



Text File

Introduced: 3/2/2010

Bill No: 2010-0189, **Version:** 1

Committee: Committee on Public Works

Status: Died due to expiration of legislative council session

An Ordinance supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article I, Public Rights-of-Way, Chapter 413 Construction and Repair, and Chapter 415 Openings and Excavations, by adding language to ensure careful planning of asphalt paving, reconstruction or resurfacing with relationship to street excavations by public utility corporations, authorities, or other entities.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Four, Public Places and Property, Article I, Public Rights-of-Way, Chapter 413 Construction and Repair, is hereby supplemented as follows:

§ 413.01 STREET BOND AND PERMIT REQUIRED; PLAN APPROVAL.

(a) No person shall construct, repair or lay any pavement on any public street or other public way without first filing a bond and obtaining a permit from the Department of Public Works.

(b) All construction shall be in conformity with plans and specifications approved by the Department and subject to its inspection.

(c) For a period of four years following completion and acceptance of new street paving, reconstruction or resurfacing, as described in Section 415.01, individuals and entities notified in accordance with § 415.01(d), shall be ineligible for a permit to open the pavement in the same area as encompassed in that original notification.

(d) An exception may be made, and a permit issued, when the need for making a new opening in the pavement could not reasonably have been anticipated. In that case, the entity seeking the permit shall be charged an additional sum of two percent of the restoration cost for each month of the unelapsed part of the four-year period and in no event less than ten percent of the restoration cost. Before a permit is issued for making an opening in such pavement, notice shall be given to the Director of Public Works or the Director's designee for review. The determination of the Director of Public Works as to the need for such work shall be final. These additional charges shall be payable whether the City, the permittee, or another party does the restoration work. These charges shall not be considered as penalties, but as compensation for loss of useful life caused by avoidable openings in new surfaces.

Section 2. § 415.01 PERMIT AND BOND REQUIRED.

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(a) No person shall open or make any excavation in any street, sidewalk or any public place in the City without first filing a bond and obtaining a permit from the Department of Public Works.

(b) A bond shall be provided in the amount of seventy-five thousand dollars (\$75,000.00) for an indefinite number of openings; twenty thousand dollars (\$20,000.00) on concrete streets (up to one hundred sixty (160) square yards) for each opening; and ten thousand dollars (\$10,000.00) on asphalt streets (up to seventy-five (75) square yards) for each opening. Such bond shall remain in effect for two (2) years after the permanent resurfacing of each such opening.

(c) No permit shall be granted unless the applicant has paid to the City any moneys then due the City for prior openings made or for any loss, damage or expense in any manner occasioned by or arising from any work under prior permits.

(d) Prior to new street paving, reconstruction or resurfacing, the responsible City Department shall notify locally operating public utility corporations, authorities and other similarly situated entities, so that those utilities, et al., may be afforded a reasonable time to install mains, conduits, service branches, structures, etc., in anticipation of future needs and prior to City street paving, reconstruction or resurfacing. This section (d) shall only apply to a non-emergency situation as determined by the Director of Public Works.

(e) Public utility corporations, authorities, and other similarly situated entities shall be afforded reasonable time to complete necessary installations prior to the City's repaving or resurfacing.

(f) The Director of Public Works may require that other interested parties, such as abutting owners, be notified as well.

(g) For a period of four years following completion and acceptance of new street paving, reconstruction or resurfacing, as described herein, individuals and entities notified in accordance with § 415.01 (d) or (f) above, shall be ineligible for a permit to open the pavement in the same area as encompassed in the original notification.

(h) An exception may be made, and a permit issued, when the need for making a new opening in the pavement could not reasonably have been anticipated. In that case, the entity seeking the permit shall be charged an additional sum of two percent of the restoration cost for each month of the unelapsed part of the four-year period and in no event less than ten percent of the restoration cost. These additional charges shall be payable whether the City, the permittee, or another party does the restoration work. These charges shall not be considered as penalties, but as compensation for loss of useful life caused by avoidable openings in new surfaces.

(i) Before a permit is issued for making an opening as contemplated in this section, notice shall be given to the Director of Public Works or his designee for review.

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