



# **UTILITY EXCAVATION MANUAL (UEM)**

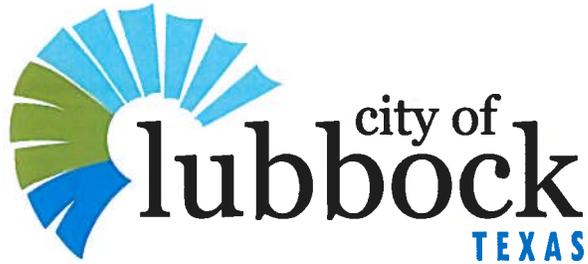
**GENERAL REQUIREMENTS AND  
PROCEDURES**

**FOR**

**EXCAVATION IN THE CITY OF LUBBOCK  
PUBLIC RIGHTS-OF-WAY**

**CITY OF LUBBOCK  
PUBLIC WORKS**

**DATE: MARCH 2013**



## NOTICE TO ALL EXCAVATORS IN THE CITY OF LUBBOCK PUBLIC RIGHT-OF-WAY

The Utility Excavation Manual (UEM) has been prepared as a guide for City agencies, utility companies, contractors, Right-of-Way (ROW) Users and other excavators in the public right-of-way in the City of Lubbock, Texas.

The primary purpose of the Manual is to compile the various details, drawings, rules and regulations governing excavations in the public right-of-way into a single document. The primary regulation related to these excavations is Article 36.09 of the City of Lubbock Code of Ordinances, "Utility Construction in Public Rights-of-Way". To assist the ROW Users, Article 36.09 is copied in its entirety, and is a part of this Manual. Certain specifications, such as materials and methods of concrete and asphalt construction, are not a part of this manual, but are available in the "City of Lubbock Public Works Engineering Design Standards and Specifications".

The primary issues of concern related to these regulations and this manual are:

- Public health, safety and welfare
- Protection of the traveling public
- Improve coordination of work in the ROW
- Reduce damages to paved streets and alleys due to utility excavations

Before excavating in any public right-of-way within the City, ROW Users are encouraged to familiarize themselves with the requirements of this manual.

If you have any questions regarding work in the public right-of-way, please contact the City ROW Management Coordinator at 806-775-3157.

3-14-13

Date

A handwritten signature in blue ink that reads "R. Keith Smith".

R. Keith Smith, P.E.  
Chief Operation Officer  
City of Lubbock

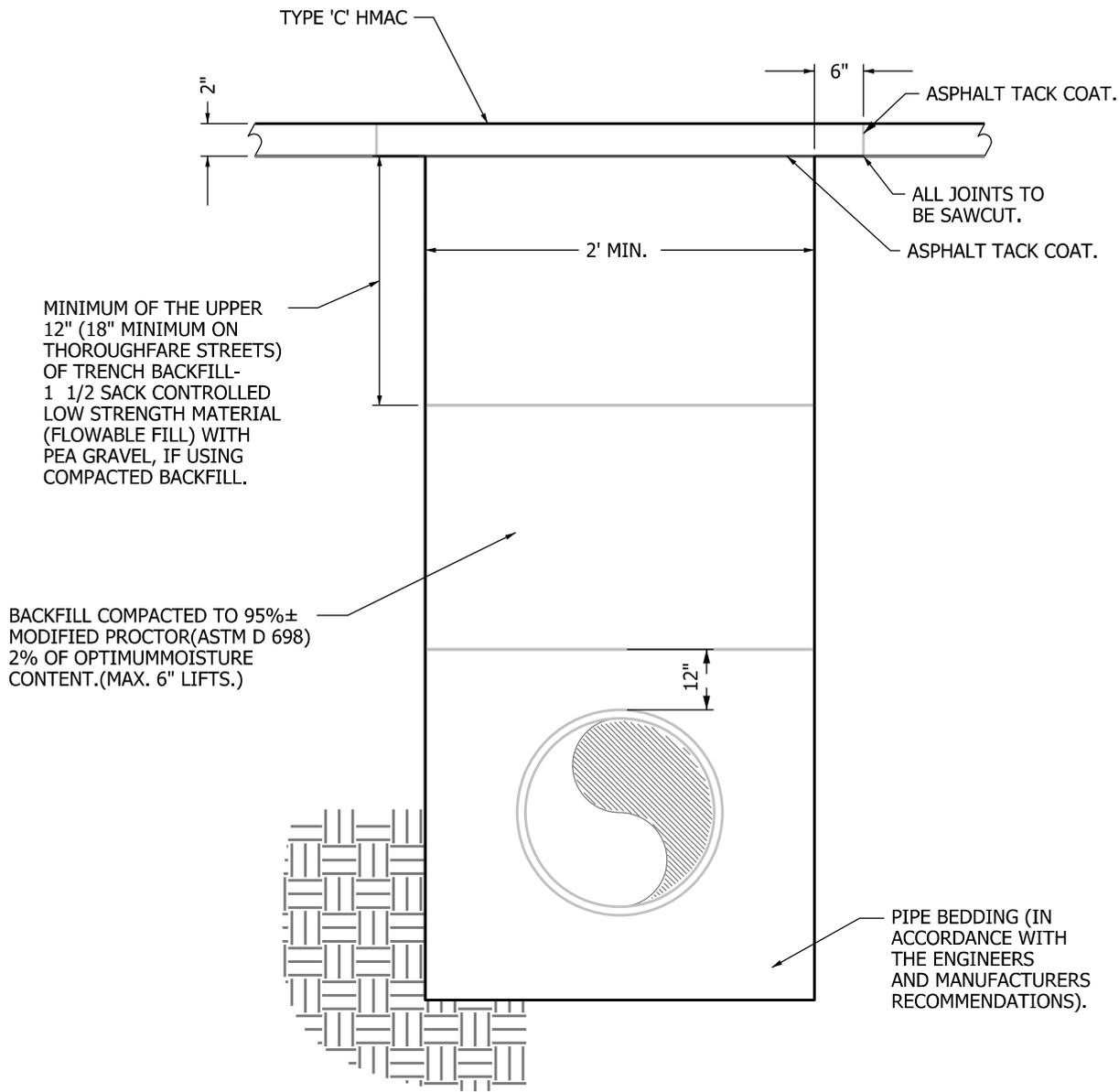
# Utility Excavation Manual

## Table of Contents

Description	Page
Notice to Excavators	2
Table of Contents	3
Contact Information	4
Plate UEM-1 – Asphalt Pavement Cut Repairs	5
Plate UEM-2 – Concrete Street and Alley Cut Repairs	6
Plate UEM-3 – Brick Street Cut Repairs	7
Plate UEM-4 – Trench Backfill Requirements on Alleys to be Paved	8
Plate UEM-5– Trench Backfill Requirements on Unpaved Streets and Alleys	9
Plate UEM-6– Concrete Paving, Cap, or Alley Paving	10
Plate G-1– Typical Locations for Utilities in Alleys	11
Compaction of Trenches	12-13
Survey of Location of Installed Utility	14-15
Sample Drawing of Permitted Work	16
Posting of Utility or Contractor Information	17
Barricade Plan & Traffic Control	18
Storm Sewers	19

## CONTACT INFORMATION

ROW Management Coordinator	775-3157
City Engineer	775-2343
Assistant City Engineer	775-2341
Capital Projects Engineer	775-3254
Senior Construction Inspector - Public Works Engineering	775-3751
Stormwater Management Department	775-2347
Street Maintenance Department	775-2358
Water Customer Service	775-2588
Water Engineering Department	775-2351
Solid Waste Department	775-2495
Traffic Engineering Department	775-2132
LP&L Emergency Service	775-2555
TxDOT	745-4411
Police Department (24 Hour)	775-2865
Fire Department (24 Hour)	775-2635
EMS	775-9925



NO SCALE

**NOTE:**

1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS.
2. GREATER THAN 5' WIDTH LONGITUDE CUTS WILL REQUIRE PAVING REPAIR APPROVAL BY THE CITY ENGINEER.

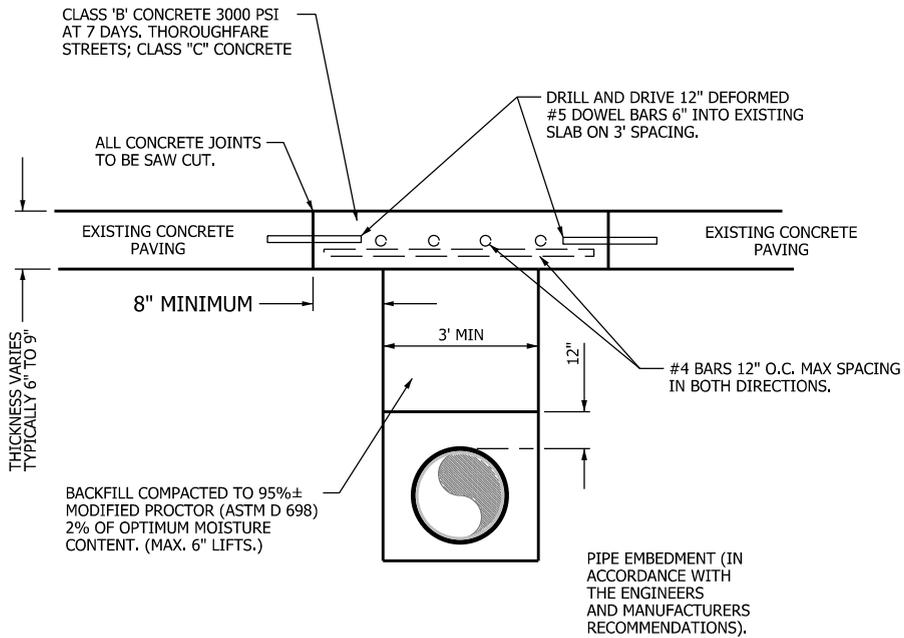
**ALTERNATIVE BACKFILL**

FULL DEPTH OF TRENCH BACKFILL  
 1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL.

**ASPHALT PAVEMENT  
 CUT REPAIRS**



REVISED  
**DEC. 2012**  
 UEM-01



ALTERNATIVE BACKFILL

FULL DEPTH OF TRENCH BACKFILL; 1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL.

