

# CHAPTER 17C AMENDMENTS

*Environmental Quality and Public Works Committee*

*August 22, 2017*



**LEXINGTON**



## Issues

- Street Cuts
  - Not restored properly within allotted permit time
    - 21 days (default)
  - Poorly installed and/or maintained
    - Major driver of 311 calls for DOE
  - Current ordinance does not address enforcement
- Work without a permit
  - Smaller contractors
    - Never applied
  - Larger contractor
    - Applied after work has begun or completed
  - Current ordinance does not address enforcement



## Street Cuts

- Temporary vs Final restoration
  - Temporary
    - Cold mix asphalt patch and plates
    - Allows quicker reopening to traffic
    - Allows re-access of site during permit period
    - Primary driver behind 311 calls
  - Final
    - Full restoration with hot mix asphalt
      - Begins 2 year warranty period
    - Dependent on asphalt availability
    - Very low failure rate



## Street Cut - Current Ordinance

- 21 days default time
  - Can be extended at permit initiation
    - Typical for large capital projects
  - Extended by default if work/restoration is not complete
- \$250 fee
  - No additional fee for extension(s)



## Street Cut - Proposed Amendment

- 21 days default time
  - Based on Public Service Commission standard
  - Can be extended at permit initiation (no fee)
    - Typical for large capital projects
  - Extended by default if work/restoration is not complete
- \$250 fee
  - Additional \$250 fee for each extension



## Work without Permit - Current Ordinance

- Costs
  - Not set in current ordinance
    - “...subject to levy of fines”
- Applies to all permit types
  - Both installation and street cut



## Work without Permit - Proposed Amendment

- Costs
  - Doubles normal fee
    - Installation \$200 (\$100 x 2)
    - Street cut \$500 (\$250 x 2)



## Challenges – Street Cut

- Time Extension Abuse
  - Extend unnecessarily at permit initiation
  - Misclassification as “emergency work”
    - Need justification for extension/emergency
      - Required now
  - Require heightened oversight/judgement by R/W Manager
- Winter Cuts
  - How to handle when asphalt plants are closed
    - Typically Mid-December thru Early March
  - Require heightened coordination by utilities to avoid
  - May require judgement calls by R/W Manager



# Questions?



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