City of Santa Clara
The Center of What's Possible

Department of Public Works
Engineering Department

March 21, 2019

Re: **Coordination of 2020 Work in City Streets**
City of Santa Clara Pavement Preservation Ordinance

To Whom It May Concern:

On February 19, 2019, the City Council of the City of Santa Clara adopted Ordinance No. 1998 that places a restriction on the excavation of recently treated pavements for a specific period of time following the pavement treatment. This restriction is 3 years for streets that have been resealed, and 5 years for streets that have been resurfaced, reconstructed, or constructed.

The City of Santa Clara Department of Public Works is responsible for administering the provisions of the Ordinance, planning and performing street pavement maintenance work, and administering the City's Encroachment Permit Program for persons seeking to make excavations in City streets.

At this time, the Department desires to coordinate the City's planned 2020 pavement maintenance work with work planned by potential excavators. Please visit the City's Pavement Preservation webpage at: http://santaclaraca.gov/government/departments/public-works/pavement-maintenance-program/pavement-preservation for a tentative list and map of streets that the City plans to perform pavement maintenance work on in 2020.

If excavators plan to perform work on those streets contained on this tentative street maintenance list, they are encouraged to perform the work **prior to April 2020**. Upon completion of the 2020 pavement maintenance work, the restrictions on excavations will be enforced.

Excavators may also submit questions, comments, or concerns related to the tentative list of streets to Vincent Luchessi at vluchessi@santaclaraca.gov. Please include the subject line "Pavement Preservation" in your email.

Pavement Preservation Coordination Contact List:

The Department intends to implement an ongoing coordination program to plan and coordinate future pavement maintenance work with potential excavators. In order for your organization to be included in the coordination program, please identify a specific staff contact within your organization with whom the City can coordinate. Please e-mail the name and contact information to Vincent Luchessi at vluchessi@santaclaraca.gov.

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Should you have any questions regarding this letter, please contact Vincent Luchessi at (408) 615-3048 vluchessi@santaclaraca.gov or Falguni Amin at (408) 615-3015 famin@santaclaraca.gov.

Sincerely,

Falguni Amin, PE
Principal Engineer – Design Division

Enclosure: Ordinance No. 1998

Cc: Craig Mobeck, PE – Director of Public Works
Vincent Luchessi – Senior Civil Engineer

ORDINANCE NO. 1998

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING SECTION 12.25.230 ("PAVEMENT PRESERVATION") TO CHAPTER 12.25 ("EXCAVATION AND USE OF CITY RIGHTS-OF-WAY") OF TITLE 12 ("STREETS, SIDEWALKS, AND PUBLIC PLACES") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO PRESERVE STREET PAVEMENTS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City Council adopted Ordinance No. 1842 on April 21, 2009 to adopt Rules and Regulations to govern openings in and use of streets and public rights-of-way;

WHEREAS, the City Council by adopting Ordinance No. 1842 adopted Chapter 12.25 ("Excavation and Use of City Rights-Of-Way") of Title 12 ("Streets, Sidewalks, and Public Places") of "The Code Of The City Of Santa Clara, California"; and,

WHEREAS, the City Council desires to adopt further Rules and Regulations governing openings in and use of streets and public rights-of-way to preserve street pavements.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That a new Section 12.25.230 (entitled "Pavement Preservation") is hereby added to Chapter 12.25 (entitled "Excavation and Use of City Rights-Of-Way") of Title 12 (entitled "Streets, Sidewalks, and Public Places") of "The Code of the City of Santa Clara, California," ("SCCC") to read as follows:

"**12.25.230 Pavement Preservation**

(a) Any street that has been resealed shall not thereafter be cut or opened for a period of three (3) years. This timeframe shall begin immediately following the resealing work and end on December 31 of the year which is at least three (3) years following the year of completion of the work.

(b) Any street that has been constructed, reconstructed, or resurfaced shall not thereafter be cut or opened for a period of five (5) years. This timeframe shall begin immediately following the construction, reconstruction, or resurfacing work and end on December 31 of the year which is at least five (5) years following the year of completion of the work.

(c) The Director of Public Works or City Engineer is granted the discretionary authority to authorize exemptions under the following circumstances:

(1) Emergency encroachments that are immediately necessary to preserve life or property;

(2) Work that is mandated by a county, State or federal agency;

(3) Work necessary to provide utility service for buildings or parcels where no other reasonable means of providing service exists;

(4) Repairs or modifications that are necessary to prevent the interruption of essential utility service;

(5) Other situations deemed by the Director of Public Works or City Engineer to be in the best interest of the general public.

(d) To request an exemption, the permittee shall submit a written request to the Director of Public Works. The request shall include:

(1) The location of the excavation;

(2) Description of the work to be performed;

(3) The reason(s) the work cannot be deferred;

(4) The reason(s) the work cannot be performed at another location;

(5) The reason(s) it is in the best interest of the general public to excavate the street.

(e) When authorizing an exemption, and for emergency encroachments, the Director of Public Works or City Engineer is granted the discretionary authority to impose conditions determined appropriate by the Director of Public Works or City Engineer to ensure the rapid and complete restoration of the street and the pavement. The Director of Public Works or City Engineer's determination shall be final.

(f) The Director of Public Works or City Engineer is granted the discretionary authority to implement additional policies, practices, procedures, rules, regulations, and standards for excavation and use of right-of-way, as necessary, to ensure street pavements are preserved."

SECTION 2: **Savings clause**. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

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SECTION 3: **Effective date**. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 5TH day of FEBRUARY, 2019, by the following vote:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mahan
ABSTAINED:	COUNCILORS:	None

ATTEST: For NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 19TH day of FEBRUARY, 2019, by the following vote:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mahan
ABSTAINED:	COUNCILORS:	None

ATTEST: For NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None