CONCRETE PAVING

NOTE:

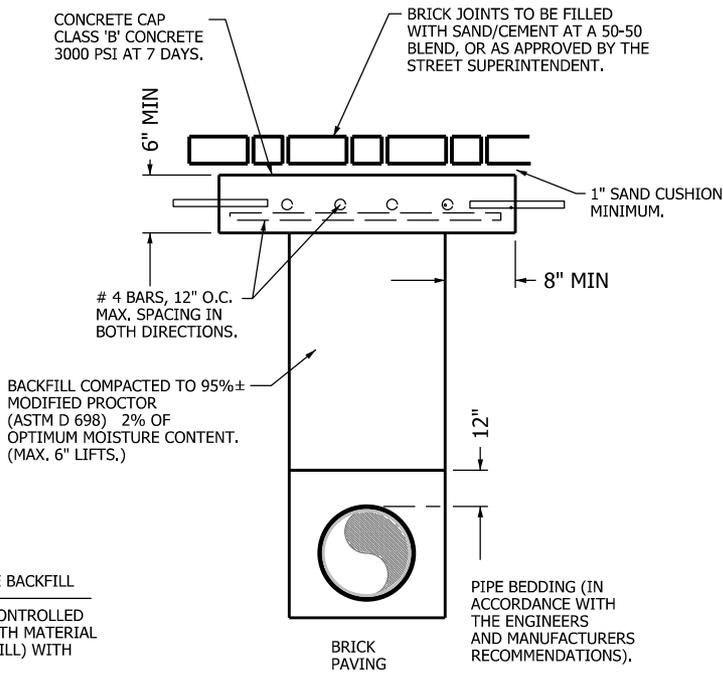
1. GREATER THAN 5' WIDTH LONGITUDE CUTS WILL REQUIRE PAVING REPAIR APPROVAL BY THE CITY ENGINEER.
2. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK STANDARD PAVING SPECIFICATIONS.

CONCRETE STREET  
AND ALLEY  
CUT REPAIRS



REVISED  
DEC. 2012

UEM-02



NOTE:

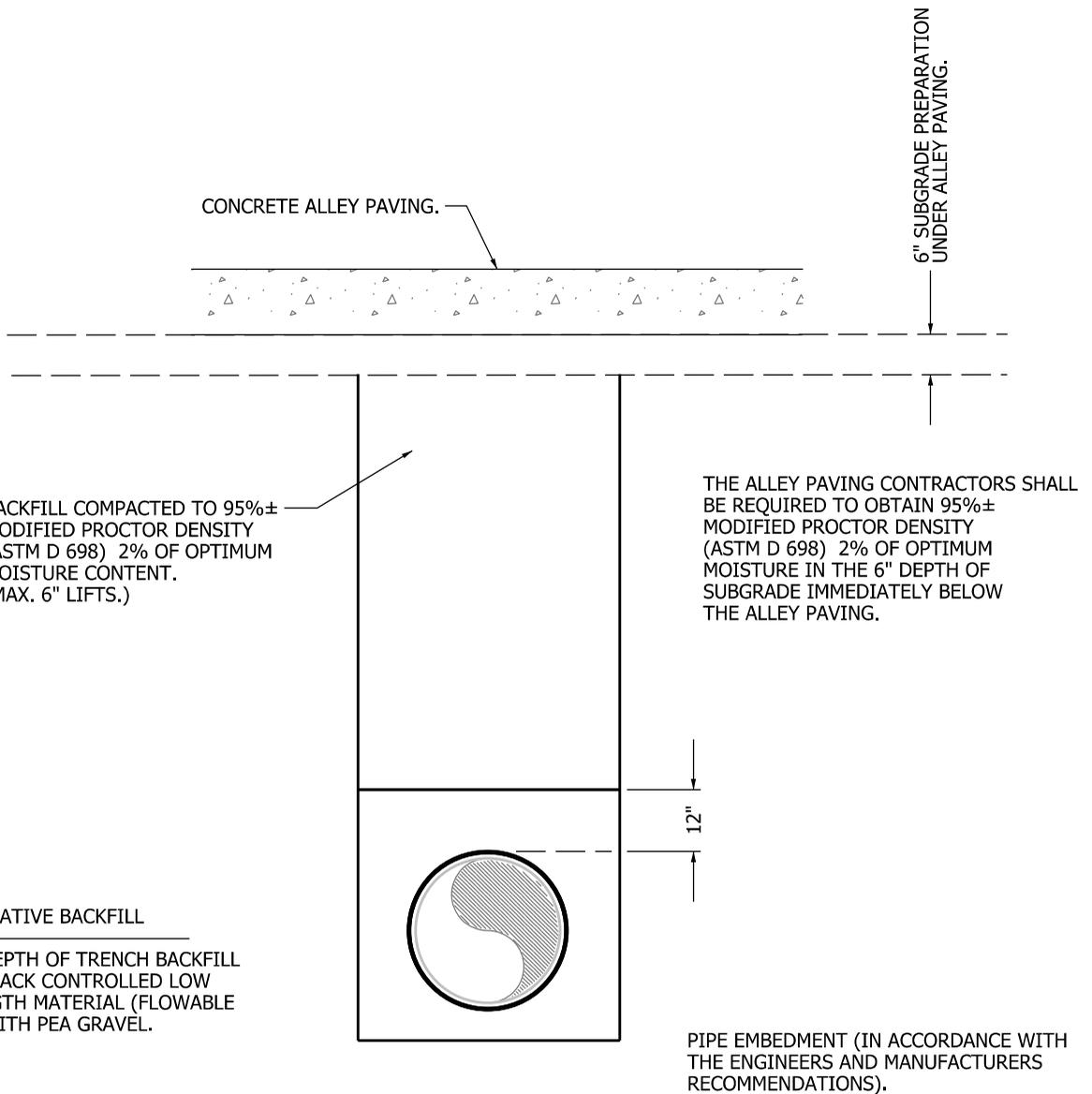
1. SEE CONCRETE CAP DETAIL. PLATE NO. 36.09.05
2. #5 DOWELS NEEDED IF TIED INTO EXISTING CONCRETE BASE.
3. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK STANDARD PAVING SPECIFICATIONS.

BRICK STREET  
CUT REPAIRS



REVISED  
DEC. 2012

UEM-03



**NOTE:**

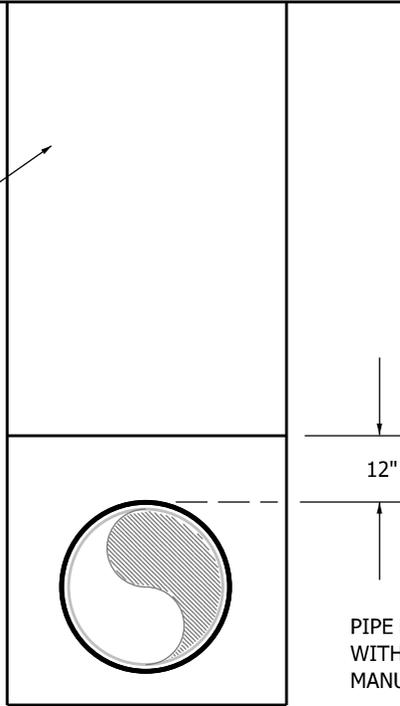
1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS.
2. THE ALLEY PAVING CONTRACTOR SHALL BE REQUIRED TO OBTAIN 95%± MODIFIED PROCTOR DENSITY (ASTM D 698) 2% OF OPTIMUM MOISTURE IN THE 6" DEPTH OF SUBGRADE IMMEDIATELY BELOW THE ALLEY PAVING.

EXISTING GROUND SURFACE.

BACKFILL COMPACTED TO 95%±  
MODIFIED PROCTOR DENSITY  
(ASTM D 698) 2% OF OPTIMUM  
MOISTURE CONTENT.  
(MAX. 6" LIFTS.)

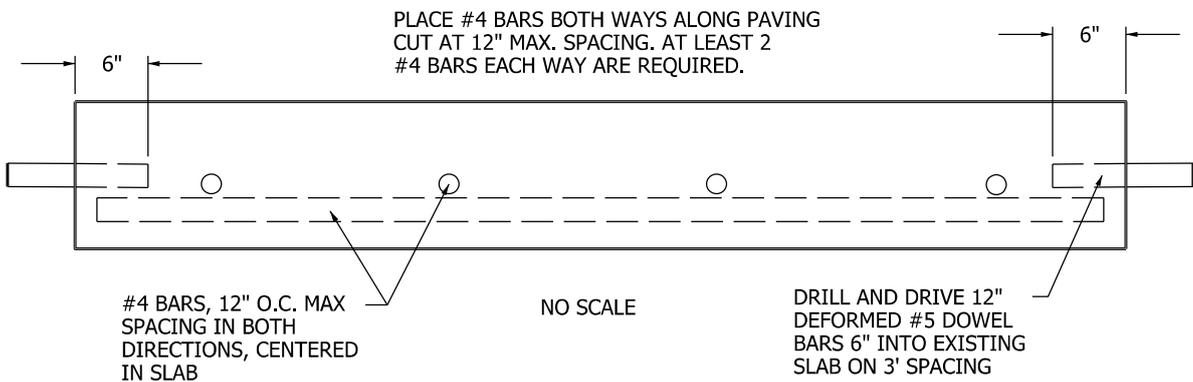
ALTERNATIVE BACKFILL

FULL DEPTH OF TRENCH BACKFILL  
1 ½ SACK CONTROLLED LOW  
STRENGTH MATERIAL (FLOWABLE  
FILL) WITH PEA GRAVEL.



NOTE:

1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS.



