

CITY OF TACOMA RIGHT-OF-WAY RESTORATION POLICY

Guidance on restoration of City Rights-of-Way



Public Works Department

Directors Office
747 Market Street Suite 408
Tacoma, WA 98402
253-591-5525

**Right-of-Way Restoration
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City of Tacoma's Right-of-Way Restoration Policy

This policy will assist those working within the City of Tacoma's (City) right-of-way with restoration requirements. It establishes restoration standards to help protect the City's public infrastructure and reduce long-term maintenance costs. This policy shall apply to all concrete streets and paved non-gravel alleys regardless of condition. This policy will apply to all asphalt streets that have a paving rating index of 41 or higher. Asphalt streets that have a paving index rating of 40 or below will be exempt from the requirements of this policy. Streets with a rating index of 40 or below shall be restored in accordance with the City's standard plan SU-15B. Pavement ratings and standard plans may be found at www.cityoftacoma.org/rightofway.

This policy will be implemented and enforced jointly by the Public Works and Planning and Development Services Departments. This policy shall be applied to all work in the right-of-way.

In accordance with Tacoma Municipal Code (TMC) 10.22.050 all work that will alter the right of way must be permitted. The Tacoma Municipal Code allows for permittees to subcontract right-of-way work performed under the permit, provided that the Permittee shall be and remains responsible for the performance of the Work under the Permit and all insurance and financial security is required.

1. Definitions

Castings: Maintenance Hole Covers, Catch Basin Grates, Gate Valves, etc., constructed in the right-of-way.

Cut back zone: The area of pavement, sidewalks, curbs and gutters removed and replaced over undisturbed soils.

Enterprise Utility: A City-owned and operated utility.

Franchise Utility: A privately owned utility that has a fully executed franchise agreement with the City of Tacoma.

Lane: A longitudinally marked or unmarked portion of a street that is wide enough to accommodate a vehicle or a bicycle.

On streets with traffic channelization, lanes shall be as marked. On streets without traffic channelization, lanes shall be defined based on the street width. Streets 20 feet or less in width are considered one-lane streets. Streets greater than 20 feet in width are considered two-lane streets with one lane either side of the centerline of the road. Streets greater than 32 feet in width may be considered three-lane streets, at the discretion of the City Engineer. For a three-lane consideration, the Permittee shall submit a variance request to the City Engineer in accordance with Section 2.12 of this policy. Every lane is considered to have two wheel paths. No longitudinal construction joint shall fall within a wheel path.

Newly Constructed Streets: A new or existing public street that has been constructed or reconstructed with a complete roadway section from curb and gutter to curb and gutter, or an existing roadway surface that has been rehabilitated with a grind and overlay from gutter to gutter and intersection to intersection, or 330 linear feet in length whichever comes first. A grind and overlay project will only be considered new construction if the owners of the underground utilities were notified of the reconstruction/rehabilitation 9 months prior to start of the work and afforded the opportunity to perform any necessary replacements of the utilities as part of the grind and overlay project.

Permittee: Any person, firm, or corporation, or his duly authorized agent, performing work that requires a permit per TMC Chapter 10.22.

Right-of-Way Elements: All curbs, gutters, sidewalks, streets, traffic circles, speed humps, roundabouts, or other City infrastructure existing within the right-of-way.

Standard Plan: The City's Standard Plans. Available at www.cityoftacoma.org/standardplans

Street: Any marked or unmarked public roadway within the City of Tacoma, including residential, arterial, alleys, courts, avenues, lanes, cul-de-sacs, etc. Streets designated as arterial streets may be found in TMC Chapter 11.05.490.

2. General Provisions

Construction within the right-of-way shall conform to the latest version of the City's Design Manual, Standard Plans, Traffic Control Handbook and the WSDOT Standard Specifications for Road, Bridge and Municipal Construction (WSDOT Standard Specifications).

2.1. Five-Year Moratorium

Except for repairs that are necessary for the protection of the public's health and safety, excavations in newly constructed streets will not be allowed for a period of five years following substantial completion of the project.

2.2. Restoration Schedule

Unless otherwise approved by the City Engineer, or his/her designee, where excavations are permitted hereunder, all pavement and other right-of-way elements shall be permanently restored within 60 calendar days of the start of construction.

2.3. Restoration Requirements of Multiple Roadway Excavations

If a Permittee excavates and removes roadway pavement in two (2) or more locations within 75 feet of each other, measured longitudinally or transversely from any cut back zone, the Permittee shall restore the roadway by incorporating the Permittee's work in a single patch per the Standard Plans.

If a Permittee excavates and removes the roadway pavement in four (4) or more locations within 300 feet of each location, measured longitudinally or transversely from

any cut back zone, the Permittee shall restore the roadway by incorporating the Permittee's work in a single patch per the Standard Plans.

