

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to consideration of departmental reports in response to Street Smart Initiatives.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. REQUEST the City Attorney, with assistance from the City Administrative Officer (CAO), to prepare and present an ordinance within 60 days to amend sections of the Los Angeles Administrative Code (LAAC) to update the Street Damage Restoration Fee (SDRF) to a level that results in full cost recovery based on the original fee study completed in 1996.
2. AUTHORIZE the Bureau of Street Services (BSS) to enter into a Sole Source Personal Services Contract with Shahin and Associates to update the original SDRF study from 1996 with the scope of work described in the BSS, CAO and Bureau of Engineering (BOE) report's Discussion Section, attached to the Council file, as part of a longer term effort to ensure a full cost recovery fee structure.
3. INSTRUCT the CAO to identify the funding required to enter into the Personal Services Contract (approximately \$350,000) with Shahin and Associates.
4. INSTRUCT the BOE and the Los Angeles Department of Transportation (LADOT) to report within 90 days with the required scope of services and funding to enable hiring of an engineering consultant to estimate roadway damage created by construction activity and heavy load carriers and to make recommendations on how to recover these repair costs.
5. INSTRUCT the CAO, with assistance from the BSS and BOE, to report with the findings of the updated SDRF fee study to be completed by Shahin and Associates, including but not limited to, a plan for periodic review and future updates of the SDRF to ensure that full cost recovery is maintained from year to year.
6. INSTRUCT the BOE to report within 90 days on best practices for performing and repairing street cuts that minimize damage to the street.
7. MODIFY the instructions to the City Attorney contained in Council file No. 14-1571-S1 which requested the preparation of a draft ordinance incorporating the following guidelines:
 - a. Keep the existing one-year moratorium on street excavation cuts.
 - b. Formalize the term Street Cut Moratorium in the Los Angeles Municipal Code (LAMC) section 62.06.
 - c. Modify the existing moratorium to require that any work performed under an exemption to the moratorium pay a SDRF sufficient to recover the full cost of damage inflicted by the street cuts. The SDRF would apply to work performed under categorical exemptions as well as individual project exemptions.
 - d. Find that the minimum amount of such damage would equal the SDRF amount used for street cuts from one year and one day to five years after resurfacing, and authorize the use of that rate until a study can provide for the amount of the damages

for the zero to one-year time period.

- e. Continue the categorical exemption from the moratorium for cases where it can be shown that the property owner was not properly notified of proposed street resurfacing.
 - f. Formally recognize a categorical exemption from the moratorium for emergency work as defined in LAMC 62.61(a)2 and in accordance with the requirements of LAMC 62.02(a)6.
 - g. Authorize the Board of Public Works (BPW) to grant project specific exemptions to the moratorium where it is deemed that the proposed project need was not known at the time the street was resurfaced or that it is otherwise in the City's best interest to grant the exemption.
 - h. Authorize the creation of additional categorical exemptions by Council Resolution.
 - i. Instruct the BPW to recommend additional categorical exemption categories based on their experiences with the oversight of the exemption process in the case that such a need is determined to be beneficial to the City.
 - j. Authorize the City Engineer to maintain standard repair requirements for work performed under an exemption to the moratorium which may go beyond the normal street repair methods for non-moratorium work.
 - k. Authorize the BPW to impose additional requirements when approving project specific exemptions.
 - l. Establish a fee for an Application for Exemption from the Street Cut Moratorium based on recommendations from the CAO, BOE, BSS, and the Bureau of Contract Administration (BCA).
 - m. Continue the requirement that entities making street cuts without an approved exemption be required to repave the full block from curb face to curb face rather than pay a SDRF.
8. AMEND the SDRF to include a categorical exemption for major telecommunications projects.
9. ADOPT a policy prioritizing arterial streets for Pavement Preservation funding, when available, over that required to maintain the overall street network condition.
10. AUTHORIZE implementation of a pilot program whereby the BCA and BOE will actively test the RFID technology for use on its utility trench permit sites.
11. INSTRUCT the City Clerk to place on the agenda for the first regular Council meeting after **JUNE 30, 2015**, or shortly thereafter, the following instructions:

That the Council, subject to the approval of the Mayor:

- a. Authorize the BCA to appropriate \$17,300 within the Bureau's Operating Supplies

Account 006020, Fund 100/76 for the radio frequency identification (RFID) Pilot Project and to contract out for the Pilot, subject to the approval of the City Attorney.

- b. Authorize the CAO to make any technical adjustments required to implement the intent of the Council and Mayor.

Fiscal Impact Statement: Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of these reports.

Community Impact Statement: None submitted.

SUMMARY

At the meeting held on June 3, 2015 your Public Works and Gang Reduction Committee considered Council files associated with the Street Smart Initiatives. These are Council files 14-1571, 14-1571-S1, 14-14570-S1, and 14-1156.

Council file 14-1571 is a BSS, BOE, and CAO report relative to taking various actions with respect to street cuts and the City's SDRF. BSS staff presented an overview of the matter. Further testimony was provided by the CAO. An opportunity for public comment was provided. After a brief discussion, the Committee moved to approve the recommendations contained in the report as detailed above in Recommendations One through Six.

Council file 14-1571-S1 is a BOE report relative to authorizing the BPW to make exemptions to the one-year moratorium; and investigating the feasibility of increasing the City's street cut moratorium from one to three years. BOE staff presented an overview of the matter. Comments were also heard from Council District Three staff in support of the project. The representative also requested that the Committee add the recommendation to amend the SDRF to include a Categorical Exemption for major telecommunications projects. An opportunity for public comment was provided. After a brief discussion, the Committee moved to approve the recommendations contained in the BOE report as amended as detailed above in Recommendations Seven and Eight.

Council file 14-1570-S1 is a BSS report relative to prioritizing the improvement of streets with high traffic volumes and/or high weight limitation loads, when excess funding is available. BSS staff presented an overview of the matter. During the discussion of the matter, the Chair requested to change the word Consider to Adopt to have the recommendation read: Adopt a policy prioritizing arterial streets for pavement preservation funding, when available, over that required to maintain the overall street network condition. An opportunity for public comment was provided. After a brief discussion, the Committee moved to approve the recommendation as amended in Committee as detailed above in Recommendation Nine.

Council file 14-1156 is a BCA report relative to the feasibility of utilizing RFID tag technologies to better identify and track utility contractors and private developers undertaking street cuts within the public-right-of-way. BCA staff presented an overview of the matter. Further testimony was provided by CAO staff. During the discussion of the matter, the CAO asked to include recommendations for the City Clerk regarding the transfer of funds that were read into the record. An opportunity for public comment was provided. After a brief discussion, the Committee moved to approve the recommendations contained in the BCA report as amended in Committee as detailed above in Recommendations 10 and 11.

These matters are now forwarded to the Council for its consideration.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE

A handwritten signature in cursive script, appearing to read "Joe Bruno", followed by a comma.

<u>MEMBER</u>	<u>VOTE</u>
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BUSCAINO:	YES
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PRICE:	YES
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CEDILLO:	ABSENT
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ME

-NOT OFFICIAL UNTIL COUNCIL ACTS-