

## Article 2: Public Rights-of-Way and Land Development

### Division 11: Procedures for Work on Utility Installations in the Public Right-of-Way

(Retitled from "Procedures for Use of Public Rights-of-Way by Public Utilities" to "Procedures for Work on Utility Installations in the Public Right-of-Way" on 10-8-2001 by O-18995 N.S.)

#### §62.1101 Purpose and Intent

It is the purpose and intent of this Division to provide policies and procedures for the use of the public rights-of-way within the City in order to:

- (a) Preserve the public rights-of-way by conserving the limited space available within the public rights-of-way within the City.
- (b) Maintain safe conditions for the public use of the public rights-of-way within the City.
- (c) Minimize the inconvenience to the public.
- (d) Provide specific guidelines for the coordination of placement of installations to ensure a level of street improvement that is functionally safe, and preserves the integrity of public facilities.
- (e) To establish cost recovery mechanisms for inspections.

("Purpose and Intent" added 5-28-1996 by O-18309 N.S.)

#### §62.1102 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

*AMPP* means the Association for Materials Protection and Performance.

*Blockage Report* means a report made on a City-created form indicating the area and type of work to be done in the *public right-of-way*.

*California State Plane Coordinate System* means the coordinate system used to establish horizontal control, based on the North American Datum of 1983 (NAD83), as established by the National Geodetic Survey under California Public Resources Code sections 8801-8819, as may be amended.

*Cathodic Protection* means control of external corrosion on underground or submerged metallic systems.

*City Adopted Standard* means the current engineering standards adopted by the *City Engineer*.

*City Engineer* means the Chief Engineer of the City as designated by the Mayor.

*Dry utilities* means *public utilities* whose *facilities* are for electricity, cable, telephones, fiber optic, traffic signals, street lights, television, or other means of communication.

*Excavator* means a *person* excavating within the *public right-of-way*.

*Facility* or *Facilities* means all cables, cabinets, ducts, conduits, converters, equipment, drains, handhelds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed that are located or are proposed to be located in the *public right-of-way*.

*Inspection Fee* means the fee assessed under San Diego Municipal Code (Municipal Code) section 62.1108 to reimburse the City for costs of inspecting work in the *public right-of-way* within the City.

*Joint Trenches* means the mechanism approved by the City Engineer for the shared use by *dry utilities* of limited space in the *public right-of-way*.

*Pavement* means the improved roadway surface within the *public right-of-way*, designed and constructed to support the movement of vehicular and non-vehicular traffic.

*Person* has the same meaning as in Municipal Code section 11.0210, as may be amended.

*Plans* mean engineering drawings for the proposed work in the *public right-of-way* that are prepared, signed, and stamped by a professional engineer or architect licensed in California, unless applicable state law exempts the *person* submitting the engineering drawings from having a licensed professional engineer or architect prepare, sign, and stamp the drawings.

*Public right-of-way* means public easements or public property that are or may be used for streets, alleys, or other public purpose.

*Public utility* means *wet utilities* and *dry utilities* which provide services for, or deliver a commodity to, the public or any portion thereof. This includes any City Department engaged in providing such services and utilities defined in the California Public Utilities Code section 216, as may be amended, including their agents, assigns, successors, contractors, subcontractors, employees, and representatives.

*Trenching* means a type of excavation for the placement of *facilities* in the *public right-of-way* in accordance with *City Adopted Standards*.

*Trench Plate* means a temporary structural steel plate, secured in place, to safely support legal loads over excavations in the *public right-of-way*.

*Wet utilities* means *public utilities* whose *facilities* are for water, reclaimed water, sewer, storm drains, fire hydrants, and any other means of liquid or gaseous conveyance.

(“*Definitions*” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(Amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

## **§62.1103 Authority of City Engineer and Duty to Obtain City Engineer Approval**

The *City Engineer* is authorized to adopt procedures to implement this Division. All persons shall obtain written authorization from the *City Engineer* before commencing any work on *public right-of-way* within the City.

(“*Authority of City Engineer and Duty to Obtain City Engineer Approval*” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

**§62.1104      Records**

- (a) All *persons* with *facilities* in the *public right-of-way* shall maintain accurate records relating to the location of that *person's facilities* using either the *California State Plane Coordinate System* or the current system used by the *person* if such system can be readily understood by others. Such records may only be relied upon by the City to provide information regarding the approximate location of the *person's facilities*.
- (b) Within 15 calendar days of receipt of a written request from the City, all *persons* shall make these records available to the City.