2.4. Pavement Damage

Any damage to pavement surfaces or other right-of-way elements during construction activities shall be repaired and/or replaced in accordance with this policy. Stockpiling of construction materials on the roadway is prohibited.

2.5. Responsibility for Cleanup

During construction, the site and the surrounding area shall be kept clean and free of construction debris or other materials. Construction debris or other materials shall not be washed or flushed into the surface water or wastewater systems. Upon completion of the work and prior to final acceptance, all surplus materials, rubbish, temporary buildings, equipment and debris that may have accumulated during the performance of the work shall be removed and disposed from the site and adjoining properties. All catch basin inlet protection devices and collected sediments shall be removed and properly disposed of.

2.6. Surface Water Management

All construction activities shall be in accordance with the requirements of the City's Surface Water Management Manual.

2.7. Castings

Casting installations or adjustments shall meet the requirements of the Standard Plans and are exempt from Section 2.3 of this Policy. Pavement joints shall not be located within 1 foot of a casting.

2.8. Monuments

All existing survey monuments that are disturbed, removed, or covered as a result of the construction or final pavement restoration shall be restored per the Standard Plans and Washington Administrative Code (WAC) 332-120.

2.9. Traffic Channelization

Temporary traffic channelization shall be maintained during construction, including any pavement curing period. All permanent traffic channelization shall be restored as required by the City prior to final acceptance, including, but not limited to school zone markings, bike lanes, and sharrows.

2.10. Permits

Permits shall be obtained for all work conducted within the City's right-of-way in accordance with TMC Chapter 10.22.

2.10.1. Annual Permits

Per Tacoma Municipal Code section 10.22.050 for entities that undertake regular, routine maintenance or other limited Work that physically impacts the Rights-of-Way or disrupts traffic in the Rights-of-Way not lasting more than one day, the

Director of Public Works, or their designee, may grant Annual Permits to allow for such Work without the need for obtaining individual Permits on each occasion. The Director of Public Works may, in their reasonable discretion, consistent with the needs of public safety and welfare, limit the kinds of Work that will be subject to Annual Permits and may attach conditions to the granting of any Annual Permits. Terms of Annual Permits shall be reviewed annually, and may be revised based on compliance with this policy or to address public safety needs. Permittees shall notify the Director 24 hours in advance of performing routine maintenance or other limited Work if the Work will impact traffic for more than one day or if lane closures are required during peak traffic hours. Permits issued for Work accomplished under an Annual Permit shall utilize traffic control in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and the City's Traffic Control Manual and are not required to submit site specific traffic control plans for such Work.

2.11. Variances

Variances to this policy may be requested by completing the Right-of-Way Restoration Policy Variance Request form included in Appendix B and submitting it to the address on the form. The City will review the variance request and respond within 20 calendar days of receipt of the request. In case of an emergency, Permittee will be allowed a variance to this policy; however the Permittee shall complete the Right-of-Way Restoration Policy Variance Request form and submit it to the City within 24 hours of the emergency.

2.12. Franchise and Enterprise Utility Exceptions

Recognizing that Franchisees have a long term obligation to the City through their franchise agreement, the City has provided for exceptions to this policy under Appendix A. Recognizing that enterprise utilities are part of City government, the City of Tacoma has provided for exceptions to this policy under Appendix A.

3. Warranty Requirements

The Permittee shall provide a warranty period of one year and guarantee the workmanship and materials of all right-of-way elements incorporated into the project. The warranty period will commence upon the City closing the permit. The restoration shall be repaired as necessary until the warranty period has expired or the roadway is rehabilitated and the restoration has been removed or altered under a separate project.

3.1. Warranty Provisions

The Permittee will be determined to be in default of the warranty if any one of the following occurs:

1. Restorations have a rating of "medium" or "high" severity as described in the latest version of the "Pavement Surface Condition Field Rating Manual for Asphalt Pavements".
2. Placement of Hot Mix Asphalt does not meet the minimum compaction requirements of the current WSDOT Standard Specifications and Standard Plans.
3. Differential settlement occurs within an excavation or roadway subgrade

- during the warranty period.
4. Backfill material for roadway embankments, subgrades, or trenches does not meet the minimum compaction requirements of the current WSDOT Standard Specifications and Standard Plans.
 5. Any paved surfaces exhibit poor workmanship such as but not limited to raveling of asphalt, improper placement of joint sealant, and rideability.

