ORDINANCE NO. 571-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, ADDING SEC. 18-19.1 TO CHAPTER 18 OF THE NEEDLES CITY CODE RELATING TO GENERAL PERMIT CONDITIONS AND TRENCH REPAIR REQUIREMENTS AND ADOPTING THE "CITY OF NEEDLES, DEPARTMENT OF PUBLIC WORKS, GENERAL PERMIT CONDITIONS AND TRENCH REPAIR REQUIREMENTS, SEPTEMBER 2015" BY REFERENCE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Sec. 18-19.1 is hereby added to the Needles City Code and shall be titled as follows:

Sec. 18-19.1 General Permit Conditions and Trench Repair Requirements

SECTION 2. The attached "City of Needles, Department of Public Works, General Permit Conditions and Trench Repair Requirements, September 2015", of which not less than three copies have been filed for use and examination by the public in the office of the city clerk, is herby adopted by reference, without publication in the manner provided by Needles City Charter Section 523.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 22nd day of September, 2015, by the following roll call vote:

AYES: Councilmembers Gudmundson, Evans, Frazier, Williams and Darcy

NOES: None

ABSENT: Councilmember Richardson

ABSTAIN: None

Mayor

(SEAL)

ATTEST: Dale Jones

City Clerk

cheryl/council/Ord 571-AC - trench repair (Sept '15)

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PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of October, 2015, by the following roll call vote:

AYES: Councilmembers Gudmundson, Evans, Frazier, Williams, Darcy and Richardson

NOES: None
ABSENT: None
ABSTAIN: None

Mayor

(SEAL)

ATTEST: Dale Jones
City Clerk

APPROVED AS TO FORM:

City Attorney

cheryl/council/Ord 571-AC - trench repair (Sept '15)

CITY OF NEEDLES

DEPARTMENT OF PUBLIC WORKS

GENERAL PERMIT CONDITIONS

And

TRENCH REPAIR REQUIREMENTS

SEPTEMBER 2015

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1 – GENERAL

1.1 Standards and Specifications -- All work performed within the City of Needles right-of-way, easement or fee title properties shall be done in accordance with the current Standard Specifications for Public Works Construction (SSPWC – Greenbook) and these General Permit Conditions and Trench Repair Requirements. Any deviation must be approved in writing by the City Manager or designee prior to the issuance of an encroachment permit. Should a conflict arise among the above listed documents for an item of work in a particular permit, the City Manager shall have the sole responsibility to determine the document that ultimately governs for that item of work in that particular permit.

1.2 Changes or Additions to Permit -- The City of Needles reserves the right to make any changes or additions to a permit after issuance if such changes or additions are believed necessary for the protection of the public roads or properties or for the health and safety of the public.

1.3 Relocation -- If any part of a proposed installation by a developer or utility purveyor interferes with the present use of roads by the general public or is in conflict with future or current City capital improvement projects, it shall be removed or relocated as directed by the City Manager at the expense of the Permittee or his successor in interest.

1.4 Utility Construction – Encroachment permits issued for utility trenching, including utility service trenching, within City right-of-way, easements or fee title properties, shall be issued to the respective utility purveyor or it's California licensed contractor. The Permittee shall warranty the trench repair for one year from the City's acceptance date. Following the Permittee warranty period, the respective utility purveyor shall be responsible for the lifetime trench maintenance and repair. If the trenching is done by a private party and subsequently gifted to the utility purveyor, the private party shall be responsible for the warranty period of one year from the date of acceptance of work after which the utility purveyor (Owner) shall be responsible for the lifetime trench maintenance and repair.

1.5 Licensed Contractor -- All excavation, repair and restoration in City road right-of-way, easements or fee title property shall be performed by:

a) A contractor with an appropriate license class as issued by the State of California Contractors License Board

- Or -

b) By the utility purveyor's regular employees.

1.6 Permit Possession -- Other than emergency repairs, no work shall be performed within the City road right-of-way, easement or fee title property until an encroachment permit is issued. A copy of this permit, a set of approved plans and permits required by any other agency shall be on site at all times while construction is in progress. Permits that require excavation shall be valid only after an Underground Service Alert (USA) inquiry

identification number is issued and evidence of the same provided to the Project Inspector or City Engineer.

1.7 **Sanitary Facilities** -- It shall be the responsibility of the Permittee and/or Purveyor to provide and maintain sanitary facilities for the use of employees at all times while work is in progress.

