

ORDINANCE NO. _____

An ordinance amending Section 62.06 of the Los Angeles Municipal Code to update and increase the Street Damage Restoration Fee and Section 5.121.6 of the Los Angeles Administrative Code to update the Street Damage Restoration Fee Special Fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 62.06 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 62.06. ESTABLISHMENT OF A STREET DAMAGE RESTORATION FEE.

A. Any person, corporation or agency, including any Department, Bureau, or Agency of the City of Los Angeles or any other governmental agency or authority required to obtain a permit to excavate in a public street or alley under Sections 62.02, 62.04, 62.105 or 64.17 of this Code must pay a Street Damage Restoration Fee (SDRF) at the time of obtaining the permit, which shall be deposited into the Street Damage Restoration Fee Special Fund (Los Angeles Administrative Code Section 5.121.6). No portion of this ordinance requires the Bureau of Street Services to obtain permit authority to accomplish its work, which includes maintenance, construction and reconstruction activities within a public right-of-way and easement.

1. The SDRF is set at \$8.24 per square foot for Local Streets and \$19.44 per square foot for Select Streets and applies to an area that equals the length and width of the excavation cut plus 5 feet on all sides of the excavation.

2. For purposes of this section, a Select Street shall be a street designated by the Bureau of Street Services as a street requiring a thicker pavement design to accommodate greater traffic loads. A Local Street shall be a street not designated as a Select Street. The Bureau of Street Services shall maintain a public record of its street designations.

3. The Board of Public Works shall calculate a revised SDRF annually on July 1, in accordance with the California Department of Transportation Price Index for Selected Highway Construction Items. The proposed revised SDRF shall be effective upon its adoption by resolution approved by the Board of Public Works following a public hearing.

4. For any excavation on a concrete street, full slab replacement is required in lieu of paying the SDRF.

B. In addition to the SDRF, the Bureau of Engineering shall charge and collect a fee of \$18.50 for the cost of calculating and collecting the SDRF.

C. SDRF EXEMPTIONS:

1. Any excavation in a street scheduled for resurfacing under the City's Annual Street Renewal Plan within the one year prior to the scheduled resurfacing shall be exempt from the SDRF.

2. Any entity identified in paragraph A of this section may qualify for an exemption from the SDRF for an excavation made up to 23 months prior to scheduled resurfacing by doing the following:

(a) Reviewing the City's Five-Year Street Renewal Plan and one-year Annual Street Renewal Plan prepared by the Director of the Bureau of Street Services prior to applying for an excavation permit; and

(b) Preparing and submitting to the Bureau of Street Services a five-year street excavation plan and a one-year street excavation plan, in a form acceptable to the Bureau, prior to applying for an excavation permit. Such plans must include the following:

(i) The location of the entity's existing facilities in any City street, alley, sidewalk or other public place; and

(ii) A description of all of the entity's planned excavation work in any City street, alley, sidewalk or other public place.

3. Thereafter, in order to continue to qualify for the SDRF exemption:

(a) Each entity must submit annually, by April 15 of each year following the submission of the five-year street excavation plan and one-year street excavation plan, a revised and updated five-year street excavation plan and one-year street excavation plan; and

(b) All excavations in any Local Street or any Select Street must be shown on the entity's one-year street excavation plan, and must take place within 23 months prior to City's planned resurfacing or rehabilitation projects as shown in the City's Five-Year Street Renewal Plan and one-year Annual Street Renewal Plan.

D. The SDRF established herein is in addition to any other fee required by this Code, and is in addition to any special backfill, compaction and pavement replacement or other requirement imposed by this Code or by the Department of Public Works as a condition of a permit.

E. In lieu of paying the SDRF, any entity identified in Paragraph A of this section making an excavation in a street within one year following the resurfacing of the street must repave the entire street block from curb face to curb face. Exceptions may

be made when it can be sufficiently demonstrated to the Director of the Bureau of Street Services that the City's 30-day notice of a scheduled street resurfacing project was not mailed to the correct property owner of record at the time of notification, and the property owner made significant efforts to promptly notify the Bureau of Street Services of any planned street excavations.

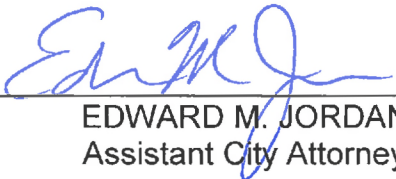
Sec. 2. Section 5.121.6(b) of the Los Angeles Administrative Code is amended to read as follows:

(b) The Fund shall be used only to fund a Bureau of Street Services street reconstruction program, and related work such as a Bureau of Contract Administration inspection program and material testing services by the General Services Department.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
EDWARD M. JORDAN
Assistant City Attorney

Date 9-21-18 _____

File No. _____

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____