3.2. Warranty Repairs

The City will notify the Permittee of any known defects. If the City Engineer, or designee, determines that deficient work poses an immediate public health and safety risk, the Permittee shall make the necessary repairs within 24 hours of receiving notification from the City. If the City Engineer, or designee, determines that the deficient work does not pose an immediate public health and safety risk, the Permittee shall submit a detailed plan of action including a detailed traffic control plan to the City Engineer, or designee, within 14 calendar days of receiving the notification. Upon written authorization to proceed with the repairs, the repairs shall be completed within 20 calendar days of the issuance of the permit. Permits shall be required for all repair work in accordance with section 2.10 of this Policy. If the defects are not corrected within the amount of time stated in this policy, the City reserves the right to correct the defects with either City forces or a third party contractor and recover all costs from the Permittee. If the Permittee does not reimburse the City for its costs within a reasonable time after presentment of an invoice/demand for payment, the City may withhold future permits applied for by the Permittee until such time as the Permittee satisfies its reimbursement obligation.

4. Temporary Surface Restorations

Temporary surface restorations shall be placed and maintained for all paved areas or streets. The Permittee shall complete permanent restorations within 60 calendar days of starting the work, unless otherwise approved by the City Engineer or designee.

Temporary surface restorations shall be placed in accordance with the Standard Plans. If the City Engineer, or designee, determines that the temporary surface restorations are deficient and pose an immediate public health and safety risk, the Permittee shall make the necessary repairs within 24 hours of receiving notification from the City.

If the City Engineer, or designee, determines that the deficient work does not pose an immediate public health and safety risk, the Permittee shall submit a detailed plan of action including a detailed traffic control plan to the City Engineer, or his/her designee, within 14 calendar days of receiving the notification . Upon written authorization to proceed with the repairs, the repairs shall be completed within 20 days of authorization.

If the defects are not corrected within the amount of time stated in this policy, the City reserves the right to correct the defects with either City forces or a third party contractor and recover all costs from the Permittee. If the Permittee does not reimburse the City for its costs within a reasonable time after presentment of an invoice/demand for payment, the City may withhold future permits applied for by the Permittee until such time as the

Permittee satisfies its reimbursement obligation.

5. Permanent Surface Restorations

Permanent surface restorations shall be completed in accordance with the Standard Plans. If a surface restoration falls within the boundaries of a previous restoration, the limits of the new restoration shall incorporate the previous restoration. Restoration of trench work in line with the travel lane shall extend from the edge of road, or travel lane to either the middle of the travel lane or the edge of travel lane and shall fall outside the wheel path. Prior to restoration, the Permittee shall contact the Planning and Development Services Department to determine the extent of their restoration. The Permittee, to the best of their ability, shall coordinate utility cuts and patches on their project such that only one patch is required. The Permittee responsible for the overall completion of a private development, such as commercial development, construction of single family homes, etc., shall be held responsible for the provisions of this policy.

6. Restoring Other Right-of-Way Elements

6.1. Gravel Surfaces

Gravel surfaces shall be permanently restored with three inches of Crushed Surfacing Base Course (CSBC) meeting the requirements of WSDOT Standard Specification section 9-03.9(3). The CSBC shall be graded to allow for surface water drainage as determined by the City Engineer or designee and shall be compacted to 95 percent of maximum density.

6.2. Cobblestone and Brick Streets

Restoration requirements of cobblestone and/or brick streets will be determined on a case by case basis by the City Engineer or designee within 20 days of the receipt of the request for determination from the Permittee.

6.3. Traffic Signal Vehicle and/or Bicycle Detection Devices and Street Light/ Signal Conduit

All traffic signal vehicle and/or bicycle detection devices and street light/signal conduit installed in the existing pavement shall be protected during construction. Any damage to existing detection devices or conduit as a result of construction shall be replaced following final pavement restoration in accordance with the Standard Plans.

The Permittee will be responsible for all costs incurred by the City in the repair or replacement of the traffic signal vehicle and/or bicycle detection loops and street light/signal conduit. Prior to start of construction, the Permittee shall contact 811 for assistance with locating and installing new detection loops and conduits.

6.4. Permeable Pavements

Permeable pavements are an element of Green Storm Infrastructure (GSI) which is intended to mimic natural systems and deliver multiple community benefits in addition to stormwater management. Permeable Pavements shall be restored per standard plan SU-14F and SU-15C. Permeable pavements may include roadway, sidewalks, accesses,

and driveways.

6.5. Traffic Channelization

All permanent traffic channelization and other pavement marking shall be restored following final pavement restoration in accordance with the standard plans.

6.6. Traffic Circles, Roundabouts and Speed Humps

Prior to removing traffic circles, roundabouts or speed humps, the Permittee shall provide advance notice of fourteen (14) calendar days to the Planning and Development Services Department.

6.6.1. Traffic Circles

Traffic Circles shall be restored in one-quarter sections and all affected sections shall be replaced. For pavement restoration purposes, the Permittee shall comply with the cut back zone requirements. All signage, pavement markings and reflectors shall be restored at the time of final restoration and approved temporary traffic control devices or provisions shall be implemented in the interim period prior to final restoration.