1.8 **Permittee's Responsibility** -- The Permittee is responsible for the safety and for the implementation of all construction requirements within the limits of the project. The Permittee or his employees shall abide by all prevailing laws, rules and regulations governing construction activities within public rights of way. The Permittee shall also be responsible for obtaining any and all necessary approvals/permits, etc. from all applicable agencies prior to beginning the permitted work.

1.9 **Hold Harmless** -- The Permittee shall preserve and save harmless the City and each officer and employee thereof, from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as a result of Permittee's negligence or the negligence of Permittees' agents, servants, employees or contractors in the design or performance of any work undertaken under any permit granted to Permittee. The Permittee shall indemnify and hold the City of Needles and all officers, employees and agents of said public body free and harmless from any and every claim, demand or action for damages, or injury to any person or persons or property of any kind whatsoever, and any cost or expense in connection therewith, and agrees to defend the City and all officers, employees and agents of said public body against any claims or demands which may arise out of or result from Permittee's construction, operation, use or activities on City road right-of-way, easements or fee title properties.

1.10 **Notification** -- Except in emergency, the Permittee shall notify the City Engineering Department two working days, excluding weekends and City holidays, prior to starting a project and for each phase of the construction requiring inspection. In addition, the Permittee shall:

a) Notify DIG ALERT a minimum of 48 hours prior to any excavation, and

b) Notify residents/businesses/schools and others, located within a 300-foot segment of the same road on which construction is being performed, including those located within the project limits, at least 5 working days in advance of beginning the work provided any such work is scheduled to last longer than a work day. Depending upon the site conditions, the City Engineer can request Permittee to notify additional nearby residents/businesses on adjoining streets. Any variation to this shall be as approved by the Inspector.

1.11 **Inspection** All construction authorized by an encroachment permit shall be inspected by City personnel during construction. Construction performed without inspection may be subject to removal and replacement. The entire cost of removal and replacement shall be borne by the Permittee, regardless of whether the removed installation was found to be defective or not.

1.12 Failure To Comply -- Should a Permittee fail to comply with the provisions of the encroachment permit, the City may order the Permittee to stop work, wholly or in part, until the discrepancies have been resolved to the City's satisfaction. Upon satisfactory completion of corrections, written approval from the City shall be required before work resumes. Failure to comply shall result in revocation of permit(s). The City may perform the work required or arrange for the work to be done and the entire cost of the required work shall be borne by the Permittee.

2 – PUBLIC CONVENIENCE AND SAFETY

2.1 Traffic and Access -- The Permittee's operation shall cause no unnecessary inconvenience to the public. The access rights of the public shall be considered at all times and unless otherwise authorized, traffic shall be permitted to pass through the work area at all times. Safe and adequate pedestrian and vehicular access shall be provided and maintained to fire hydrants, mailboxes, residences, commercial and industrial establishments, churches, schools, parking lots, service stations, motels, fire and police stations, hospitals, and establishments of similar nature. Access to these facilities shall be continuous and unobstructed unless otherwise approved by the City.

2.2 Traffic Control -- Traffic Control shall conform to the current California Manual of Uniform Traffic Control Devices (MUTCD) and any approved Traffic Control Plan.

2.3 Working Hours -- Except for emergency repairs, no work shall be performed within City road right-of-way, easements or fee title properties on weekends or City holidays unless authorized by the City Engineer. Inspection costs will be at "over time" rates for weekend and holiday inspections and shall be borne by the Permittee. Hours of the day, such as no work from 8:00 pm to 6:00 am.

2.4 Road Closures -- No road shall be closed partially or fully without authorization from the City except in the case of an emergency under the direction of an authorized agency. An authorized road closure will allow the detour of through traffic only. The Permittee shall provide a smooth dust controlled route that allows unimpeded access for emergency vehicles and residents at all times. Road closure requests, along with an explanation why the road must be closed, and a detour plan must be made in writing and approved by the City Engineer. The City reserves the right to decline any proposal for road closure.

3 – PRESERVATION OF PROPERTY

3.1 Protection of Property -- The Permittee shall be responsible for the protection of public and private property adjacent to the work and shall exercise due caution to avoid damage to such property. The Permittee shall repair, restore or replace improvements damaged or removed as part of the construction of the permitted activity which are not designated for removal on the approved plans. All repair, restoration and replacement work shall meet the prevailing standard and specifications to match the original in finish and dimension. Trees, lawns and shrubbery that are not designated for removal on the plans shall be protected from damage or injury. If damaged or removed because of the Permittee operations, they shall be restored or replaced in as nearly the original condition and

location as is reasonably possible as approved by the property owner and the City Inspector.

