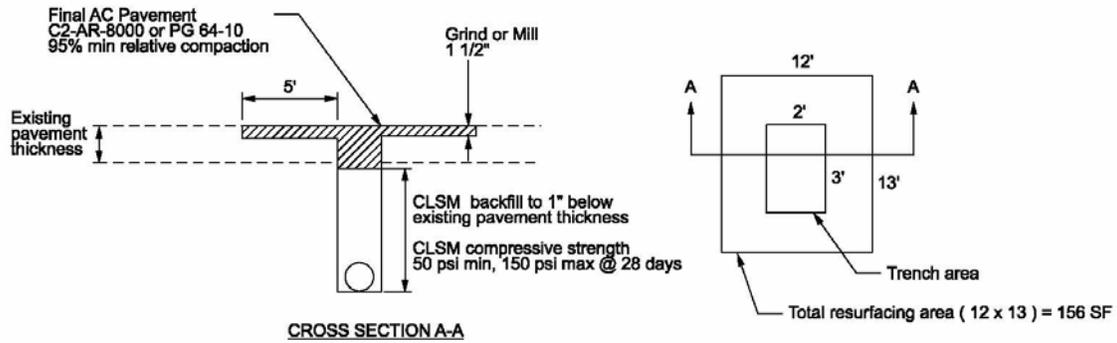


7.3- EXCAVATION IN ONE-YEAR MORATORIUM STREETS (Ordinances 171922, 171923, and 171924 effective March 27, 1998)

Many situations have arisen since the implementation of the Street Damage Restoration Fee (SDRF) where property owners and developers claim they were unaware that the street they are adjacent to will be paved by the Bureau of Street Services (BSS). They then have problems making service connections to their property or development because of the current one-year moratorium. In order to minimize this problem, the Bureau of Street Services mails notices to each property owner of record on streets being resurfaced and on streets connected to those being resurfaced, approximately four weeks prior to paving the street. In addition, a notice is hand delivered to each adjacent improved property 48-72 hours prior to paving. This will allow all development and property owners to request the BSS to defer resurfacing work, so that any necessary cuts or excavations can be made in the streets and not be subject to either the fee or one-year moratorium.

The following procedure shall be followed in connection with the SDRF and excavating in streets within the one-year moratorium of the street being resurfaced or reconstructed:

1. Los Angeles Municipal Code (LAMC) Section [62.06 D](#) prohibits cuts or excavations in streets resurfaced within the past year unless the permittee resurfaces the entire block curb face to curb face and/or intersection containing such cuts and/or excavations.
2. Exceptions to LAMC Section [62.06 D](#) and the one-year street cut moratorium require formal City Council approval. Furthermore, LAMC [62.06 D](#) states "Exceptions may be made when it can be sufficiently demonstrated to the Director, BSS that the City's 30 day notice of a scheduled street resurfacing project was not mailed to the correct property owner of the record at the time of notification, and the adjacent property owner made significant efforts to promptly notify the BSS of any planned street excavations."
3. The above requirements apply to all applicants, including the Gas Company. The Gas Company is currently exempt from paying the SDRF through year 2010, but is not exempt from the one-year moratorium or obtaining a U-permit to do the work.
4. Cuts or excavations deemed as "emergency repairs" to protect the safety and/or welfare of the general public shall be allowed. Poor coordination and/or economic necessities are not considered emergencies. The applicant must still obtain a permit and must include the scope of work and supporting documentation confirming the existence of an emergency. Repaving of these cuts and excavations shall be handled on a case by case basis and not subject to the entire block or intersection paving requirement. Resurfacing will include a minimum width of five feet on all four sides of the trench limit and grinding or milling of that pavement to a minimum depth of 1 ½ inch for final resurfacing. Excavation backfill shall be CLSM (fc= 50 psi min, 150 psi max @ 28 days) unless otherwise approved by the City Engineer in advance. The fee imposed will be the fee established for the rate category of street resurfaced/reconstructed between one year, one day and five year, and the calculation area will include the total resurfacing area. For example:



5. Maintenance Cover and water/gas valve adjustments in connection with a BSS resurfacing projects are not subject to the moratorium or fee.
6. All cuts or excavations made after the one-year moratorium will be subject to the SDRF. The LAMC Section 62.06 B and Ordinance No. 171922 states that the City Council from time-to-time, by Resolution establishes the amount of the SDRF. Exhibit "A" attached reflects the fees as adopted by Council on April 12, 2006. (Council File No. 02-0600-S33).
7. All cuts or excavations in the public right-of-way require a permit.
8. Streets that have been slurry sealed by the City are not subject to the one-year moratorium. However, on April 12, 2006, Council approved (File No. 02-0600-S33) a new fee to be imposed for damages caused by cuts or excavations to streets within two years of slurry sealing (Slurry Seal Damage Restoration Fee). Exhibit "A" reflects fees as of April 12, 2006. Fees will be calculated, if applicable, on the original construction, resurfacing or slurry seal date.
9. All cuts or excavation performed 12 months or less in advance of any paving/reconstruction of a street is not subject to the fee.

EXHIBIT A

STREET DAMAGE RESTORATION FEE
FEE SCHEDULE

Major	Fee per Square Foot
Resurfaced/reconstructed between one year, one day and five years ago	\$21.26
Resurfaced/reconstructed between five years, one day and 10 years ago	\$17.72
Resurfaced/reconstructed between 10 years, one day and 15 years ago	\$14.18

Local	Fee per Square Foot
Resurfaced/reconstructed between one year, one day and five years ago	\$7.78
Resurfaced/reconstructed between five years, one day and 10 years ago	\$6.90
Resurfaced/reconstructed between 10 years, one day and 15 years ago	\$6.48
Resurfaced/reconstructed between 15 years, one day and 20 years ago	\$5.86
Resurfaced/reconstructed between 20 years, one day and 25 years ago	\$5.18

For purposes of this Fee Schedule a major street is defined as Federal Highway Segments and all designated select system streets as defined by the Street Maintenance Division (SMD) of the BSS.

A local street, as such term is used in this Resolution, is all other City streets not meeting the definition of a “major” street.

Streets that have been resurfaced less than one year from the date of the proposed cut or excavation shall not be cut unless the whole block within which such cut or excavation is to occur be paved by the entity seeking to make the cut or excavation. Such repaving of the whole block shall be defined as requiring paving from the Northerly or Easterly end of curb to the Southerly or Westerly beginning of curb, or for cuts occurring in intersections, paving the entire intersection to all existing ends of curbs as observed at the center of the intersection. Such repaving of the entire block shall be in lieu of the above set-forth Fees: Also, paving requirements shall be based upon falling weight deflectometer data analysis and shall be preapproved by the SMD of the BSS.

PROPOSED SLURRY SEAL DAMAGE RESTORATION FEE
(Applicable where slurry seal was applied within Two years)

<u>Area Cut/Damaged</u>	<u>Proposed Fee</u>
0 to 2,500 square feet	\$276.00
2,500 to 5,000 square feet	\$552.00
5,001 square feet and greater	\$ 0.20 per square foot