



Text File

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Committee: Committee on Public Works

Status: Passed Finally

Resolution requiring the Director of the Department of Mobility and Infrastructure to create and promulgate, or update existing, operating procedures, permits, forms, rules, and regulations related to vehicle or transportation operations not already underway or otherwise sanctioned by existing Ordinance or regulations over, above, in, within, on, or under the right-of-way within ~~an area zoned as "P" or "Parks District," as established by Chapter 905: Special Purpose Districts by the City of Pittsburgh Zoning Code~~ a City of Pittsburgh park.

The Council of the City of Pittsburgh resolves as follows:

**Section 1. APPLICABILITY**

A. Title Four: Public Places and Property, Article I: Public Right-of-Way, Chapter 411: Jurisdiction, § 411.01: Enforcement by Director of Mobility and Infrastructure of the Pittsburgh Code of Ordinances establishes the following:

1. The Director of the Department of Mobility and Infrastructure ("the Director") shall be supervising agent for all construction, maintenance, repair, use, or occupation of public streets, sidewalks, or other public ways, bridges, walls, sewers, steps, and anything within the public right-of-way; and
2. As part of the Director's responsibility to implement the provisions of Article I: Public Right-of-Way, the Director, to ensure the appropriate management of the right-of-way for the public good, shall establish and administer policies including, but not limited to:
  - a. Operating procedures;
  - b. Permits;
  - c. Forms;
  - d. Rules; and
  - e. Regulations.

B. Right-of-way is, per § 411.01, the surface and space above and below any real property in which the City has an interest in law or equity, including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river, tunnel, viaduct, bridge, park, or any other place, area, or real property, other than real property owned in fee by the City.

1. When used anywhere in this Resolution, the term “right-of-way” will carry the same meaning.

## **SECTION 2. VEHICLE OR TRANSPORTATION OPERATIONS WITHIN PARKS DISTRICTS**

A. Prior to the commencement of any vehicle or transportation operations not already underway or otherwise sanctioned by existing Ordinance or regulations as of the effective date of this Resolution over, above, in, within, on, or under the right-of-way within ~~an area zoned as “P” or “Parks District,” as established by Chapter 905: Special Purpose Districts by the City of Pittsburgh Zoning Code~~ a City of Pittsburgh park, begin, the Director shall:

1. Create and promulgate operating procedures, permits, forms, rules, and regulations to govern said activity; or
2. Update existing operating procedures, permits, forms, rules, and regulations to govern said activity.

B. The Director shall fulfill all appropriate posting and filing responsibilities of § 411.01(b)(3)

## **SECTION 3. PUBLIC COMMENT PERIOD FOR OPERATIONS WITHIN PARKS DISTRICTS**

1. The new or updated processes for operating procedures, permits, forms, rules, and regulations described in Section 2 shall include a mandatory 30-day public comment period prior to the issuance of permission of any kind for activities listed in Section 2.

2. The Director shall ensure that the Department of Mobility and Infrastructure gathers responses and input from the general public during the 30-day public comment period and factor those comments into its decision-making as it relates to the precise fee structure, hours of operation, and scope of permission, to the greatest degree practicable and reasonable.

## **SECTION 4. EFFECTIVE DATE**

1. This Resolution shall take effect upon final passage by City Council and subsequent signature by the Mayor, or, should the Mayor fail to sign the Resolution, it shall take effect 11 days after its enactment by City Council.