NOTE:

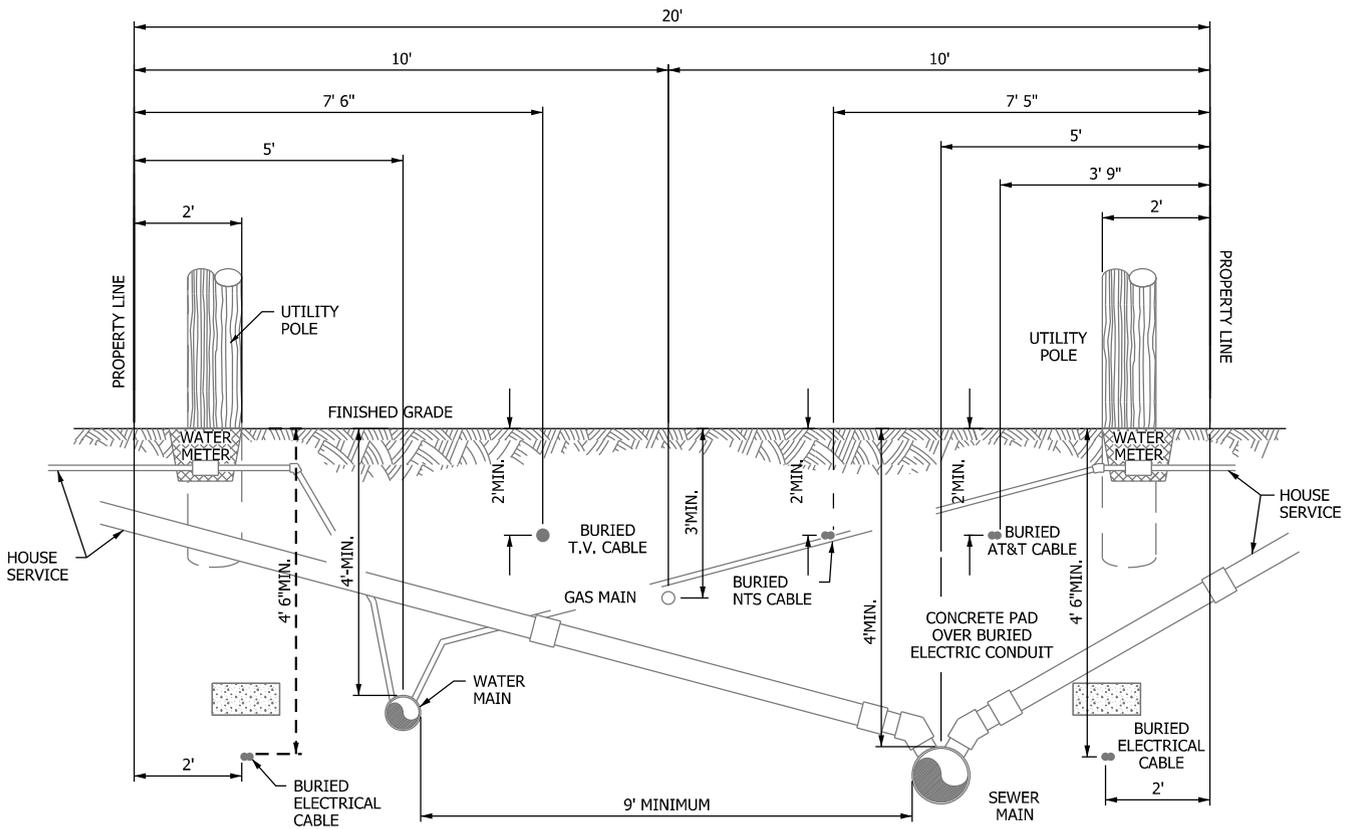
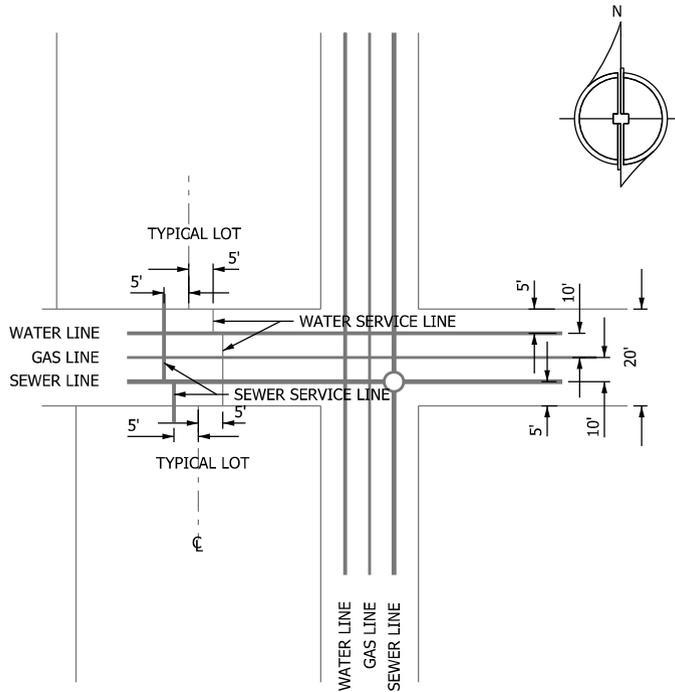
1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS

CONCRETE PAVING, CAP,  
OR ALLEY PAVING



REVISED  
DEC. 2012

UEM-06



TYPICAL LOCATIONS  
FOR UTILITIES IN ALLEYS



REVISED  
DEC. 2012

DRAWING NUMBER  
G-1

# COMPACTION OF TRENCHES

## General

The requirement for trench compaction shown on the plates in this Manual is ninety five percent (95%) of Modified Proctor density. However, it is not the intent of the City to require the ROW User to have Modified Proctor tests and density testing performed on all trench compaction. The discussion below outline methods the ROW User and the City can utilize in performing “quick” checks of adequate trench compaction. The purpose of allowing these “quick” checks is an attempt to secure proper backfill compaction while not being overly burdensome in requiring the ROW User to enlist a Materials Testing Laboratory to perform Proctor and density tests.

## Moisture Content

Moisture content is a vital ingredient in the ability to make density of compacted soil. The City Engineer or his designee will be available to schedule training sessions for the ROW User to view typical soils at optimum moisture content.

## Probe Tests

City Inspectors, as a standard, will be performing probe rod tests as a “quick” check of adequate compaction of trench backfill. The probe rod being used is a thirty six inch (36”) long metal rod, having a one half inch (½”) diameter, with a “tee” handle. The training sessions can include a demonstration of the procedures City Inspectors will utilize in performing these probe tests. ROW Users are encouraged to acquire a probe rod for each of their crews so they can “self” test their backfill compaction results. Properly compacted typical soils, compacted at optimum moisture content, should not have a probe rod penetrate the soil more than two inches (2”). The top layers of the trench backfill may be removed or penetrated using a hammer probe, and testing performed in the lower portions of the trench, to assure that all lifts of the backfill were properly compacted.

### **Density Testing**

City Inspectors may also perform spot testing with a nuclear density gauge. Typical soils within the City have a Modified Proctor density in the range of one hundred ten pounds (110 lbs.) to one hundred twenty-five pounds (125 lbs.) per cubic foot. This range will be used in checking ninety five percent (95%) of Modified Proctor density on soils that a Proctor test has not been performed.

### **Failed Tests**

Areas of the trench that have failed backfill compaction tests, either by the probe rod or nuclear gauge test, shall be removed and re-compacted by the ROW User at their expense.

### **ROW User Appeal of Failed Tests**

The ROW User may appeal the direction to remove and re-compact the failed backfill by engaging a Materials and Testing Laboratory to re-test the failed area. The City's ROW Management Coordinator shall be notified of when the Lab will be collecting samples for Proctor tests, or performing density testing, so a City Inspector may be present to view the locations of the samples or tests.

Conflicting test results by the ROW User will not automatically be considered as compliance with specifications, but will be considered only as additional information to be used by the City to determine the compliance of the material or construction in question.

### **Narrow Trenches**

The ability to properly compact narrow trenches, with mechanical compaction methods, is extremely difficult, and often labor intensive. However, if the ROW User can demonstrate that they have adequate equipment and methodology to properly obtain the required density of the trench backfill, mechanical backfill of narrow trenches will be allowed.

Suggested practice is to utilize full depth one and one half (1½) sack controlled low strength material (flowable fill) for any trenches less than twelve inches (12") in width. Specialized compaction equipment will be needed if mechanical compaction is attempted to backfill narrow trenches.

# Survey of Location of Installed Utility

(Section 36.09.043(a))

The following methods will be allowed to describe the location of the utility facility installed with a permit:

- (1) Submit coordinates of the beginning and ending points of the permitted work by use of Geographic Positioning System (GPS) equipment. The equipment used must have an accuracy resulting in less than one-half meter ( $\frac{1}{2}$ ) error.
- (2) A survey tied to known property corners.
- (3) Submit measured distances from beginning and ending points of the permitted work from known points. For example, from lot corners or street right-of-way (ROW) lines.

Examples:

1. The beginning point of an underground utility is located in an alley behind 4501 77<sup>th</sup> Street. The point is seven feet (7') south of the fence line at the rear of the lot, and twenty three feet (23') east of the cross fence between 4501 and 4503 77<sup>th</sup> Street. The beginning point would be identified as seven feet (7') south and twenty three feet (23') east of the southwest corner of the property located at 4501 77<sup>th</sup> Street. The property could be described by either address or legal lot description (lot number and subdivision name).
2. The beginning point of an underground utility is located in a street on the east side of 4501 77<sup>th</sup> Street. The point is twenty feet (20') east of the fence line of the property located at 4501 77<sup>th</sup> Street, or if the center line of the street is determined by measurement, it could be described as eight feet (8') west of the center line of Richmond Avenue. The north-south dimension could be described as the number of feet south of the center line of 77<sup>th</sup> Street or the south ROW line of 77<sup>th</sup> Street, or the number of feet north of the north

ROW line of the alley south of 77<sup>th</sup> Street or the number of feet north of the center line of the alley south of 77<sup>th</sup> Street. So the beginning point in this example could be measured and identified as being eight feet (8') west of the center line of Richmond Avenue and thirty seven and one half feet (37 ½') north of the center line of the alley south of 77<sup>th</sup> Street.

If there are fence lines that do not appear to be on the street or alley ROW lines, other identified locations, such as center lines of paved streets, will have to be used as a reference to measure from. The City ROW Management Coordinator can assist with helping determine adequate reference points to measure from in locating the utility beginning and end points.

