SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:
AN ORDINANCE relating to public utility permits and regulations; amending Sections 15.32.050 and 15.32.160 of the Seattle Municipal Code.

Summary and background of the Legislation:
This legislation amends the Seattle Municipal Code (SMC) Chapter 15.32.050 and 15.32.160 regarding the standards and procedures for pavement moratorium and restoration policies. The intention is to protect and ensure the city's assets are restored appropriately after being damaged for other construction work while preserving the public's access to the streets and sidewalks. Significant changes to the current SMC Chapter 15.32 include:

- Grants the authorizing official authority to defer permitted construction in the event of a civil emergency, except when emergency repairs are needed for life and safety;
- Maximizes convenience and safety for the traveling public;
- Requires planned projects to be entered into SDOT's right-of-way management system;
- Increases the membership of the Utility Coordinating Committee to also include Seattle Parks and Recreation, Seattle Department of Information Technology, Seattle Department of Construction and Inspections and representatives from utilities that construct, maintain or operate in the public place;
- Increases the pavement opening moratorium from three to five years;
- Adds "work necessary to ensure continued service delivery" and work for which denial of permit would violate "local, state or federal law" as exemptions from both the pavement opening moratorium and the Street and Utility Improvement Plan;
- Requires record drawings for all Utility Major Permits, unless the drawings are Protected Critical Infrastructure as designated by the Department of Homeland Security;
- Refers all restoration standards and requirements to the Right-of-Way Opening and Restoration Rules (ROWORR) established by SDOT Director's Rule; and removes restoration requirement rule details from the Seattle Municipal Code.

The current SMC Chapter 15.32 and Pavement Opening and Restoration Rules (PORR) (http://www.seattle.gov/transportation/stuse_pavementopen.htm) place a three-year moratorium on cutting into new pavement and require contractors to observe certain restoration practices, such as the size of repair in relation to the size of the cut, type of backfill and patching materials, and timelines for temporary and permanent restoration. This legislation renames the PORR to the Right-of-Way Opening and Restoration Rules to acknowledge that pavement is only part of the right of way that may need restoration following construction. The ROWORR is a related

director's rule that is also undergoing an update (a final draft of new rule is found here: http://www.seattle.gov/transportation/stuse_pavementopen.htm). SDOT is currently engaged in a stakeholder process to update the ROWORR. SDOT anticipates the rule to be promulgated in September of 2016, to take effect January 2017.

In 2009, the Pavement Opening and Restoration Rule (PORR) was updated to address standards for pavement cutting and patching, reflected in SMC 15.32. This rule placed a three-year moratorium on cutting into new pavement, and required contractors to observe certain restoration standards. The ROWORR is being revised because current levels of construction necessitate greater efficiency and more stringent pavement-cutting and patching rules. The new rule will go into effect in early 2017.

2. CAPITAL IMPROVEMENT PROGRAM

____ **This legislation creates, funds, or amends a CIP Project.**

3. SUMMARY OF FINANCIAL IMPLICATIONS

_X__ **This legislation does not have direct financial implications.**

4. OTHER IMPLICATIONS

a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**
Yes, enhanced project coordination in conjunction with updates to the ROWORR may lead to increased restoration costs for SPU and SCL due to higher restoration standards; however it could also lead to lower coordination costs because project coordination will be supported by technology and a decision-making structure, freeing up project managers to focus on their projects.

b) **Is there financial cost or other impacts of not implementing the legislation?**
Yes, higher restoration standards will lead to longer pavement life and fewer disruptions for the traveling public.

c) **Does this legislation affect any departments besides the originating department?**
Yes, all city departments working in the right-of-way will be impacted, as they all need SDOT Street Use permits. Seattle City Light and Seattle Public Utilities will be most impacted. SDOT has conducted significant outreach to our partners in Seattle City Light, Seattle Public Utilities and other city departments that work in the right of way.

d) **Is a public hearing required for this legislation?**
No.

e) **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

g) Does this legislation affect a piece of property?
This legislation does not affect a specific piece of property.

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?
The new right of way construction planning and restoration policies are likely to benefit all Seattle residents, including historically disadvantaged communities and people of color by ensuring minimal disruption of traffic and minimizing impacts on businesses and homes in the areas affected by utility projects. There is some possibility that public and private utilities will perceive the increased coordination and higher standards for restoration as a cost/time burden that may be a disincentive for them to pursue some projects, especially in arterials. However, this can be mitigated through advertising, emphasizing, and celebrating the substantial cost-savings by partnering with other agencies. SDOT is using the Racial Equity Toolkit to evaluate the new ROWORR.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

a. Improve the cost effectiveness of public investments through early and strategic integration of public and private infrastructure projects taking place in, or affecting, the right-of-way;
b. Protect the integrity and life cycle of public assets; and
c. Coordinate access to reduce construction-related impacts to the traveling public.

j) Other Issues: N/A

List attachments/exhibits below:
N/A