

# CITY OF FRESNO - PUBLIC WORKS DEPARTMENT

## POLICIES AND PROCEDURES

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**POLICY NUMBER: 210.1**

**POLICY NAME: CONDITIONS FOR ROADWAY CLOSURES AND LANE CLOSURES**

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**Responsible Division: Traffic Operations and Planning**

**Date Issued: March 7, 2019**

**Date Revised:**

**Approved by Administrative Manager: Shelley Morrison/Signature on File**

**Approved by Director: Scott Mozier/ Signature on File**

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**Purpose:** This policy governs the issuance of Street Work and Traffic Control Permits (Permits) to close roadways to through traffic or close travel lanes on roadways (collectively "Roadway Closures") within the City of Fresno.

**Policy:** This policy is enacted pursuant to Article 2 of Chapter 13 of the Fresno Municipal Code which requires Applicants seeking to encroach upon, or work within, a public right-of-way to first obtain a permit from the Director of Public Works and comply with the terms, conditions, and restrictions imposed thereon.

1. General Requirements. Applicants seeking a Permit shall comply with the following conditions for all Roadway Closures (whether full street closures or lane closures):
  - a. Permit Application. Submit all applications and addenda to obtain a Permit, as required by the Director of Public Works.
  - b. Detailed Work Schedule. Submit a detailed schedule with the Permit application outlining a critical path for each phase of the work to be completed with calendar dates, duration of work, and the names of contractors and subcontractors to be responsible for each aspect of the work. The schedule must clearly indicate the date on which the Roadway Closure will end (i.e. the reopen date). City's acceptance of the schedule shall be subject to approval by the City Engineer. No Permit will be issued in the absence of an approved schedule.
  - c. Pre-Construction Meeting. Schedule and attend a pre-construction meeting with the City's Construction Management and Traffic Operations and Planning Divisions. The pre-construction meeting must be attended by all contractors, subcontractors and utility companies to be involved in the work. No Permit will be issued prior to a pre-construction meeting.
2. Conditions of Permit. All work performed shall be subject to the following:
  - a. Securing Necessary Approvals. Applicant shall secure all approvals and permits necessary to complete work, whether from the City or another agency.

- b. Council District Coordination. City staff shall notify the Councilmember(s) of the City Council district(s) in which a road closure takes place of all closures which are planned to exceed 30 days in duration. The Councilmember(s) who represent the impacted district(s) shall be included in the pre-construction meeting referenced in Section 1.c. above.
- c. Coordination of Work. Applicant shall arrange and schedule work to be performed by utility companies, railroads, and any third-parties. City shall have no responsibilities related to coordination of work.
- d. Relocation of Electric and Gas Utilities. Roadway Closures occasioned by the need to relocate PG&E poles or convert overhead power will not be effective until PG&E is on-site and ready to start work.
- e. Due Diligence. Applicant shall diligently complete work as scheduled to minimize the duration of Roadway Closures and the resulting inconvenience to City inhabitants. Work must be underway each and every weekday of the Roadway Closure; in some cases, the City may require work also be performed on weekend days and holidays to reduce the duration of the closure. Whenever possible, or when required by City, work on Major Roadways (defined below) shall be performed at night and at off-peak travel times.
- f. Requests for Extension of Time. Applicant may request an extension of time for a Roadway Closure (beyond the reopen date originally set forth in and approved schedule) in the event of delays occasioned by unforeseen weather and events of force majeure. Requests must be in writing and submitted to the City Engineer within 72 hours of the event occasioning delay. No extensions will be provided on or after the expiration of the Permit or when the deposit refund is requested. Extensions will not be approved for delays caused by Applicant's ill planning or coordination, failure to secure needed approvals, or scheduling issues with utility companies. It is the Applicant's responsibility to schedule work.
- g. Liquidated Damages. Applicant's failure to complete work by the scheduled completion date (i.e. the reopen date for the Roadway Closure) would result in significant inconvenience to the City and its inhabitants. Because damages for said inconvenience and loss are extremely difficult or impossible to determine, City shall be entitled to liquidate damages of \$1,000 per day for each calendar day of delay beyond the scheduled completion date.
  - i. Force Majeure. Applicant shall not be responsible for delays caused by events or conditions legally constituting a force majeure, including acts of God, labor disputes, civil unrest, epidemic, or natural disaster. Applicant's ill planning or coordination, failure to secure needed approvals or permits from the City or other agencies, and delays caused by scheduling with utility companies shall not constitute a force majeure.

- ii. Use of Liquidated Damages. Funds collected as liquidated damages shall be used to mitigate impacts related to the road closure, including for asphalt repair or other maintenance improvements on detour routes and roads near the closure used by the displaced traffic.
- h. Required Deposit. Applicant (or the Contractor or Developer) shall submit a refundable deposit as set forth in the table below for all Major Roadway Closures. The deposit will be refunded when the roadway subject to the Roadway Closure is fully open to vehicular traffic. Deductions shall be made from the deposit at the rate of \$1,000 per day for every day (inclusive of weekends and holidays) a roadway/lane remains closed beyond the originally scheduled, or duly extended, reopen date and for any damage to existing improvements caused as a result Applicant's work.

Duration of Roadway Closure	Value of Work being Completed	Required Deposit Amount
Deposit Amount - use larger of the values below		
1 to 10 days	Up to \$100,000	\$20,000
10 to 30 days	\$100,001 to \$500,000	\$30,000
31 to 90 days	\$500,001 to \$1,000,000	\$60,000
91 to 180 days	\$1,000,001 to \$3,000,000	\$100,000
Over 180 days	Over \$3,000,001	\$300,000

Refunds will be provided to the Applicant within 30 days of receipt of a "Request for Street Work Permit Deposit Refund". No refund will be provided without a written request from Applicant and refunds will only be made to the entity or person that originally made such deposit. The City is not responsible and will not make any transfer of the deposit to any party other than the depositing party.

- 3. Special Conditions for Major Roadways. The following shall apply to for Major Roadways. "Major Roadways" are defined as classified streets identified on the City's Circulation Element or any street striped and/or having a posted speed limit above 25 miles per hour – including Friant Road, Herndon Avenue, Clovis Avenue, and Shaw Avenue.
  - a. Changeable Message Signs. A Major Roadway Closure shall require changeable message signs (CMS) announcing the closure to be placed five (5) days in advance of the closure. No closures of a major street can begin on a Friday. A full detour route is also required on the traffic control plan.
  - b. Lane Closures. Lane closures on six (6) lane roadways shall be limited to one (1) lane being closed in each direction during the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Multiple lane closures may be allowed for night work, excluding Friday and Saturday nights and/or weekend work. Night work is generally defined as after 9:00

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p.m. unless otherwise approved by the City Traffic Engineer. Closing of a center lane only shall be prohibited. For Capital Improvement Projects, lane closure parameters will be defined in the Project Specifications.