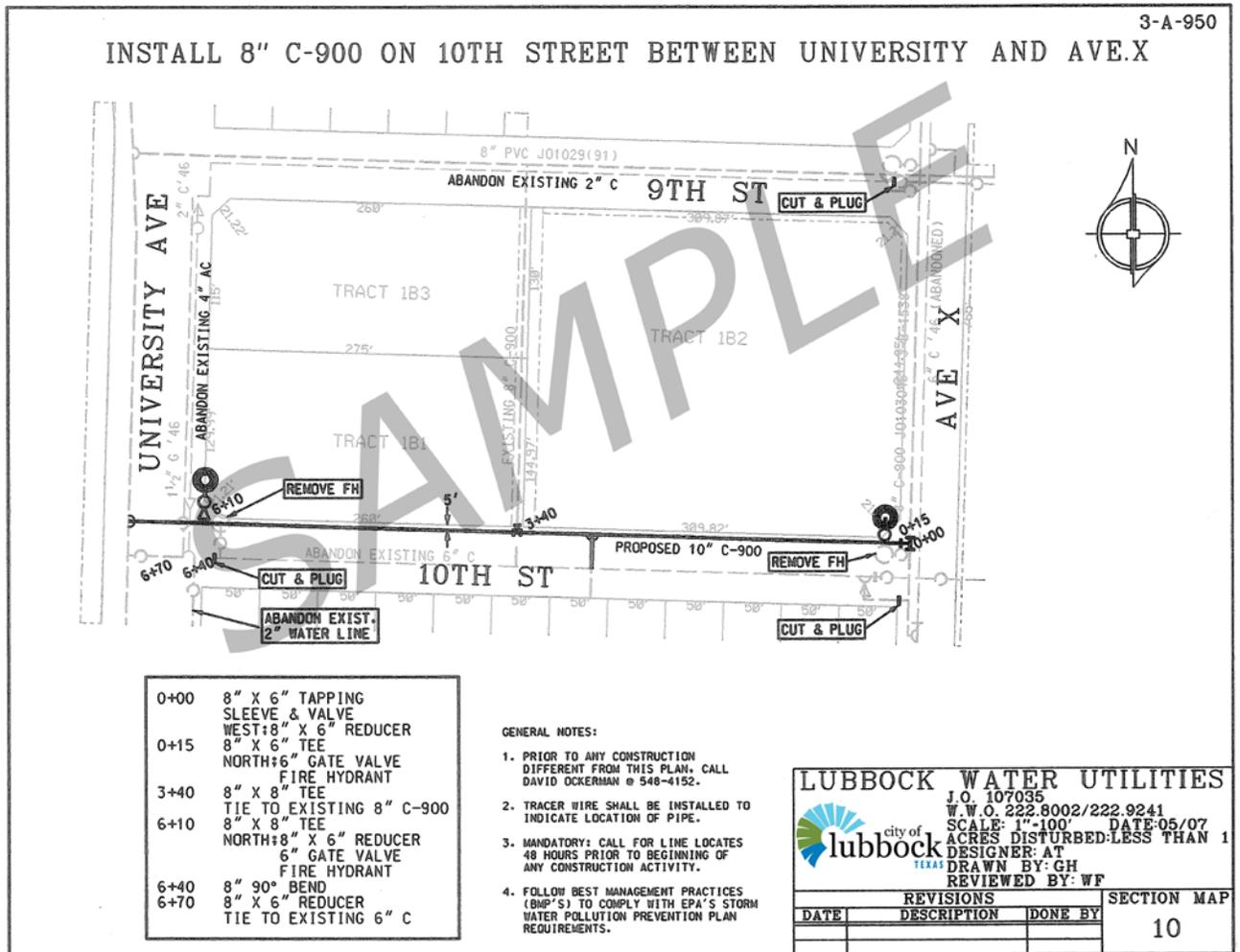
Note: The dimensions of the beginning and ending points of the permitted work from any reference points must be measured distances using a fifty foot (50') or one hundred foot (100') tape. Approximate or stepped off distances are not allowed.

# Utility Excavation Manual

## SAMPLE DRAWING

For Excavations Greater Than 25 Linear Feet

### Sec. 36.09.036



**UEM - POSTING OF  
UTILITY/CONTRACTOR INFORMATION**

Sec. 36.09.042  
Sec. 36.09.131(g)

*UTILITY OR CONTRACTOR  
NAME*

Contact Number: *XXX-XXXX*

**WORK DONE FOR:**  
*UTILITY NAME*

*(To be printed on 8 ½" X 11" paper; inserted on one side of a plastic paper sleeve)*

**POSTING OF UTILITY/CONTRACTOR  
PERMIT**

- *Permit to be inserted on opposite side of the plastic paper sleeve.*
- *Preferred method is to be posted at all job sites and at every pit location.*

# **BARRICADE PLAN & TRAFFIC CONTROL**

**(Sec. 36.09.131 & 132)**

Reference the most current Texas Manual on Uniform Traffic Control Devices (TMUTCD).

Texas Department of Transportation (TxDOT)  
[http://txdot.gov/txdot\\_library/publication/tmutcd.htm](http://txdot.gov/txdot_library/publication/tmutcd.htm)

Training for utility and contractor personnel may be available through Texas Engineering Extension Service (TEES).

Texas Engineering Extension Service  
<http://www.teex.org>  
800-723-3811

# **STORM SEWERS**

The City does not participate in a One Call Excavation Call Center for storm sewers. Storm sewers are scattered through most of the City.

ROW Users are encouraged to look closely at areas they propose to excavate for storm sewer inlets, manhole covers indicating a storm sewer system, or other indicators that may be an alert of a storm sewer in the area.

If the ROW User suspects there may be a storm sewer within their proposed work area, they should contact the City's Stormwater Management Department. A map is also available from the Stormwater Management Department indicating the general locations of storm sewers within the City. The ROW User is encouraged to furnish one of these maps to each of the crews they have excavating in the public ROW.

## ARTICLE 36.09 UTILITY CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY

### Division 1. Generally

#### Sec. 36.09.001 Definitions

For purposes of this article, the following definitions shall apply:

Alley shall mean any public street, typically between fifteen feet (15') and twenty feet (20') in width, having no official name, which is designed primarily for installation of and access to public utilities, as well as providing access to abutting properties.

Business Day shall mean a day when the municipal building of the City of Lubbock is open to the public for business.

Certificated Telecommunications Provider, or "CTP" shall mean a person or firm who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating by the Texas Public Utility Commission, or "PUC", to offer local exchange telephone service as defined by Section 283 of the Local Government Code, or "the Act".

City Engineer shall mean the person with that position title within the City. The City Engineer may delegate certain tasks and responsibilities as described in this Article to City staff persons under his/her supervision.

Collector Streets shall mean those streets which transfer traffic to and from residential streets and thoroughfare streets, generally sixty four feet (64') in ROW width.

Emergency shall mean operations and repairs necessary to respond to a situation that endangers life, health and safety, or property, or a situation in which the public need for uninterrupted service and reestablishment of service, if the service is interrupted compels immediate action. Upgrading of facilities, new service installation and neighborhood improvement projects are not emergency operations.

Excavation shall mean an activity that removes or otherwise disturbs soil in the ROW at a depth of twelve inches (12") or more, or disturbs any street or alley pavement of any depth.

Industrial Streets shall mean those streets which provide for travel of heavy industrial traffic from industrial areas to the major system of thoroughfares and highways, generally sixty feet (60') in ROW width.

Major Project shall mean a utility project requiring installation or replacement of utility facilities in the ROW for a distance greater than one (1) mile.

Master Thoroughfare Plan (MTP) shall mean the general plan for the roads, streets, and public highways within the City and the City's Extra Territorial Jurisdiction (ETJ).

New Street shall mean the paved portion of the street ROW that has been constructed or reconstructed in the last five (5) years.

Parkway shall mean that part of the public ROW between the curb and abutting private property line on a public street, and between the outside edge of paving and the abutting private property line on a public alley.

Pavement Condition Index (PCI) shall mean a measure of the condition of the street, on a scale of one (1) to one hundred (100). The PCI is available from the pavement management office of the City's Street Maintenance Department.

Permit Holder shall mean a ROW user or any other legal entity that has been granted a permit for construction work in the City's ROW or other public property.

Residential Streets shall mean those streets which are used primarily for access to abutting properties, generally forty six feet (46') to fifty six feet (56') in ROW width.

Right-of-Way (ROW) or Public Right-of-Way shall mean the surface of, and the space above and below, any street, road, highway, freeway, lane path, drainage way, channel, fee interest, public way or place, sidewalk, alley, boulevard, parkway, drive, or other easement now or hereafter held by the City or over which the City exercises any rights of management or control and shall include but not be limited to all easements now held, or hereafter held, by the City but shall specifically exclude private property.

ROW Construction Permit shall mean the permit issued by the ROW Management Office of the City for a utility, or a utility contractor, to perform work within the Public ROW.

ROW User shall mean a franchised utility, a certificated telecommunications provider, a permit holder, or any other privately or publicly owned utility authorized to conduct business using City ROW in order to install, construct, maintain or repair their facilities in the City ROW. The term "ROW User" shall also include any contractor or other agent or person engaged by a ROW user to work on facilities located in City ROW. The granting of a permit to a contractor or agent of a ROW User shall be deemed to be the granting of a permit to the ROW User for purposes of this Article.

Shall, May. The word "shall" is deemed as mandatory; the word "may" is deemed as permissive.

Street shall mean the pavement and subgrade of a City residential, collector or thoroughfare roadway.

Street in Good Condition shall mean the paved portion of the street ROW that has a PCI of eighty five (85) or above.

Thoroughfare Streets shall mean the major streets of the City traffic system. The thoroughfare street is used primarily for fast and/or heavy traffic moving in large volumes at moderate speed on long intercity or intracity trips, generally either ninety feet (90') or one hundred ten feet (110') in ROW width.

TMUTCD shall mean the Texas Manual on Uniform Traffic Control Devices, latest edition.

Utility shall mean any privately or publicly owned entity, or their agent or contractor enlisted to perform the work, which uses public ROW to furnish to the public any general public service, including, without limitation, sanitary sewer, storm sewer, gas, electricity, water, telephone, telecommunications, petroleum products, telegraph, heat, steam or chilled water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the ROW.

