

14-157-SI

MOTION PUBLIC WORKS & GANG REDUCTION

As a way of preserving pavement quality and extending the lifespan of streets, many cities have enacted a moratorium on street excavation cuts within the first one to five years following resurfacing. Such moratoria encourage long-term planning and cooperation and coordination of maintenance activities of the roadway and the numerous public and private utilities below.

The City of Los Angeles has a one-year moratorium on street cuts and requires the resurfacing of the entire block, curb-to-curb, if the moratorium is violated. The Los Angeles Municipal Code only allows for an exception to this curb-to-curb resurfacing requirement, "when it can be sufficiently demonstrated to the Director, 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." According to the code, this stringent framework applies even when emergencies and other extenuating circumstances arise, regardless of whether the excavation cut is necessary to preserve public health, safety or welfare.

Absent an official procedure in place to provide limited exemptions to the resurfacing requirement (as most other cities have), the City Council often exempts permit applicants of the resurfacing requirement by motion - exposing the City to legal liability by inconsistently applying the law and undermining the City's efforts to preserve our pavement quality. Furthermore, when exemptions to the moratorium are made by council motion, there is no mechanism that exists to collect a Street Damage Restoration Fee - in lieu of resurfacing - for cuts made within the moratorium period.

With a local street system consisting of 28,000 lane-miles, the City Council does not have the time or resources to adequately investigate the circumstances of each exemption request. The City's full-time Board of Public Works meets three times a week and is better situated to evaluate exemption requests and balance need to preserve of our streets, against the potential loss of economic development or risk to public health, safety, or welfare.

I THEREFORE MOVE that the City Attorney be REQUESTED to prepare and present an ordinance that conveys to the Board of Public Works the authority to make exemptions to the one-year moratorium and to require exempted permittees to pay a Street Damage Restoration Fee sufficient to recover the full cost of damage inflicted by shortened the lifespan of the street.

I FURTHER MOVE that the Department of Public Works with the assistance of the City Administrative Officer and Chief Legislative Analyst be INSTRUCTED to investigate the feasibility of increasing the City's street cut moratorium from one year to three years, and report on the potential operational and financial impacts.

  
NOV 12 2014

Co-PRESENTED BY:

Joe Buscaino  
JOE BUSCAINO  
Councilmember, 15th District

Mitchell Englander  
MITCHELL ENGLANDER  
Councilmember, 12th District

SECONDED BY: Seward C. Park

ORIGINAL