REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:

SEPTEMBER 17, 2001

TITLE:
PUBLIC HEARING - ORDINANCE
AMENDING ARTICLE III OF
CHAPTER 13 OF THE SANTA ANA
MUNICIPAL CODE TO ESTABLISH A
TRENCH CUT FEE FOR EXCAVATION
IN THE PUBLIC RIGHT OF WAY

RECOMMENDED ACTION

1. Adopt an ordinance amending Article III of Chapter 13 of the Santa Ana Municipal Code to establish a trench cut fee to be imposed in conjunction with permit for excavation in the public right of way.

2. Adopt a resolution establishing the amount of the trench cut fee.

DISCUSSION

The public street system is one of the City's most visible and valuable assets. The City owns and maintains over 410 pavement miles that are valued at over $400 million. In the year 2000, permits were issued to trench and bore approximately 21 miles of city streets. This is occurring simultaneously while the city is investing more than $26 million to rehabilitate arterial streets.

Numerous national studies conducted by experts in the field of asphalt technology show that street cuts degrade and shorten the life of the pavement no matter how well the trench is restored. The reduced life propagates beyond the area of the excavation to the surrounding pavement. This results in added rehabilitation costs for the City.

The Public Works Agency recommends approval of the ordinance that:
• Imposes a trench cut fee upon utilities making and benefiting from excavations in public streets, including city utilities.
• Requires utility companies to submit five year plans for major facility installation to coordinate excavations with the City’s resurfacing program.
• Provides an incentive for joint trenching when two or more utility excavators trench by processing a permit as one application saving the utility company costs for permit, plan check, and inspection fees.
The proposed ordinance will help safeguard the public investment in City streets.

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The proposed trench cut fee schedule is based on a 90% cost recovery and is divided into arterial and local streets. The proposed fee is based on age of the pavement and street classification. The cost for cutting into arterial streets ranges from $13.68 to $9.11 per square foot and from $9.27 to $6.21 per square foot for local streets. The fee schedule is shown in Exhibit 1. The ordinance exempts utility cuts in streets scheduled for rehabilitation within one year of the date of the excavation, work in coordination with underground utility district projects, and for excavations in sidewalk or in a concrete street. Trench cut fees collected will be deposited into a special account and be used for maintenance of pavements damaged by utility cuts.

ENVIRONMENTAL IMPACT

Adoption of the ordinance pursuant to the California Environmental Quality Act (CEQA) is statutorily exempt pursuant to PRC section 15273(a) (1) (charges imposed by public agencies to meet operating expenses), and categorically exempt as “repair, maintenance or minor alteration of existing public facilities” pursuant to Class I exemption, section 15301 of the State CEQA Guidelines. Environmental Review No. 01-133 has been completed for this Project.

FISCAL IMPACT

It is anticipated that the proposed trench cut fee will generate $500,000 annually. Funds will be deposited into the Select Street Construction Fund (account no. 59-01-5772).

APPROVED AS TO FUNDS AND ACCOUNTS:

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James G. Ross                 Rod R. Coloma
Executive Director            Executive Director
Public Works Agency           Finance and Mngt. Services Agency

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