Utility Excavation Manual shall mean a document that contains various specifications, rules, and other operational guidance for ROW Users to utilize while excavating in the public ROW. Certain details and regulations, as referred in the Code of Ordinances, may be contained in this Manual. This Manual may be updated and adopted by the City Council from time to time.

White Lining means marking an excavation site with washable marking paint or flags prior to requesting a utility locate in order to further identify the site.

(1983 Code, sec. 24-172; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.002 Penalties and Correction of Deficiencies**

- (a) Any person who violates any provisions of this Article shall be guilty of a misdemeanor in accordance with Section 1.01.004 of the Code of Ordinances and upon conviction shall be subject to a fine not to exceed the amount specified by state law for such offenses. Each day of such violation shall constitute a separate offense. Said penalty is cumulative, and not exclusive, of any other rights or remedies said City may have.
- (b) Any person who shall perform work on or about a public ROW and who shall violate any provision of this Article or fail to comply with the barricade plan made a part of such permit shall cause said work to be subject to a stop work order and/or revocation of permit or civil legal remedies as provided by this Article.

(1983 Code, sec. 24-216; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Secs. 36.09.003–36.09.030 Reserved**

## **Division 2. Permits; Registration**

### **Sec. 36.09.031 Permit Required, Permit Not Required**

- (a) It shall be unlawful for any certificated telecommunications provider, utility, or ROW User to engage in utility construction activities of any nature that will encroach upon or be located in, on or within a street, alley or other public ROW or other public property within the City of Lubbock without having first obtained a "ROW construction permit" from the City Engineer to perform the work, at least two (2) business days prior to beginning of the work, unless said work is commenced in an emergency situation as authorized by this Article.
- (b) Utility installations in streets and alleys of new subdivisions in the process of being platted will not require a Permit. However, the Developer of the new subdivision is required to illustrate the location of all utilities on approved plans or drawings, associated with the new subdivision development, as part of the as-built submittals to the City for paving improvements.
- (c) No permit shall be required for the installation and connections necessary to initiate service to a customer's property or routine repair and maintenance of existing facilities that will interfere with traffic for less than one (1) hour or excavate less than twelve inches (12") in depth, unless such activity requires the breaking of pavement, boring, or excavating with equipment greater than hand tools or a vibrating plow designed to install lines up to a three inch (3") diameter.
- (d) No permit shall be required on state owned property, state highway ROW, Texas Tech University owned property, privately owned property, or within designated easements on privately owned property.

(1983 Code, sec. 24-173; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.032 Backfilling, Compaction, etc.**

All backfilling, compaction, pavement restoration, barricading and other traffic-control measures for work within the public ROW, and other City-owned properties, shall strictly comply with the requirements of this Article. (1983 Code, sec. 24-174; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.033 Notice**

Notice for purposes of this Article shall be made to City and emergency service providers via electronic message (e-mail), or telephone. A telephone contact list is located in the "City of Lubbock Utility Excavation Manual". (1983 Code, sec. 24-175; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.034 Registration Required**

All ROW users obtaining a permit under Section 36.09.031 must first register with the City and supply contact information and other requested information before they will be issued a permit. Registration information must be updated with any ROW User changes as they occur. No ROW User shall be authorized to engage in any utility construction activities without first registering and obtaining a permit for the work from the City. (1983 Code, sec. 24-176; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.035 Registration Information**

The information required for registration includes the following:

- (1) Identity and legal status of ROW User and names of all operators of any facilities on or in the ROW;
- (2) Name, address, telephone number, fax number and email address of officer, agent or employee responsible for the accuracy of the registration information;
- (3) Name, address, telephone number, fax number and email address of the local representative of the ROW User who shall be available at all times to act on behalf of the ROW User in the event of an emergency;
- (4) If applicable, certification number issued by the public utility commission;
- (5) General description of services to be provided; and
- (6) Insurance information.

(1983 Code, sec. 24-177; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.036 Permit Application; Fee**

(a) Applications for a construction permit that will affect public ROW shall be made on a form provided by the City of Lubbock and any such applications for construction in the ROW that exceed twenty-five feet (25') in length, or any paving cuts exceeding five feet (5') of length in any direction, shall be accompanied by drawings, plans and specifications in sufficient detail (sample drawing is located in the "City of Lubbock Utility Excavation Manual") to demonstrate:

- (1) That construction will be in accordance with all applicable codes, rules and regulations.

- (2) The location of all above ground facilities to be installed, including poles.
  - (3) The location, depth and other characteristics of all facilities to be installed under the surface of the ground, including lines which are within the public ROW.
  - (4) The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are known by the applicant at the time of application to be within the ROW along the underground route proposed by the applicant.
- (b) The City Engineer or his or her designee may, in his or her discretion, require additional information to determine whether:
- (1) The construction methods to be employed will adequately protect existing structures, fixtures, facilities within or adjacent to the public ROW.
  - (2) A landscape plan for protecting or restoring any areas to be disturbed during construction is necessary.
- (c) All permit applications shall be accompanied by a certification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
- (d) All applications for a ROW construction permit under Section 36.09.031 shall be accompanied by a fee of thirty dollars (\$30.00) and a Barricade Permit Fee of thirty dollars (\$30.00), if applicable. These fees are not required for permit applications under Section 36.09.031 by franchised utilities or by telecommunications providers certificated by the public utility commission for local service exempted from payment of such fees pursuant to Section 283-056, Local Government Code, or their contractors. City departments, or contractors hired by the City to perform construction work in the ROW or on other City property, shall be required to obtain a permit, but shall be exempted from payment of the permit fee.
- (e) The DIG-TESS Tracking Number for locating underground facilities shall be included as part of the permit application.

(1983 Code, sec. 24-178; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.037 Insurance**

- (a) The applicant for permit shall furnish a certificate of insurance for public liability and property damage, issued by a solvent insurance company or companies authorized to do business in this state, or evidence of self-insurance satisfactory to the City evidencing that the City is adequately protected from any liability or damages resulting by virtue of applicant's construction. A current copy of the certificate of insurance shall be on file in the office of the ROW Management

Coordinator in order to process an application for a permit. The public liability and property damage insurance required herein shall have a minimum limit of one hundred thousand dollars (\$100,000.00) property damage per occurrence, three hundred thousand dollars (\$300,000.00) bodily injury per occurrence, and ten thousand dollars (\$10,000.00) for any single occurrence for injury to or destruction of property.

- (b) By acceptance of a permit, the applicant agrees to indemnify and hold harmless the City, its officers, agents, servants, and employees from any and all claims, damages, suits, attorneys' fees, causes of action, and judgments which may result in any manner from the construction or laying of any improvements upon any public street, alley, ROW, or other City owned property in the City.
- (c) By acceptance of a permit, the applicant agrees to, during the period of construction and prior to the acceptance of such improvements by the City, maintain such public street, alley, or ROW in a safe condition and issue all necessary instructions and take all precautions as may be reasonably required to maintain such public streets, alleys, or other City owned properties in a safe condition for all public use.
- (d) Permits for utility work performed by City crews within the public ROW or on public property shall not require insurance.

(1983 Code, sec. 24-179; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.038 Issuance**

- (a) The City Engineer shall issue a permit under this Section within five (5) business days of the submittal of the application when the following conditions are met:
  - (1) The plans for the proposed construction are in conformity with the standards and specifications of the City for such work, and the applicant has paid such fees required by Section 36.09.036.
  - (2) The applicant has submitted a duly executed application, containing all of the information and data called for by Section 36.09.036, including the proposal by the applicant, as part of such application, to indemnify the City against all loss, damages and liability as provided in Subsection (b) of Section 36.09.037, and to maintain the streets or alleys in safe condition and to issue instructions and take the precautions for public safety as provided in Subsection (c) of Section 36.09.037.
  - (3) That the certificates of public liability and property damage insurance have been furnished to the City Engineer for permits issued under Section 36.09.031 all in accordance with the provisions of Section 36.09.037.

- (4) The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means and access to and from the property affected and adjacent properties.
  - (5) That the health, welfare, and safety of the public will not be unreasonably impaired.
- (b) The city engineer may require more time than five (5) days to issue the permit for major utility projects in the ROW. A major project is installation or replacement of a utility facility greater than one (1) mile in length. Meetings to review the project may be required between the permit applicant and the City Engineer or his or her designee for major projects.

(1983 Code, sec. 24-180; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.039 Construction Schedule**

The permit holder shall submit a written construction schedule, if required by the permit, to the City Engineer or his or her designee two (2) business days before commencing any work in or about the public ROW. (1983 Code, sec. 24-181; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.040 Notice to Affected Property Owners and Emergency Responders**

- (a) The ROW User, or their agent, shall notify property owners of intended work if the work may impact the owner's ability to access their property, or impact their normal daily activities, such as accessing their solid waste dumpster to dispose of household trash.
- (b) If the work will impact several owners, such as a full city block, the ROW User, or their agent, shall place door hangers, or other notification techniques, along the affected area that will furnish information on work to be done, such as: type of work; expected schedule; and permit holder company contact information, including daytime and emergency contact names and numbers. Such notification shall be done at least two (2) calendar days prior to commencing the permitted work and record of such notifications shall be retained by the permit holder.
- (c) Should damage occur to a utility line, abutting private property, or damage occur to utility service to the private property, the ROW User will contact the affected utility company and the property owner immediately and coordinate the repairs to the property or service with the utility and the property owner.

- (d) The ROW User, or their agent, shall contact emergency response agencies, such as police, fire and ambulance service prior to commencement of any work that may impact access to a street or alley. Emergency response agencies shall be notified by the permit holder if a residential or commercial street is to be closed for any length of time, or one lane or more of a collector or thoroughfare street is to be closed for any length of time, or if an alley is to be blocked for more than twenty-four (24) hours. Service agencies that may be impacted, such as solid waste collection, shall be contacted, and alternate service coordinated, prior to the beginning of work and during any work delayed beyond the anticipated completion date that may impact these services. Contact telephone numbers can be located in the “City of Lubbock Utility Excavation Manual”.
- (e) The ROW User shall notify owners of properties that generate high traffic volumes, such as schools, hospitals, or commercial businesses, of work being done in the public streets adjacent to their properties.

