

ORDINANCE NO. 2022-34

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING RICHLAND MUNICIPAL CODE SECTION 12.08.065
RELATED TO PAVEMENT CUT REQUIREMENTS.**

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to update standards and improve clarity; and

WHEREAS, Chapter 12.08 RMC related to Right-of-Way Construction establishes a process for issuing permits for construction in the City's public rights-of-way; and

WHEREAS, the City issues permits for right-of-way construction that result in cutting and removing pavement from existing public streets; and

WHEREAS, cutting, removing, and patching pavement reduces the effective service life of the pavement; and

WHEREAS, the City requires permittees to restore damage caused by construction; and

WHEREAS, the City, as the owner and party responsible for pavement maintenance, has an interest in obtaining high quality pavement patches that minimize the impact to pavement service life; and

WHEREAS, on March 1, 2022, through approval of Ordinance No. 2022-05, Richland City Council codified a standard for pavement cut restoration based on a collaborative regional review and recommendation; and

WHEREAS, an unanticipated consequence of the standards set by Ordinance No. 2022-05 was the high cost borne by city residents confronted with emergency repairs to sewer service lines, and from new utility service extensions that occur in city streets; and

WHEREAS, modifying the pavement restoration standards of RMC 12.08.065 to reduce the cost of pavement restoration for projects on local streets, while maintaining high standards for arterial streets and major collector streets, will properly balance the best interests of the City and Richland residents.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Section 12.08.065, entitled Pavement cut requirements, as first enacted by Ordinance No. 2022-05, is hereby amended as follows:

12.08.065 Pavement cut requirements.

All construction work on paved streets resulting in cutting or excavation within the street shall be restored per public works standards and as required in this section.

A. For streets that are functionally classified as arterial or major collector, and with a PCI equal to or greater than 75, or that have been resurfaced with a slurry seal, chip seal, cape seal or similar treatment less than one inch thick within the calendar year in which the construction permit ~~was~~ is issued, no cutting or excavation is permitted, except for the following situations and at the discretion of the director:

1. Emergencies that endanger life, property, or public health and safety.
2. Interruption of essential utility service.
3. Work mandated by city, state, or federal legislation.
4. New service to a specific location cannot be reasonably provided by another route or using trenchless technology methods.
5. Minor core drilling or potholing (maximum eight-inch bell hole) to locate utilities.

B. If construction work is authorized by the city for the reasons identified in subsections (A)(1) through (5) of this section, pavement patches shall meet the following requirements:

1. Lateral cuts perpendicular to the flow of traffic shall ~~be~~ have the pavement removed and replaced a minimum of 25 feet wide, centered on the trench cut, to include the full width of each travel lane or shoulder disturbed by the cut or excavation. Removal shall be by grinding pavement a minimum of 1.75 inches deep, or by saw cutting and excavation. Paving shall be accomplished with a paving machine.
2. Longitudinal cuts parallel with the flow of traffic shall have the pavement removed and replaced to include the full width of each travel lane or shoulder disturbed by the cut or excavation. The minimum longitudinal patch length shall be 25 feet. Removal shall be by grinding pavement a minimum of 1.75 inches deep, or by saw cutting and excavation. Paving shall be accomplished with a paving machine.
3. For lateral patches less than 25 feet apart from edge-of-patch to edge-of-patch, work shall be incorporated into a single patch. For longitudinal patches, if the outside travel lane is patched, the adjacent paved shoulder shall also be replaced if less than four feet of width remains.
4. All patches shall be at least as thick as the adjacent road section or shall meet the public works standards' minimum road section thickness for the classification of the street, whichever is thicker.
5. Minor core-drilled holes and potholes shall be backfilled with control density fill (CDF), or as approved by the director.
6. All patches shall have the perimeter joints of the patch crack-sealed.
7. Disturbed traffic markings and striping shall be restored with approved in-kind materials.

C. Functionally classified arterial and major collector streets ~~Streets~~ with a PCI of less than 75 that have not been resurfaced with any pavement treatment within the calendar year in which the

construction permit ~~was~~ is issued may be cut or excavated if utility work cannot reasonably utilize another route or trenchless technology. A functionally classified minor collector street or local street that has not been resurfaced with any pavement treatment within the calendar year in which the construction permit is issued, regardless of PCI rating, may be cut or excavated if utility work cannot reasonably utilize another route or trenchless technology. Emergency residential sewer service repairs may cut paved streets, regardless of street classification and PCI rating, subject to the following restoration requirements. If construction work is authorized by the city under this subsection, pavement patches shall meet the following requirements:

1. Lateral cuts perpendicular to the flow of traffic shall ~~be~~ have the pavement removed and replaced a minimum of six feet wide, centered on the trench cut, to include one-half width or all of each travel lane disturbed by the cut (to prevent a joint in the wheel path). There shall be a minimum of one foot of patch width beyond each side of the trench cut.
2. Longitudinal cuts parallel with the flow of traffic shall have the pavement removed and replaced to include one-half width or all of each travel lane disturbed by the cut or excavation (to prevent a joint in the wheel path). There shall be a minimum of one foot of patch width beyond each side of the trench cut. Minimum length of the patch in a travel lane shall be six feet.
3. For lateral patches less than 25 feet apart from edge-of-patch to edge-of-patch, work shall be incorporated into a single patch. For longitudinal patches, if the outside travel lane is patched, the adjacent paved shoulder shall also be replaced if less than four feet of width remains.
4. All patches shall be at least as thick as the adjacent road section or shall meet the public works standards' minimum road section thickness for the classification of the street, whichever is thicker.
5. Minor core-drilled holes and potholes shall be backfilled with control density fill (CDF), or as approved by the director.
6. All patches shall have the perimeter joints of the patch crack-sealed.
7. Disturbed traffic markings and striping shall be restored with approved in-kind materials.

D. The completed surface of the pavement shall not vary more than one-fourth inch from the lower edge of a 10-foot straightedge placed parallel with the flow of traffic.

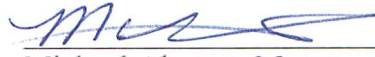
E. The contractor shall be responsible for the continued performance of the patched asphalt to conform to this section and the public works standards for two years after the permit is closed by the city's acceptance of the patch.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

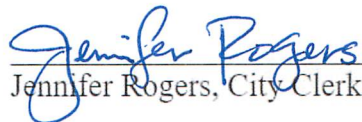
Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 20th day of September, 2022.



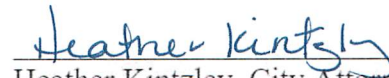
Michael Alvarez, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



Heather Kintzley, City Attorney

First Reading: September 6, 2022
Second Reading: September 20, 2022
Date Published: September 25, 2022