3.2 **Traffic Signals** -- Traffic signal detector loops, wiring or appurtenant facilities damaged by the Permittee's operation shall be reported immediately to the City Department of Public Works, 817 West Third Street Needles telephone (760) 326-2451. Any damage shall be repaired immediately by the Permittee at no expense to the City and as directed by the City. Also, it shall be the Permittee's responsibility to implement traffic control measures, as may be necessary and as quickly as possible, until the repair work is completed and accepted by the City.

3.3 **Survey Monuments** -- The Permittee shall locate, protect or tie-out all survey monuments which may be disturbed or destroyed. Survey monuments shall be located, referenced and a Corner Record filed with the San Bernardino County Surveyor's Office prior to the start of construction. Following completion of the work, the monuments shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set and a Corner Record filed with the San Bernardino County Surveyor's Office prior to final project notice of completion. All work shall be performed under the direction of a licensed Land Surveyor or a registered Civil Engineer who is eligible to practice Land Surveying, and at no expense to the City.

4 – PROJECT SITE MAINTENANCE

4.1 **Debris Removal** - Surplus dirt, debris, rocks or building materials shall be contained during permit work and the site cleaned daily to reduce possibility of being carried by runoff into a storm drain, stream or natural drainage course or lake. At the completion of the permit work, the previous drainage patterns must be restored. Material shall not be placed in such a manner which might result in the blockage of any drainage structure at either the inlet or outlet.

4.2 **Clean-up and Dust Control** -- Throughout all phases of construction, including suspension of work, the Permittee shall keep the work site clean and free from rubbish and debris. The Permittee shall also abate dust nuisance by cleaning, sweeping and sprinkling with water or other means as necessary. The use of water resulting in mud on roads or drainage facilities will not be allowed as a substitute for sweeping or other cleaning methods. All soil and construction material shall be removed prior to that portion of the road being made available to traffic.

4.3 **Storage in City R/W, Easements and/or Fee Title Property** -- There shall be no equipment or materials stored or stockpiled in City road right-of-way, easements or fee title properties. Equipment and materials shall be removed from such when not in use and at the end of each working day, except as approved by the City.

4.4 **Emergency Response** -- Before work is started, the Permittee shall furnish names and telephone numbers of staff on-call if emergency work is required by the City. The City, at its sole discretion, may elect to perform emergency work if it is judged as necessary for the protection of the roads or for the health and safety of the public. All emergency work shall be accomplished at no expense to the City.

5 – MATERIALS AND EQUIPMENT

5.1 Pavement Traffic Markings and Striping -- All new, removed or damaged pavement traffic markings and striping shall be constructed of two coats of paint material followed by a glass bead application, unless otherwise approved by the City. To ensure visual uniformity, as determined by the City, Permittee may be required, at no cost to the City, to replace all affected markings within an intersection and adjacent areas with thermoplastic material if existing markings are thermoplastic, otherwise, apply two coats of paint material followed by glass bead application by the Permittee at no cost to the City.

5.2 Asphalt Concrete -- Asphalt Paving shall be PG 70-10 with ½" maximum aggregate for roads with a Traffic Index less than 8.0 and ¾" full depth for roads with a Traffic Index 8.0 or greater.

5.3 Base Material -- Base shall be Class 2 Aggregate Base or as otherwise approved by the City.

5.4 Track Equipment -- Track equipment and outriggers used on paved surfaces shall be equipped with street pads and be operated so as not to mar the surface or cause damage to any City facility. If pavement is marred, it shall be resurfaced as required in Section 8, Trench Resurfacing, herein.

6 – TRENCHING

6.1 Cal OSHA - All excavations shall conform to the requirements of the State of California Division of Occupational Safety and Health. The applicant for an encroachment permit shall be responsible for obtaining approval/permit from the Division of Industrial Safety, Department of Industrial Relations, State of California.

6.2 New Roads -- Trenches installed in roadways that have been paved within the last 3 years shall not be open-cut unless otherwise authorized by the City Engineer. If authorized, the Permittee shall be required to overlay the roadway to restore it to its original condition per the trench repair requirements in Section 8, Subsection 8.5 "Overlay Paving" herein.