(1983 Code, sec. 24-182; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.041 Compliance with Permit**

All construction activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City Engineer and his or her representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements. (1983 Code, sec. 24-183; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.042 Display of Permit**

The ROW User shall maintain a copy of the ROW construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the City Engineer or his or her representatives at all times when construction work is occurring. Contact information for the ROW User, and a copy of the permit, shall be posted at the job site (see “City of Lubbock Utility Excavation Manual”. (1983 Code, sec. 24-184; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.043 Survey of Underground and Above Ground Utilities**

- (a) Upon completion of any utility installation, the ROW User shall submit the location of the beginning and ending points of their facilities constructed with the permit. Alternatives for the ROW User to determine the location of the facilities can be found in the “City of Lubbock Utility Excavation Manual”.

- (b) Depending upon the complexity, or other factors, involved with a project, the City Engineer may require the ROW User to provide written verification specifying the location of proposed and existing facilities by depth, line, grade, and proximity to other facilities. The verification of the location of the facilities may require better than sub-meter accuracy which could require the ROW User to utilize a registered surveyor, if determined and directed by the City Engineer. (1983 Code, sec. 24-185; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.044 Noncomplying Work**

Upon order of the City Engineer or his or her designee, all work that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this Article, shall be removed or properly relocated. (1983 Code, sec. 24-186; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.045 Completion of Construction**

The ROW User shall promptly complete all construction activities so as to minimize disruption of the public ROW and other public and private property. All construction work authorized by a permit within the public ROW, including restoration, must be completed within one hundred twenty (120) calendar days of issuance, or by such other date as may be agreed upon by the City Engineer and his or her designee. (1983 Code, sec. 24-187; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.046 Utility Construction As-Built Drawings**

- (a) Within thirty (30) calendar days after completion of construction, the ROW User shall furnish the City Engineer with a complete set of as-built drawings, on any projects exceeding twenty-five feet (25') in length, certifying that they accurately depict the location of all utility facilities constructed pursuant to the permit. The as-built drawings shall contain the beginning and ending points of the permitted facilities constructed, in accordance with Section 36.09.043.
- (b) Developers of new subdivisions shall submit as-built drawings of utilities within their development as part of their as-built submittals for the subdivision paving improvements.

(1983 Code, sec. 24-188; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.047 Restoration of Right-Of-Way Improvements**

- (a) Upon completion of any construction work, the ROW User shall promptly repair or restore any and all public street ROW, including any and all public and private fixtures, structures and facilities located therein, to as good as or better a condition as before the start of construction. Unpaved portions of alley ROW shall be leveled, filled, bladed and worked in such a manner as to leave the alley in a safe and usable condition. Complete preconstruction photographs or videos of the work site are required of all ROW Users and shall be submitted to the City Engineer upon request.
- (b) Persons placing physical obstructions such as landscaping objects, irrigation systems and fences within the ROW without legal authorization shall bear the risk of damage to such obstructions due to utility construction work. However, the ROW User is responsible for exerting a “good faith” effort to avoid damages to any private facilities. The ROW User will be responsible for repairing or replacing any damaged facilities if negligence during construction is determined. The ROW User shall notify the City Engineer prior to disturbing, damaging, or destroying any privately owned facilities within the street or alley ROW.

(1983 Code, sec. 24-189; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.048 Restoration of Trees, Shrubs and Other Vegetation**

- (a) All landscaping trees, shrubs and other vegetation damaged or disturbed within the street ROW as a result of the construction, installation, maintenance, repair or replacement of utility facilities in the street ROW shall be replaced or restored as nearly as may be practicable, to at least as good a condition as prior to performance of work by the ROW User. Trees in the street ROW may be replaced with trees of similar size and the same or similar species up to four inches (4”) in caliper. Trees larger than four inches (4”) in caliper shall be replaced with trees of the same or similar species with a caliper of no less than three inches (3”) and no more than four inches (4”).
- (b) All restoration work within the public ROW shall be done in accordance with landscape plans approved by the City Engineer or his or her designee, if such landscape plan is required by Section 36.09.036(b)(2) of this Article.
- (c) Pruning or trimming of trees or shrubs by the City, a ROW User or a utility deemed necessary due to any imminent threat to public safety or that may potentially damage overhead utility lines does not require a permit under this Article.

(1983 Code, sec. 24-190; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.049 Responsibility of ROW User**

The ROW User or a contractor hired by the ROW User shall be responsible for performance of and compliance with all provisions of this Article. (1983 Code, sec. 24-191; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.050 Conformance with Master Thoroughfare Plan**

A ROW User shall consult the City's master thoroughfare plan ("MTP") prior to the acquisition of any interest in real property in the City for the installation or relocation of utility service lines or other utility equipment or facilities along or adjacent to any street, ROW, thoroughfare, highway, or any proposed street, ROW, highway or thoroughfare to attempt to minimize any future conflict regarding the location of such facilities. All ROW Users are charged at all times with constructive notice of the MTP. The City shall have no liability for the value of or loss by a ROW User for any improvements constructed in the area shown in the MTP subsequent to the effective date of this Article. All ROW Users placing utility equipment or facilities that conflict with the MTP at the time of permit issuance shall be responsible for moving such equipment or facilities without cost to the City. (1983 Code, sec. 24-192; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.051 Rights of Utility in Event of Closure or Abandonment of Right-Of-Way**

In the event the City closes, vacates, abandons or conveys any ROW containing facilities of a ROW User, any such closure, vacation, abandonment or conveyance of land shall be subject to the rights of the ROW User. (1983 Code, sec. 24-193; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.052 Denial of Permit**

A permit may be denied for any of the following reasons:

- (1) Failure to provide proof of liability insurance acceptable to the City.
- (2) Failure to secure any required license for work of the nature required.
- (3) Failure to perform in accordance with the requirements of these provisions and to correct any deficiencies after notice.
- (4) The excavation would be in a new street and not otherwise permitted by this Article.
- (5) The proposed warning or other traffic-control procedures or equipment do not comply with the requirements of the TMUTCD or the requirements of the City Engineer.

- (6) The proposed activity would violate a city ordinance or state or federal statute.
- (7) The permit application contains false or misleading information.
- (8) The activity would cause a public health or safety hazard.
- (9) The ROW User is not authorized to do business within the City.
- (10) The ROW User is in violation of this Article relative to work in progress.

(1983 Code, sec. 24-194; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.053 Revocation or Suspension of Permit**

- (a) The City reserves its right, as provided herein, to revoke or suspend any permits, without refund of the permit fee, in the event of a breach by the ROW User of the terms and/or conditions of the permit or of this Chapter or any city ordinance. A breach of the terms of the permit shall include, but not be limited to, the following:
  - (1) The violation of any provision of the permit;
  - (2) An evasion or attempt to evade any provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
  - (3) Any material misrepresentation of any fact in the permit application;
  - (4) The failure to meet insurance or indemnification requirements;
  - (5) The failure to complete the work in a timely manner;
  - (6) The failure to correct a condition indicated on an order issued pursuant to this Article;
  - (7) Repeated traffic-control violations;
  - (8) Failure to repair facilities damaged in the ROW; or
  - (9) Violation of any provision of this Article.

- (b) If the City Engineer or his or her designee determines that the ROW User has committed a breach of any law or condition of the ROW construction permit, the City Engineer shall first make a written demand upon the ROW User to remedy such violation. The City Engineer may provide specifications to cure the breach. Continued violation may be cause for suspension or revocation of the permit, civil legal action, or both. The City Engineer may suspend the permit upon failure to correct the breach. Within five (5) business days of receiving notification of the breach, the ROW User shall contact the City Engineer with a plan, acceptable to the City Engineer, for correction of the breach. The ROW User's failure to provide a plan or the ROW User's failure to implement the approved plan within the time stated in the written demand for remedy shall be cause for revocation of the permit.
- (c) The City Engineer or his or her designee may immediately suspend a permit and issue an immediate stop work order if there is an imminent and immediate threat to the health, safety and welfare of the public in his or her opinion. In the event the stop work order is not obeyed, the failure to immediately stop work shall be deemed a criminal violation of this Article and the permit may be revoked. In addition, civil legal action for trespass, injunction and damages may result.

(1983 Code, sec. 24-195; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.054 Appeal of Permit Denial or Revocation**

A ROW User or other applicant that has been denied a permit or a ROW User that has had a permit revoked may appeal the denial or revocation upon written request as follows:

- (1) Appellant shall provide, within five (5) business days of denial or revocation, a written notice of appeal filed with the City Engineer. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The City Engineer shall provide a written decision within five (5) business days of receipt of the appeal. Failure to render a decision within five (5) business days shall constitute a denial.
- (2) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal with the Chief Operations Officer within five (5) business days. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The Chief Operations Officer shall provide a written decision within the ten (10) business days. Failure to render a decision within ten (10) business days shall constitute a denial.

- (3) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal to the Permit License and Appeal Board of the City of Lubbock with the City Secretary within five (5) business days of receipt of the Chief Operations Officer's written decision. The City secretary shall notify the Chief Operations Officer and the appellant of the time and place of hearing of the appeal by the permit and license appeal board of the City of Lubbock.

(1983 Code, sec. 24-196; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.055 Utility Emergency Excavations**

- (a) Nothing in this article shall be construed to prevent any ROW User from maintaining any pipe, conduit, or duct in or under any street, or ROW by virtue of any law, ordinance or permit, from making an emergency excavation as may be necessary for compliance with law or in response to a situation endangering life, health and safety, or property, or in a situation in which the public need to reestablish interrupted service compels immediate action. The excavator is required to notify the City Engineer, with submittal of the permit application information, the next business day following an emergency excavation within the public ROW. Except as specifically provided otherwise in this Section, excavations authorized by this Section shall be subject to all requirements of this Article.
- (b) If a ROW User in the course of an excavation cuts or damages another ROW User's facilities, the damaged ROW User may perform the work necessary to repair their facility without obtaining a permit. The original ROW User for the excavation is the responsible party for ensuring that the backfilling and paving repairs meet the requirements of this Article.

