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Title: ***Approve a Policy on Conditions for Roadway Closures and Lane Closures (Citywide). (Subject to Mayor's veto)

Sponsors: Public Works Department

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Attachments: 1. 19-0181 Road Closure Policy.pdf

Date	Ver.	Action By	Action	Result
2/28/2019	1	City Council	continued	

REPORT TO THE CITY COUNCIL

February 28, 2019

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SUBJECT

***Approve a Policy on Conditions for Roadway Closures and Lane Closures (Citywide). (Subject to Mayor's veto)

RECOMMENDATION

Staff recommends the Council approve a policy for Conditions for Roadway Closures and Lane Closures.

EXECUTIVE SUMMARY

Applicants seeking to perform any work or encroach within the public right-of-way must obtain a permit from the Director of Public Works, in accordance with Chapter 13, Article 2 of the Fresno Municipal Code. At times the work may necessitate a full road closure or lane closure of a major roadway. The adopted City of Fresno Standard Specifications include provisions for liquidated damages of \$1,000 per day if the street is not reopened in a timely manner, which has been

effectively utilized on some development projects to create an incentive for efficient completion of the work. With a goal of minimizing impacts to the traveling public and as well as providing a known, consistent policy to the industry, staff recommends the Council approve the attached policy.

BACKGROUND

Staff has successfully worked with developers over the past months and years on projects which have involved full road closures. For major closures, the developer typically signs an agreement with the street work permit and provides a security deposit for the reopening of the roadway within the specified time period. Successful examples have been the work on Shepherd Avenue between Chestnut and Willow Avenues for a commercial development, and Temperance Avenue at the Gould Canal when the bridge was constructed to the ultimate six-lane width. In these two cases, the developer successfully completed the work and the deposit was returned.

Staff met with the Building Industry Association (BIA) to review the proposed policy. The draft was circulated to BIA members and no comments were received. The written policy is consistent with the approach that has been taken over the past several years by the Department.

However, without a consistent policy for all situations, there have been a handful of projects where the work proceeded without a security deposit or agreement, and the developer required several months beyond their originally approved length of closure. Factors contributing to the delayed reopening of roadways on these permit projects have included the applicant's lack of sufficient coordination with PG&E and other utilities prior to the request to close the roadway or lanes at high-volume locations, or lack of diligent progress by the applicant's contractor.

On a related note, the downtown crossings of Mono, Kern and Tulare Streets have been closed for more than a year. The City of Fresno approved these closures at the request of the California High Speed Rail Authority and their design-build contractor, which were deemed urgent requests by the Authority with a commitment from the design-build contractor that construction would begin quickly. Due to lack of approval or permits from Union Pacific Railroad, the construction associated with these crossings has not commenced. In similar manner for Tuolumne Street, the City was asked to approve a street closure for bridge reconstruction to last ten (10) months, but the design-build contractor required nearly nineteen (19) months to complete the work and reopen the bridge to traffic. These types of closures can create adverse impacts to the traveling public and local businesses. Approval of the policy by the Council would help ensure this does not occur at other locations.

By comparison, another project funded by the California High Speed Rail Authority went extremely well. The reconstruction of the Clinton Avenue interchange at State Route 99 to accommodate the High Speed Rail project was well executed and was completed within the six month time line as promised by Caltrans and their contractor. Factors contributing to the success of the construction project were the thorough preparations for the work, starting work with approved plans in hand, the Contractor's readiness to begin work immediately once the road was closed and a firm commitment obtained from Union Pacific Railroad enabling the work to go forward.

Key components of the policy include a detailed work schedule, a required pre-construction meeting, securing all necessary approvals for the work prior to the closure, utility companies having been mobilized and ready to work, a requirement for due diligence of the applicant in completing work, a deposit to secure for the reopening of the roadway within the approved time frame and requirements for changeable message boards to alert the public to the closure and alternate routes where

appropriate.

When the City bids and awards capital construction contracts, the bid specifications include very specific time lines to perform the work. When the Contractor exceeds the allowable time of performance, liquidated damages are assessed.

ENVIRONMENTAL FINDINGS

This policy is not considered to be a project under CEQA.

LOCAL PREFERENCE

Local Preference does not apply to this item because the agreement does not involve the purchase of goods, materials or services.

FISCAL IMPACT

There will be no impact to the General Fund from the implementation of the policy.

Attachment:

Policy on Roadway Closures and Lane Closures