Tree protection fencing does not apply to paved portions of the CRZ.

Question 23: Section 3.07.2 Lane Closures, Working Time, and Parking Restrictions, identifies 7:00am to 7:00pm as normal working hours. Occasionally, night work is necessary due to traffic or other considerations, and flexibility in these unique situations would be good.

Finding: There are situations where night operations are necessary or required by the City. An exemption to the regular work hours may be granted by the City under an issued permit or in response to an emergency. Requests for an exemption should be made with as much advance notice as possible. Requests may be submitted as part of a permit application or to the Utility Inspector for consideration.

Question 24: Section 3.08 Erosion Prevention, Site Restoration and Cleanup, erosion BMP's require gravel construction site entrances. Is this requirement applicable to work within an existing paved right-of-way?

Finding: Gravel construction site entrances are appropriate to prevent tracking of soil and debris from a construction site onto the road where it could enter the storm system. Excavation within a paved street is different; however, appropriate controls must be in place to avoid tracking or dirt from the excavation from entering the storm system. While the setting is different, the BMP for maintaining clean stormwater discharge is the same.

Question 25: Section 3.13.1 Damage to City-owned Facilities, identifies the permittee as responsible for repairs for any damaged City owned facilities. Can this requirement only apply to facilities which are properly located to the standards set through Oregon Utility Notification Center and Oregon Administrative Rules?

Finding: A permittee is required to immediately contact the City if there is damage to any facility. Permittees are responsible for repairs and the cost associated with repair. If the permittee believes there is a basis for shared or other party responsibility, a claim should be filed with the City of Eugene Risk Services. When the permittee contacts the City regarding a damage, the City may choose to affect the repair and absorb the cost or bill the responsible party.