(1983 Code, sec. 24-197; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.056 Reporting**

When the work under any permit hereunder is completed, the ROW User shall notify the City Engineer, within three (3) business days, of such completion.

(1983 Code, sec. 24-198; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.057 Work Done Without Permit**

No cut, excavation, grading or disturbing of the ROW in any way shall be made other than excavations necessary for emergency work without first securing a permit. No ROW User shall at any time open or encumber more of the ROW than shall be reasonably necessary to complete a project in the most expeditious manner. (1983 Code, sec. 24-199; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Secs. 36.09.058–36.09.090 Reserved**

**Division 3. Standards for Excavation, Backfill and Paving Repairs**

**Sec. 36.09.091 Excavation Under Supervision of City Engineer**

- (a) Any ROW User engaged in making or backfilling any excavation in any ROW shall at all times while such work is in progress keep at the job location the permit, or a copy thereof, and shall, on demand, exhibit the permit to the City Engineer or his or her designee. At all times while the work is in progress the ROW User shall also maintain at the job location, a sign, barricade, or other device bearing the ROW User's name.
- (b) All excavations and other construction in the ROW, streets and alleys shall be conducted so as to interfere as little as practicable with the use of ROW and with the use of private property, in accordance with any lawful and reasonable direction given by or under the authority of the governing body of the City under the policy and regulatory powers of the City necessary to provide for public convenience. Trenching of streets and alleys shall be perpendicular to the ROW, and not angled, without the approval of the City Engineer. The ROW User shall reasonably protect and prevent any damage to utility facilities, sewer facilities, water facilities, lawns, shrubbery, trees, fences, structures, or other property encountered in his work. The ROW User shall not trespass upon private property. The ROW Users shall determine the boundary between public ROW and private property.
- (c) All transmission and distribution structures, lines, equipment and facilities erected by a ROW User within the City shall be so located as to cause minimum interference with the proper use of the public ROW, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets.
- (d) The City reserves the right to lay, and allow to be laid, electricity, sewer, gas, water and other pipelines or cables and facilities, as well as drainage pipes and channels and streets and to perform, and allow to be performed, any underground and overhead installation or improvement that may be deemed necessary or proper by the governing body of the City, in, across, along, over or under any ROW or public place occupied by a ROW User and to change any curb or sidewalk or the grade of any street and to maintain all of the City's facilities. In allowing such work to be performed by others, the City shall not be liable to a ROW User for any damage caused by those persons or entities. Nothing herein shall relieve any third party from responsibility for damages caused to a ROW User by such third party.

- (e) If the City requires a ROW User to adapt or conform its facilities, or in any way or manner to alter, relocate or change its property to enable any other corporation or person, except the City, to use, or to use with greater convenience, any ROW or public place, the ROW User shall not be required to make any such changes until such other corporation or person shall have undertaken, with solvent bond or cash payment, to reimburse a ROW User for any loss and expense which will be caused by or arise out of such removal, change, adaptation, alteration, conformance or relocation of a ROW User's facilities; provided, however, that the City shall never be liable for such reimbursement.

(1983 Code, sec. 24-200; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.092 Field Utility Coordination**

- (a) The permit holder, utility or ROW User shall notify the City Engineer or his/her designee at each of the following times during a project:
  - (1) Two (2) business days before the start of construction;
  - (2) Two (2) hours before beginning the initial backfill;
  - (3) Two (2) hours before beginning the paving of the street or alley; and
  - (4) Upon completion of the project.
- (b) The ROW User shall mark the site of the proposed excavation with white lining and/or flags prior to making a request for locates and actual excavation.
- (c) The ROW User shall make a request for a utility locate not more than fourteen (14) days and not less than forty eight (48) hours prior to the commencement of the proposed excavation. Such request shall be made to the state one-call center. Such requests shall be made by telephone or facsimile and shall include the date, location, extent and reason for such proposed excavation.
- (d) The use of markers, stakes, poles, barricades or other devices shall be used in such a way to avoid damage to adjoining property. The use of "nonpermanent" or "biodegradable" markers is required.
- (e) The ROW User shall mark the proposed excavation site with paint and/or flags in colors established by the one-call system. The markings shall be placed a distance of not less than five feet (5') in all directions from the outside boundary of the site to be excavated.

- (f) All excavations shall commence within fourteen (14) day of the date of the utility locate. In the event that the excavator fails to commence work within fourteen (14) days or the utility locate marks are not visible at the time the excavation is scheduled to commence, the ROW User is required to request a new utility locate.
- (g) Compliance with the Texas Utilities Code is required at all times.
- (h) All barricades, plates, cones, traffic directional equipment, and all other traffic-control devices owned by the ROW User and used on or near any excavation shall be clearly and visibly marked with the name of the ROW User, as applicable, at all times such equipment is used on or near the ROW. An exception to the marking requirement may be made in the event the traffic-control equipment is not owned by the ROW User.
- (i) If work is being performed that will block any lanes of traffic in a street or deny access to an alley or driveway and the work site will be left unattended, the ROW User shall place a sign at each end of the work site with the name and contact information of the ROW User performing the work. Such signs may be placed on barricades or freestanding.

(1983 Code, sec. 24-201; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.093 Excavation Details; Backfill; Compaction; Pavement Restoration**

- (a) Details related to trench excavation, backfill, compaction and pavement restoration are described in Plates located within the “City of Lubbock Utility Excavation Manual”.
- (b) Water jetting or flooding is not an acceptable method of backfilling trenches.

(1983 Code, sec. 24-202; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.094 Standard Location of Utilities in Alleys**

- (a) The standard location for municipally owned utilities, public utilities, and telecommunications are shown on a Plate located within the “City of Lubbock Utility Excavation Manual”.
- (b) Shared trenches are encouraged for utilities in new subdivisions which would result in utilities not occupying their standard, designated location as stated in (a) above. The Developer shall be required to submit plans of the utility locations in new subdivisions in accordance with Section 36.09.031(b).

(1983 Code, sec. 24-203; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.095 Supervision by City of Location of Poles and Conduits; Required Underground Utilities**

- (a) All poles in the ROW shall be of sound material and straight, and all other utility facilities, either along the ground surface or above ground, such as manholes, valve boxes, vault covers, risers, boxes, etc., shall not interfere with the flow of water in any gutter or drain, and shall be placed so as not to unduly interfere with either vehicular or pedestrian travel.
- (b) Any aboveground utility facility shall be placed in a manner that will be compliant with the Americans with Disabilities Act (ADA) in order to maintain the required clear width for pedestrians with disabilities. Should a utility facility encroach into an existing sidewalk, additional sidewalk construction shall be required if necessary to maintain clear width for an ADA accessible route. Aboveground facilities shall also be located so they will not violate the City's ROW visibility requirements.
- (c) The location and route of all conduits, fiber, cables, utilities and facilities placed and constructed within the City's ROW by a ROW User in the construction and maintenance of its system within the City of Lubbock shall be subject to the reasonable and proper control, direction and approval of the City.
- (d) The following requirements shall be the standard for determining the location of overhead and underground utility installation in new developments, new subdivisions, existing developments, and parks:
  - (1) Residential
    - (A) New Subdivisions – All utilities in new residential subdivisions shall be underground except for feeder or transmission lines on section or half section lines.
    - (B) Existing Overhead Service – Residential lots adjacent to an alley which contains an overhead line, may have the option of overhead or underground service lines.
    - (C) Parks – Even if crossed by section or half section lines, new utility feeders or transmission lines shall be underground or re-routed.
  - (2) Commercial
    - (A) Adjacent to section and half section lines – Utility lines may be overhead adjacent to the tract, but underground on the development lot.

- (B) In alleys common to residential and commercial property on section or half section lines – Service lines to commercial and residential properties shall be underground. Feeder or transmission lines may be overhead.
- (C) Commercial tracts not on section or half section lines –
  - (i) Non Planned Unit Development or Specific Use zoning classification – Established by the Planning and Zoning Commission at the time of zoning and platting the property
  - (ii) Planned Unit Development or Specific Use zoning classification – Utilities shall be underground. If three (3) phase service is required, it shall be the developer’s responsibility to coordinate the service with the utility company.
- (3) Industrial
  - (A) New subdivisions – Feeder lines, on other than section or half section lines, may be placed overhead if they crisscross the interior of the industrial subdivision in easements or alleys, if individual service lines are placed underground.
  - (B) Existing overhead service – Lots adjacent to an alley or easement that already contain overhead lines and service may have the option of overhead or underground service.
- (4) Loop 289, IH-27, or other state or federal highways – The City of Lubbock has no jurisdiction over utilities within the ROW of the state or federal highway system.
- (5) Appeal of underground utility requirements – A utility may appeal the requirement for underground utilities to the Planning and Zoning Commission of the City of Lubbock. The ruling of the Planning and Zoning Commission may be appealed to the City Council. The ruling of the City Council shall be final.

(1983 Code, sec. 24-204; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.096 Backfill of Excavated Area**

- (a) Open trenches may be temporarily backfilled for the convenience of the ROW User or the public safety. At least two (2) hours prior to beginning permanent backfill operations, the ROW User shall notify the City Engineer of the time the backfill will begin. Permanent backfilling operations shall be performed during normal City of Lubbock business hours, unless otherwise approved by the City Engineer.
- (b) All excess water and mud shall be removed from the trench prior to backfilling. Any backfill placed during a rainy period or at any other times, where water cannot be prevented from entering the trench, will be considered temporary and shall be removed as soon as weather permits. All disturbed base material or any base that has been undermined shall be removed and discarded.
- (c) Details related to backfill and compaction requirements are located within the “City of Lubbock Utility Excavation Manual”.