6.3 Pavement Cuts – Pavement shall be cut for removal and excavated in a manner that does not disturb the adjacent pavement. Pavement shall be saw cut or cold planed for permanent repair as specified in Section 8 herein. Remnant strips of pavement less than 2-feet wide shall be removed and included in the replacement pavement. Replacement pavement along an edge of pavement that does not have curb and gutter, AC dike or AC berm shall be a minimum of 2-feet wide. When sidewall slippage occurs within a trench under the pavement, the pavement in the affected area shall be removed and the area of slippage shall be re-compacted and repaved as replacement pavement. Any voids under the pavement shall be filled by an appropriate method approved by the inspector.

6.4 Open Trench -- The maximum length of open trench (excavation or backfill not resurfaced) allowed during construction shall be the distance of construction which can be reasonably installed in a single day. An open trench shall be attended by contractor's personnel at all times. Where pavement has been removed, a minimum of 2-inches of

temporary paving shall be placed before that area is made available to traffic. Before leaving the project and at the end of each day, all areas of pavement removal, including sidewalk, drainage courses and driveway approaches shall be backfilled, compacted and surfaced with temporary asphalt. Upon approval by the Inspector, appropriate areas of the trench may be protected by plate bridging or protective fencing.

6.5 Trench Backfill -- Unless otherwise specified, the material obtained from the project excavations can be suitable for use as fill or backfill, provided that all organic material and other objectionable material is removed. Rocks, plain concrete rubble and pavement grindings obtained from the project will be permitted in the fill subject to the following limitations:

a) In trenches up to 3-feet wide, the maximum dimension of any piece placed shall be 6-inches; in trenches more than 3-feet wide, 1-foot is the maximum dimension.
b) Pieces larger than 4-inches shall not be placed within 1-foot of any structure.
c) Pieces larger than 3-inches shall not be placed within 1-foot of the sub grade for paving.

Rocks or rubble included in the fill shall be mixed with approved material to eliminate voids. Slurry (1-1/2 sack) is also an acceptable option for backfill.

6.6 Manhole Construction -- Manholes shall remain below the grading plane until final paving has been completed and then set flush with the surface.

7 – COMPACTION

7.1 Relative Compaction (RC) – An RC of 95% minimum shall be required for asphalt pavement, paving base material and that portion of backfill which is within 0.5-foot of the paving base material. An RC of 90% minimum shall be required for all other fill or backfill. All compaction shall be in accordance with California Test No. 216 or No. 231 (ASTM D-1556 or D-1557-70). Use of an alternate compaction test method (e.g. Dynamic Cone Penetrometer) must be pre-approved by the City.

7.2 Compaction Testing Frequency And Location -- Trench backfill testing shall be at 250-foot maximum intervals. One test shall be performed for each 4-foot of depth or fraction thereof. Pavement subgrade and pavement base material shall be tested at 500-foot intervals. Tests for backfill shall be taken at mid-depth of each 4-feet of backfill starting at the top of the installation. Failure of a compaction test will result in the entire area represented by that test being uniformly reworked and retested at a random location.

7.3 Test Reports -- Tests shall be certified by a registered California Civil or Geotechnical Engineer or testing laboratory in accordance with the State of California test requirements. Test locations shall be determined by the City Inspector. Compaction reports shall be submitted to the Inspector prior to permanent paving.

7.4 Mechanical Compaction -- Backfill shall be placed in horizontal layers of thickness compatible to the material being placed and the type of equipment being used. Each layer shall be evenly spread then tamped or rolled until the specified relative compaction is attained.

7.5 Water Densification -- Densifing by ponding and jetting will not be allowed within 4-feet of finish grade unless confined to the pipe zone and approved by the Inspector.

8 – TRENCH RESURFACING/REPAIR

8.1 Temporary AC Pavement -- Temporary asphalt compacted to 2-inches thick shall be placed and maintained in a smooth and compacted condition at all locations where paving has been removed and before traffic is allowed to pass over areas of pavement removal. Temporary asphalt shall be removed for permanent repair.

8.2 Trench Pavement Repair-General -- Damaged pavement adjacent to the trench edges shall be saw cut and removed in rectangular sections. Remnant strips of pavement 2-feet wide or less shall be removed and such area(s) included in the pavement repair. Asphalt pavement shall be a minimum of 95% RC. The repaired section shall be 0.10' thicker than the existing pavement but the total thickness not less than 0.25'.