(“Records” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(Amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

**§62.1105      Installations**

- (a) New *facilities* placed in the *public right-of-way* shall occupy the locations indicated in the *plans* submitted to the City unless otherwise authorized by the *City Engineer*. If the *City Engineer* authorizes a deviation from the *plans*, the *person* granted the deviation shall supplement the *plans* as needed and to the *City Engineer's* satisfaction to show the accurate location of the *person's facilities*. This is required for final approval of the *plans*.
- (b) All *facilities* placed in the *public right-of-way* shall comply with *City Adopted Standards*.
- (c) All cuts shall be made with a sawcut, rockwheel, or other *City Engineer* approved method.

(Amended 10-8-2001 by O-18995 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(Amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

**§62.1106 Coordination of Excavation by Public Utilities**

- (a) *Public utilities* shall coordinate the installation of their *facilities* with the City to minimize the damage to the *public right-of-way*.

On April 1 and October 1 of each year, or on the first business day immediately thereafter, each *public utility* shall prepare and submit to the City a document that shows all planned *trenching* in the *public right-of-way* to be done in the next 24 months. The document shall be in a geospatial data format, or other *City Engineer* approved format. Any *public utility* that does not anticipate *trenching* in the next 24 months shall submit a statement that no *trenching* is anticipated. A *public utility* shall immediately report any anticipated *trenching* to the City as soon as it becomes reasonably foreseeable that the *trenching* will occur. A project will not be issued a *Public Right-of-Way Permit* until it has been coordinated in the City's digital coordination system. *Public utilities* may submit amendments to previously submitted coordination documents at any time.

- (b) The City will use the information provided by a *public utility* to facilitate coordination among *excavators* to avoid unnecessary excavation of the *public right-of-way*. To the extent that a *public utility* claims that any information provided under Municipal Code section 62.1106 is a trade secret, or is proprietary or confidential information, the *public utility* shall clearly mark every page containing such information as confidential. The *public utility* must also provide a specific and detailed legal basis establishing why the information is exempt from public disclosure. If the *public utility* fails to properly mark or identify proprietary, trade secret, or confidential information or provide the specific legal basis for non-disclosure, the City may release such information to the public.
- (c) *Public utilities* shall indemnify, defend, protect and hold harmless the City, including its elected officials, departments, officers, agents and employees, from and against, any and all actions, claims, costs, damages, demands, expenses, fines, injuries, judgments, liabilities, losses, penalties, or suits arising from the City's non-disclosure of information deemed by a *public utility* as proprietary, trade secret, or confidential.

(“Placement and Removal of Markouts” added 10-8-2001 by O-18995 N.S.)  
(Retitled from “Placement and Removal of Markouts” to “Coordination of Excavation by Public Utilities” and amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

**§62.1107 Documents Required for City Engineer Authorization**

- (a) All persons placing facilities in the *public right-of-way* shall file a *Blockage Report* with the *City Engineer* no later than two working days prior to commencing any work.
- (b) For any *public utility facilities*, other than lateral installations or other minor installations as determined by the *City Engineer*, at least two months prior to beginning any cut, the *public utility* shall submit to the *City Engineer plans* which indicate the area and location of facilities.

(“*Documents Required for City Engineer Authorization*” renumbered from Sec. 62.1106 on 10-8-2001 by O-18995 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(Amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

**§62.1108 Inspection Fees; Inspections**

- (a) All persons placing facilities in the *public right-of-way* shall pay an inspection fee to the City prior to permit issuance and prior to any inspection needed for the project. The *City Engineer* will establish a schedule of fees that do not exceed the reasonable costs of conducting the inspections. The *inspection fee* shall be calculated and invoiced according to the current fee schedule.
- (b) The City Manager shall direct the manner of payment for *inspection fees*.
- (c) The *City Engineer* may halt inspections on a project if *inspection fees* are not paid or are insufficient.
- (d) If a *person* makes a payment under Municipal Code section 62.1108(a), the *City Engineer* will, upon request, provide that *person* with a copy of the field reports from inspections performed and a detailed accounting of the number of City staff hours performed on the project. The *City Engineer* shall provide this information within 30 business days of a request.
- (e) The *City Engineer* may conduct inspections of any work being done in the *public right-of-way*. The *City Engineer* may inspect the work for compliance with all applicable laws, ordinances and construction standards.

