

RESOLUTION 2019-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS ADOPTING A TRENCH MORATORIUM POLICY


WHEREAS, on October 28, 2009, the City Council of the City of Encinitas approved Resolution Number 2009-40 creating a Trenching Moratorium that restricted work from being performed on a paved street for 2 years with no restrictions on cutting newly slurred streets; and

WHEREAS, in the last several years Council has committed roughly \$3 million per year to rehabilitate the road system and desires to protect this substantial investment by protecting the integrity of City streets by limiting the activities of developers and utility companies that would damage newly paved and resurfaced streets; and

WHEREAS, to ensure sustainable roads and extend the pavement life throughout the City, a trench cut moratorium policy is justified.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Encinitas that the Trench Cut Moratorium Policy as contained in Exhibit A to this resolution are herewith adopted.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2019 by the City Council of the City of Encinitas, State of California.



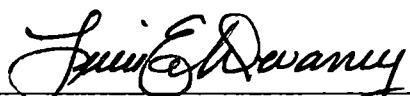
Catherine S. Blakespear, Mayor

ATTEST:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 18th day of December 2019 by the following vote:

AYES: Blakespear, Hinze, Hubbard, Kranz, Mosca

NAYS: None

ABSENT: None

ABSTAIN: None



Kathy Hollywood, City Clerk

Exhibit A

TRENCH CUT MORATORIUM POLICY

BACKGROUND

The City of Encinitas (City) previously adopted Resolution Number 2009-40, implementing a trench cut moratorium to limit developers, utility companies, and City crews from damaging newly paved or resurfaced streets.

Many studies have indicated that a utility cut damages an area of pavement larger than the actual area of the excavation. In line with the State of California and other cities, the City of Encinitas requires anyone who cuts into the pavement of a public road to reconstruct the street from curb to curb for the full extent of the pavement cut. The City also requires all trench cuts to be T-cuts, with a wider pavement replacement width than trench width, to reduce the negative impacts of the trench cut. In addition, Chapter 12.16 of the Municipal Code allows the Director of Public Works to require the person repaving the excavation to apply a seal coat at any time within two years of the time of repaving.

PURPOSE

A trench cut moratorium is justified to reduce pavement degradation and extend the life and structure of the pavement.

PROCEDURES

1. Trench Cut Moratorium

- 3-year moratorium for pavement cuts on streets receiving a seal coat, such as a slurry seal or chip seal.
- 5-year moratorium for pavement cuts on newly constructed and reconstructed streets and for streets receiving overlays and treatments one-inch thick or greater.
- The moratorium shall be in force during the construction period for projects that include seal coats, or new street construction or street reconstruction, and the moratorium period will begin upon the filing of the Notice of Completion for the construction project including the affected streets.
- For streets that receive a seal coat, the moratorium shall begin to be enforced when the streets are sealed, and the timed moratorium period will begin upon the filing of the Notice of Completion.
- For newly constructed or reconstructed streets, the moratorium shall begin to be enforced when the streets are given the final pavement cap, and the timed moratorium period will begin upon the filing of the Notice of Completion.

2. Trench Repair Requirements for Streets under Moratorium - If need for trenching is justified and a waiver is approved by the City Engineer, the City shall require resurfacing at least the length of excavation from curb to curb or from curb line to the raised median.

- Lateral trenches (perpendicular to the curb) - Extend T-cut grind and overlay limits to 10 feet beyond each side of the trench and over the entire lane that is impacted (regardless of street classification).
- Longitudinal trenches (parallel to the curb - If the asphalt depth is four inches or deeper, grind two inches minimum and place two inches minimum overlay over the entire lane or lanes (curb to curb or curb to median curb) that are impacted (regardless of street classification). If the existing asphalt depth is less than four inches, grind the full depth of asphalt and replace asphalt in-kind (minimum two inches) over the entire lane or lanes (curb to curb or curb to median curb) that are impacted (regardless of street classification).
- If the existing AC depth is greater than 4-inches, grind 2 inches minimum and place 2 inches minimum overlay over the entire lane that is impacted (regardless of street classification) curb to curb.
- If the existing AC depth is less than 4-inches, the entire lane will need to be resurfaced to meet the City's minimum structural section of 4-inches of AC over 6-inches of Class II Base.
- Use Current City of Encinitas Standard Drawing.

3. Excavations of streets not under the Utility Trench Moratorium

- Use City of Encinitas Standard Drawing.

4. Proposed Waivers - The City Engineer may grant a waiver if one or more of the following conditions are present:

- a) A bona fide emergency exists that endangers the health and safety or property of the citizenry and requires an excavation in order to remediate the emergency.
- b) New service to a specific location cannot be provided either through existing conduit, where trenchless technology is impractical due to soil conditions, proximity of facilities or economically impractical, and the public utility demonstrates to the City Engineer's satisfaction that the service cannot be provided from another location.
- c) The installation or relocation of facilities by a non-government owned public utility is both required by the City, County, State or Federal Government and not required as a result of an underground utility district.
- d) Only a non-linear excavation or exploratory excavation will be made.
- e) Where geological conditions prohibit boring.
- f) Where there is a lack of working space for bore pits at each end of the street crossing bore.

- g) An open trench is required to expose existing distribution facilities in street to terminate or establish service lines, or to provide emergency repair of existing underground facilities.
- h) Existing facilities in the street conflict with the proposed bore.
- i) Joint trench use is required and if within 200 feet of an open sewer or water trench, consideration will be given to an open trench.
- j) Unusual circumstances are present and the City Engineer finds that the public interest is best served by allowing such a cut.

IMPLEMENTATION

Streets that are constructed or rehabilitated and have received a Notice of Completion (NOC) on or after the Effective Date of this revision will be subject to all provisions of this policy.

Streets that have received a NOC prior to the Effective Date will be subject to the requirements of the previous moratorium policy adopted by Resolution 2009-40.