Areas to be joined with asphalt pavement shall be cleaned of all soil and foreign material and tacked with 100% coverage of asphaltic emulsion or paint binder. If the existing AC thickness is significantly thick, the Inspector shall determine whether or not the replacement thickness shall still be 0.10 thicker or not.

8.3 Permanent AC Pavement Repair -- Base pavement shall be placed in compacted lifts of a maximum of 3-inches in thickness. Asphalt mix shall be as specified in Section 5 herein. The finish course shall be 0.17' thick and conform and be flush with the finished surface. Trench sections over 6-feet in width shall utilize a self-propelled vibrating screed paving machine (Barber-Green or equivalent) and may be subject to additional requirements.

8.4 Trench Pavement Repair Options

a) **T – Cut Trench** Repair (for asphalt thickness less than 4") - After trench backfill is completed, trench edges shall be saw cut or ground to full asphalt depth and to straight lines a minimum of 1.0-foot from the edge of the excavation or pavement removal. The edges shall be parallel and at right angles to the centerline of the road. This type of trench repair cannot be used on City roads that are 3-years old or less or have received an overlay in the past two years.

T – Grind Trench Repair-- In cases where the existing pavement has a thickness in excess of 4- inches, grinding a minimum of 1-foot from each edge of the excavation or pavement removal to a minimum depth of 2-inches may be allowed at the discretion of the City Inspector. This type of trench repair cannot be used on City roads that are 3-years old or less or have received an overlay in the past two years.

8.5 Overlay Paving -- Overlays are required as follows:

- **0-3 years since last surface reconstruction or resurfacing improvement** (Trench Moratorium Applies):
  - Full lane milling, to a minimum depth of 4-inches, and resurfacing is required when the AC pavement is greater than 4-inches thick. For AC pavement 4-inches or less, a full depth pavement replacement is required.

- **0-3 years since last Chip or Slurry seal improvement:**
  - Full lane chip or slurry seal is required for all lanes affected by the trenching.

- **3-5 years since last surface Reconstruction or Resurfacing Improvement:**
  - For trenches in excess of 300 linear feet, full lane milling and resurfacing is required when the AC pavement is greater than 4-inches thick. For AC pavement 4-inches or less, a full depth pavement replacement is required.

  - For trenches less than 300 linear feet a T-repair, type as approved by the inspector, may be utilized.

- **3-5 years since last Chip or Slurry Seal Improvement:**
  - Full lane chip or slurry seal is required for all lanes affected by the trenching.

- **5-10 years and road is not on the City's CIP list for improvement:**
  - A T-repair is allowed, type as approved by the City Inspector, followed by a full lane chip/slurry seal.

The determination of the need for an overlay shall be made by the City prior to issuance of the encroachment permit. Absent this, and subsequent to the issuance of the permit, the City reserves the right to make a determination of the overlay based upon field conditions. Substantial damage to the roadway beyond the trench excavation as a result of negligence by the Permittee or their contractor shall meet or exceed prior street conditions as determined by the City. The overlay, when required, shall still meet asphalt types and grades per Section 5 herein. Paving shall be placed with a paving machine per Section 5 and shall extend beyond pavement removal a minimum of 1-foot laterally and 5-feet longitudinally and shall cover the driving lane or shoulder full width.

8.6 Excessive Pavement Removal -- Regardless of the trench method used, removal of six or more separate areas of pavement or the removal of 15% of the total area of a lane or shoulder by a Permittee within a 300-foot length of street, shall require an overlay or reconstruction depending upon the age of last surface improvement and roadway width.

8.7 Pavement Surfacing -- Where there are existing surface coatings on the existing pavement, such as open graded pavement, chip seal or any type of surfacing that has been removed, the surfacing and pavement shall be replaced in-kind.

8.8 Driveway Approaches -- Driveway approaches constructed of asphalt concrete shall be repaired as required and shall also be overlaid 1-inch thick full width to the property line or slurry sealed.

8.9 Trench Failure and Repair -- When the City notifies Permittee of a failure of their trench (settlement, excessive cracking or alligator cracking, etc.), the Permittee shall coordinate the proposed trench repair method and schedule of repairs with the City within two working days or sooner depending upon the severity of the failure.

End of Policy