- (f) If a City inspection discloses nonconformance with any of the requirements of this Division that does not endanger public safety, the City shall provide written notice of the nonconformance within five working days. The *person placing the facilities in the public right-of-way* shall implement the corrective work specified by the *City Engineer* as soon as possible but no later than five working days of receipt of written notice of nonconformance. If the corrective work is not completed within five working days of receipt of written notice of nonconformance, the City may perform the necessary repairs and all costs related to the repair shall be charged to the *person installing the facilities*.
- (g) If a City inspection discloses nonconformance with any of the requirements of this Division that endangers public safety, the City shall provide notice of the nonconformance immediately. The *person placing the facilities in the public right-of-way* shall secure the site immediately and implement the corrective work specified by the *City Engineer* as soon as possible to make the site safe. Corrective work must be completed as soon as possible but no later than within five working days. If the *person placing the facilities* does not secure the site as required, the City may take necessary actions to secure the site and any costs related to securing the site shall be charged to the *person installing the facilities*. If the corrective work is not completed within five working days of notice of nonconformance, the City may perform the necessary repairs and all costs related to the repair shall be charged to the *person installing the facilities*.
- (h) The *City Engineer* shall have authority to stop work and to request that the excavation be uncovered to certify compliance with this Division at no cost to the City.
- (i) Any City work done directly or indirectly to ensure compliance with the provisions of this Division shall be charged to the *person placing the facilities* that require the City work.
- (j) Any work which is the result of a City required project shall be exempt from the *inspection fee* requirement of Municipal Code section 62.1108.

(“*Inspection Fees; Inspections*” renumbered from Sec. 62.1107 on 10-8-2001 by O-18995 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(Amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

**§62.1109 Safety and Traffic Control**

- (a) All *persons* working in the *public right-of-way* shall be responsible for the safe movement of both vehicular and non-vehicular traffic through that *person*'s construction and maintenance operations.
- (b) The *City Engineer* shall be notified of scheduled construction at least two working days before work commences.
- (c) All *persons* performing work in the *public right-of-way* shall maintain signs, warning devices, traffic control plans, and general conditions of safety, as described either in *City Adopted Standards* or other State standards.
- (d) All *persons* performing work in the *public right-of-way* shall identify itself with on-site signs indicating the name of the *person* and the phone number to call in case of a complaint or emergency. Such signs shall remain on-site for two weeks after completion of work.

(“*Safety and Traffic Control*” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(“*Safety and Traffic Control*” renumbered from Section 62.1111 to Section 62.1109 and amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024. Former Section 62.1109 “*Pavement Restoration*” repealed.)

**§62.1110 Relocation of Installations**

- (a) All *persons* maintaining *facilities* in the *public right-of-way* shall relocate or remove their *facilities* within the timelines provided by the City whenever such relocation is necessary for a proper governmental purpose, whether that purpose is to be accomplished by a public entity or by a private entity on behalf of a public entity. In such cases, the cost of the relocation or removal shall be borne by the *person*.
- (b) When *facilities* need to be relocated or removed as a result of construction by a private entity, except as set forth in Municipal Code section 62.1110(a), the cost of such relocation or removal shall be borne by the private entity undertaking the construction. That private entity shall contact the owner of the *facilities* affected by the work to advise them of proposed improvements. That private entity shall also make specific arrangements for the relocation of any conflicting *facilities*.

(Amended 4-12-1999 by O-18632 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(“Relocation of Installation renumbered from Section 62.1112 to Section 62.1110 and amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024. Former Section 62.1110 “Restoration of Decorative Surfaces” repealed.)

## §62.1111 Cathodic Protection

- (a) *Public utilities* maintaining *facilities* in the *public right-of-way* shall provide *Cathodic Protection* in accordance with the practice of the *AMPP*.
- (b) If the *AMPP* standards conflict with either the California Department of Transportation or California Public Utilities Commission’s requirements, the most stringent requirements shall govern.

(“Cathodic Protection” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(“Cathodic Protection” renumbered from Section 62.1113 to Section 62.1111 and amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)

## §62.1112 Quality Control

- (a) All *persons* performing work in the *public right-of-way* are solely responsible for ensuring that the work performed, whether by that *person*, contractors, subcontractors, employees, agents or representatives, complies with all applicable City and State standards.
- (b) At the beginning of each calendar year, each *public utility* with *facilities* in the *public right-of-way* shall submit a quality control plan and emergency closure plan to the *City Engineer* for approval.
  - (1) The quality control plan shall indicate the number of inspectors and the areas to which they are assigned.
  - (2) Each emergency closure plan shall indicate steps to be taken during a flood or earthquake to address safety issues.
  - (3) An emergency closure plan shall be filed with the *City Engineer* and with the City Emergency Operations Center.

(“Quality Control” added 5-28-1996 by O-18309 N.S.)

(Amended 1-2-2013 by O-20231 N.S.; effective 2-1-2013.)

(“Quality Control” renumbered from Section 62.1114 to Section 62.1112 and amended 8-8-2023 by O-21701 N.S.; effective 1-1-2024.)