(1983 Code, sec. 24-205; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.097 Restoration of Pavement**

- (a) Unless otherwise specified in the permit, restoration of the asphalt or concrete pavement of any street, alley, ROW or other public place shall be performed by the ROW User or by the City Street Maintenance Department, upon request by the ROW User. Nothing in this Section shall relieve the ROW User from the responsibility to maintain the excavation or installation in a safe condition until it is repaved by the City or otherwise restored. If the ROW User making the excavation requests repaving by the City, the ROW User shall pay for repaving at a rate to be established by the City.
- (b) No trench shall be opened in any street for the purpose of laying pipes, conduits or ducts more than four hundred feet (400’) in advance of the pipe, conduit or ducts being placed in the trench, other than with the prior written consent of the City Engineer, with the exception of utility installation in new subdivisions in the process of being platted.
- (c) All excavations shall comply with the standards and requirements established from time to time by the City Engineer for compaction, backfill and pavement restoration.
- (d) Any excavated pavement, debris and other rubble shall be removed, together with any surplus material, during the same business day from the time such material is placed upon the street. After backfilling is completed, and prior to repaving the cut, the ROW User shall remove all loose paving material and saw cut the edges of the excavation at the street surface to the satisfaction of the City Engineer.

- (e) Whenever any caving occurs in the sidewalls of any excavation, the pavements above such caving shall be cut away, trench backfilled and pavement restored. In no case shall any side or lateral tamping fill any void under a pavement.
- (f) All materials and construction practices shall be in conformance with the “City of Lubbock Public Works Engineering Design Standards and Specifications”.
- (g) Any paving failures, including surface, base, or subgrade failures that occurred due to the ROW User’s work in the street shall be repaired by the ROW User, regardless of whether the damage is caused by equipment, construction methods, detour of traffic or any other reason.

(1983 Code, sec. 24-206; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.098 Cleanup of Right-Of-Way**

In every case and at all times, the work of removing from the ROW all obstructions, surplus materials, debris and waste matter of every description caused by and accumulated from the excavation shall be the responsibility of the ROW User. Streets shall be cleaned by use of a street sweeper or other acceptable means. The ROW User shall clean the surrounding area, as outlined above, within one (1) business day upon completion and approval of all trench work and pavement restoration unless the City Engineer, sufficient reason therefore having been given to his satisfaction, grants an extension of time. Any paint markings, flags, or other devices shall be removed by the ROW User upon completion of the permitted work. (1983 Code, sec. 24-207; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.099 Substandard Repair of Pavement or Right-Of-Way Due to Utility Work**

In case the pavement or the surface of the street, alley, or ROW in, over or near any excavation should become depressed, cracked, or broken any time or fails in any way at any time after the excavation has been made and during the remaining life of the street, the ROW User who performed the excavation shall be required to repair such defective work commencing within fifteen (15) business days after receipt of notification from the City to bring the work into compliance with applicable obligations of this Article. Failure to complete the repair within a reasonable time after notification may result in the ROW User being required to reimburse the City for the cost to restore the street, ROW or alley. “Life of the street” is defined as until such time as the street is reconstructed or the Pavement Condition Index (PCI) of the street has a value of less than fifty (50). (1983 Code, sec. 24-208; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.100 Inspection**

The ROW User shall make the work site accessible to the City, and others as authorized by law, for inspection at all reasonable times during performance of the work. (1983 Code, sec. 24-209; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.101 Materials Testing**

The City Engineer or his or her designee may require testing of materials used in construction in or near the ROW to determine conformance to required specifications, including, but not limited to, compaction tests on backfill materials, subgrade, concrete, asphaltic concrete and other construction materials as may be deemed necessary. (1983 Code, sec. 24-210; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

### **Sec. 36.09.102 Utility Excavation in ROW Restored to Good Condition**

- (a) The ROW User shall complete pavement restoration of the excavated area within five (5) business days on thoroughfare streets, collector streets, industrial streets, residential streets and alleys after final backfill is completed and accepted by the City Engineer. The ROW User shall conduct the work with a minimum disturbance to existing utilities and shall coordinate all work in or near the existing utilities with the utility owners. The ROW User shall not cover meters or risers of other utilities with their backfill, or other materials used for final cleanup of their work site.
- (b) Excavation in new streets. There shall be no excavation in new streets (less than five (5) years of age) without the prior approval of the City Engineer. Any request for a permit to excavate a new street shall include a description of the proposed work and proposed restoration of the area, as well as a statement as to why alternate procedures cannot or should not be used in lieu of excavating a new street. However, prior approval will not be required for excavations of up to fifty (50) linear feet for utility tie-ins needed from an existing subdivision to a new subdivision during development.
- (c) Excavation of streets in good condition. A ROW User shall perform jacking and boring operations in a manner that does not weaken or impair the ROW upon completion of restoration of the excavation.
  - (1) Excavation in all streets in good condition regardless of age shall not occur without a permit and prior approval of the City Engineer. Streets assigned to a Pavement Condition Index (PCI) of eighty five (85) or above by the pavement management system are deemed to be in good condition and are subject to the same review procedures as excavation of new streets. The PCI can be obtained from the City's Pavement Management Office of the Street Maintenance Department.

- (2) Restoration of the excavated area of streets in good condition shall be in accordance with this Article.
- (3) If excavation of an asphalt street in good condition is approved, and twenty five percent (25%) or more of the asphalt street surface (fifty percent (50%) or more of a designated thoroughfare street) is disturbed, a complete block to block, curb to curb pavement repair, including removal and replacement of the complete pavement surface, will be required. An alternative surface treatment may be submitted for consideration by the City Engineer.
- (d) Excavation in Portland Cement Concrete (PCC) pavement surface. If the existing pavement is PCC, the concrete shall be cut first with a saw to a minimum depth of half the thickness of the concrete which shall also cut the reinforcing steel. The concrete can then be broken out with an air chisel or pavement breaker. No more than six inches (6") of PCC shall be broken back beneath the saw cut.
- (e) Responsibility for excavated area maintenance. A ROW User shall maintain their repairs in the ROW for the life of the street as defined in this Article.

(1983 Code, sec. 24-211; Ordinance 2007-00122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.103 Jacking and Boring**

- (a) Where utilities are to be installed under a roadway by jacking or boring, the operation is to be inspected by the City. The ROW User shall notify the City at least one (1) hour prior to beginning any bore operations. Boring operations may begin one (1) hour after notifications if the inspector has not arrived.
- (b) Jack and bore operations shall be perpendicular to the street. Angled jack and bore operations shall not be allowed without approval of the City Engineer.
- (c) Construction operations will be conducted in such a manner that they will not weaken, impair or damage the existing roadway or infrastructure. The ROW User is responsible for determining the vertical and horizontal location of any facilities with the jacking and boring operation. Care shall be taken not to damage other utilities.
- (d) The location of the bore pits shall be sufficient distance from the roadway to prevent undermining the curb and gutter or shoulder. The City shall approve the location of the bore pit. Bore pits shall be excavated to a depth sufficient to maintain a minimum depth of thirty-six inches (36") from the surface to the top of the bore. Water jetting types of boring equipment will not be permitted.
- (e) The pits or trenches excavated to accomplish this operation shall be backfilled immediately after the work is completed. The backfill shall be compacted to the density required with the details in the "Utility Excavation Manual".

**Secs. 36.09.104–36.09.130 Reserved**

**Division 4. Barricades**

**Sec. 36.09.131 Submission of Plan**

- (a) Before the issuance of a ROW construction permit, or any other permit involving the placement of barricades, the ROW User or other person who shall undertake to perform any work upon, in, under, above, or about any street, alley, curb, gutter, sidewalk, or any public ROW or for any other reason desires to place barricades on ROW within the City, may be required to furnish the City Traffic Engineer with a scale “barricade plan” or sketch, in accordance with (c) below, showing the work area, the space within the ROW required for the work, and a proposed plan, referred to in this section as a “barricade plan” for the use of barricades, signals, signs, flags, flares, and other traffic-control and safety devices about the work area.
- (b) The barricade plan, if required, shall conform to the requirements set forth in the barricade manual adopted below, and such plan shall be deemed a part of said permit.
- (c) Approval of a “barricade plan” by the City Traffic Engineer shall be required when:
  - (1) a street is completely closed to traffic;
  - (2) a lane of a thoroughfare designated street is blocked from traffic;
  - (3) a through lane of any other designated street is blocked from traffic; or
  - (4) a parking lane is blocked between the hours of 7 pm and 7 am.
- (d) A “barricade plan” shall not be required when a designated parking lane (twelve feet (12’) or less from the street curb) will not be blocked overnight between the hours of 7 pm and 7 am. The ROW User shall remain responsible to conform with the requirements of the TMUTCD for the proper use of any traffic control devices in the public ROW, regardless of the requirement for approval of a “barricade plan”.
- (e) This Section shall not apply to the utility companies or the City when either are engaged in work involving overhead signals, communications, and/or electric circuits; provided that said utility companies or City shall establish and maintain adequate warning devices when engaging in work involving overhead signals, communications, and/or electric circuits.
- (f) A barricade plan is not required to be submitted to the City Traffic Engineer for work in the ROW being performed by City crews, or a contractor performing work for the City on a City contract.

- (g) If a street or alley is barricaded, a posting of the utility or contractor information, along with a copy of the permit, shall be attached to the barricade as described in the “City of Lubbock Utility Excavation Manual”.

(1983 Code, sec. 24-212; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.132 Adoption of Manual**

The “Texas Manual on Uniform Traffic Control Devices for Streets and Highways,” as prepared by the Texas Department of Transportation (TXDOT), and all later revisions thereto, shall be the official barricade manual for the City. (1983 Code, sec. 24-213; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.133 Additional Requirements**

The City may require that the work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from any excavation be located other than adjacent to the work area where feasible, and that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirement shall be deemed necessary in the interest of safety and to avoid traffic congestion. (1983 Code, sec. 24-214; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)

**Sec. 36.09.134 Continuing Validity of Permit**

Prior to or upon institution of or during the proceeding of or prior to completion of any work for which a permit is required hereunder, as an express condition precedent to the continuing validity of said permit, all specifications of the barricade plan and all regulations set forth in the barricade manual in connection therewith including, but not restricted to, proper maintenance of barricades, signals, signs or other traffic-control or safety devices, must be complied with, carried out and conformed to in their entirety. Failure to do so will render said permit null and void and of no further force or effect as if no permit had ever been issued or granted. (1983 Code, sec. 24-215; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007)