6.6.2. Roundabout

Roundabouts shall be restored to the nearest expansion joint and all affected sections shall be replaced. For pavement restoration purposes, the Permittee shall comply with the cut back zone requirements. All signage, pavement markings and reflectors shall be restored at the time of final restoration and approved temporary traffic control devices or provisions shall be implemented in the interim period prior to final restoration..

6.6.3. Speed Humps

All damaged or removed speed humps shall be restored in accordance with all pavement restoration requirements. Prior to restoring speed humps, the Permittee shall contact Planning and Development Services to authorize the location of the replaced speed hump. All signage, pavement markings and reflectors shall also be restored at the time of final restoration and approved temporary traffic control devices or provisions shall be implemented in the interim period prior to final restoration..

6.7. Sidewalk Restoration

6.7.1. Cement Concrete Sidewalk

Cement concrete sidewalk shall be constructed in accordance with the Standard Plans.

6.7.2. Asphalt Concrete Sidewalk

Asphalt concrete sidewalk shall be replaced in-kind in accordance with the cut back requirements for asphalt streets per the Standard Plans.

6.8. Curb Restoration

6.8.1. Cement Concrete Curb and or Gutter

Curb and gutters shall be constructed in accordance with the Standard Plans. For pavement restoration purposes, the Permittee shall comply with the cut back zone requirements.

6.8.2. Hot Mix Asphalt (HMA) Wedge Curb

HMA wedge curb is considered part of the pavement surface and shall be replaced in accordance with the Standard Plans. For pavement restoration purposes, the Permittee shall comply with the cut back zone requirements and the wedge curb shall be installed with the pavement surface during final restoration.

6.9. Sidewalk Ramps

All sidewalk ramps shall be designed by a licensed professional engineer, unless otherwise approved by the City Engineer or designee to comply with all federal and state regulations. If work performed by a Permittee alters the street, as defined by Public Rights-of-Way Accessibility Guidelines (PROWAG), and construction of sidewalk ramps are required, the ramps shall be constructed to comply with federal and state regulations. If curb and or sidewalk exist adjacent to a newly constructed sidewalk ramp and receiving sidewalk ramps do not exist; receiving ramps shall be designed and constructed in accordance with RCW 35.68.075.

6.10. Driveways

When work includes the removal and replacement of cement concrete driveways, the driveways shall be constructed in accordance with the Standard Plans.

6.11. Decorative Treatments and Special Pavements

Decorative and/or special surface treatments such as but not limited to stamped concrete, colored concrete, stamped asphalt, etc., for streets, alleys, curbs, gutters and other public areas shall be replaced as directed by the City Engineer or designee. The following criteria shall apply if replacement of decorative and/or special surface treatments is required:

6.11.1. Source of Supply

The Permittee shall verify a source of replacement material and submit samples and other information for review and approval as requested by the City Engineer or designee. The Permittee shall submit an alternative restoration plan for original matching materials not located. Construction may be granted after the restoration plan has been reviewed by the City Engineer or designee.

6.11.2. Photographic Documentation

The Permittee shall photograph the existing decorative or special surface treatment before restoration to ensure restoration is completed to its original condition and provide copies to the Planning and Development Services' Construction Inspector prior to permanent restoration.

6.11.3. Mortared Paving Materials

Bricks, cobblestones or pavers shall be removed to the nearest joint and, when required by the City re-used for restoration.

6.11.4. Brick Gutters

For Minor disruptions to the gutter line for service installations or maintenance to individual parcels, brick gutters shall be removed and replaced in-kind for the final restoration.

Appendix A

Right-of-Way Restoration Policy Franchise and Enterprise Utility Exceptions

Temporary Patches

Franchise and Enterprise Utilities may use cold mix asphalt for temporary patches immediately following excavation and fourteen (14) days thereafter. Temporary cold mix asphalt patches not permanently restored within fourteen (14) days shall be removed and replaced with temporary hot mix asphalt.

Extended Warranty of Restoration

Franchise and Enterprise Utilities may elect to provide the City with a warranty period of five (5) years and guarantee the workmanship and materials of all right-of-way elements incorporated into the project.

Franchise and Enterprise Utilities electing to provide the extended warranty on their restoration work shall indicate such in writing at the time the City issues a permit.

Extended warranties are subject to Section 3.0 Warranty Requirements of this policy.

Compaction

Franchise and Enterprise Utilities that elect to provide the City with a five (5) year warranty on their right-of-way restorations may reduce the level of in-situ density (compaction) testing efforts to the following:

1. Compaction testing of backfill material and hot mix asphalt will be required on 15% of the restoration work performed, as determined by the amount of work performed by the utility during the previous calendar year.
2. Franchise and Enterprise Utilities shall retain compaction reports for the duration of the warranty period and upon request submit them to the Planning and Development Services Department within 48 hours.

