RESOLUTION NO. 97-537
ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF SEP 23 1997

A RESOLUTION ESTABLISHING
TRENCH CUT COST RECOVERY FEES

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

WHEREAS, studies performed on streets in the cities of Burlington, Cincinnati, Los Angeles, Oxnard, Phoenix, and San Francisco, and on file in the Office of the Director of Public Works, all have concluded that excavations in paved streets degrade and shorten the life of the surface of the streets, and

WHEREAS, the studies performed on streets in the cities of Los Angeles and San Francisco concluded that this degradation occurs no matter how well the excavation is restored; and

WHEREAS, in order to determine the extent to which the pavement degradation found by studies in other cities occurs in the City of Sacramento, the City retained CHEC Engineering Consultants, Inc. ("CHEC") to determine the effect of excavations on the surface of streets in the City of Sacramento; and

WHEREAS, the study performed by CHEC, dated October 16, 1996, and on file in the Office of the Director of Public Works, determined on the basis of pavement deflection testing and asphalt concrete (AC) coring conducted on a representative sampling of City streets, that even if pavement restoration in the trench itself is structurally adequate, excavations damage the strength and life of the pavement located adjacent to the trench where the excavation occurs; and

WHEREAS, the study performed by CHEC determined that for longitudinal excavations (excavations parallel to the direction of travel) in City streets, it would be necessary to resurface the street, on average, with a 1.5 inch layer of additional AC to mitigate the damage that the excavations cause to the street surface, and that the approximate cost of such resurfacing ranges from $3.00 to $6.00 per linear foot of trench excavated, depending on the location of the trench in the street, and
WHEREAS, the study performed by CHEC determined that, on average, for transverse excavations (excavations transverse to the direction of travel) in City streets, the approximate cost of performing repairs necessary to mitigate the damage that the excavations cause to the street surface would be at least $13.94 per square foot of trench excavated, which equates to a cost of $27.38 per linear foot for a two (2) foot trench width; and

WHEREAS, on 9/23/97, the City Council enacted Ordinance No. 97-060 finding that the entity making and benefiting from an excavation in City streets should be required to pay the City a trench cut cost recovery fee that recovers the cost of mitigating the damage caused to the street surface by the excavation; and

WHEREAS, City Code section 38.03.027(c), as amended by said Ordinance, requires that the trench cut cost recovery fee be paid when a permit is issued for excavation of a paved street, and provides that the amount of the trench cut cost recovery fee shall be established by resolution of the City Council; and

WHEREAS, said Ordinance also finds and declares that because excavations cause the greatest damage to newly surfaced streets, and to provide an incentive to avoid excavations in newly surfaced streets wherever feasible, the trench cut cost recovery fee should be highest for excavations in newly surfaced streets, and should decrease as the age of the street surface being excavated increases; and

WHEREAS, the City Council has reviewed the studies performed on streets in the cities of Burlington, Cincinnati, Los Angeles, Oxnard, Phoenix, and San Francisco concluding that excavations in paved streets degrade and shorten the life of the surface of the streets, and the City Council has reviewed the study performed by CHEC, describing the damage and degradation caused to the pavement located adjacent to trenches excavated in paved City streets and calculating the estimated costs for all future maintenance, repair or resurfacing that would be necessary to fully mitigate this pavement damage and degradation; and

WHEREAS, the City Council has considered the testimony and other information presented to the City Council regarding the basis for and the amount of the trench cut costs recovery fee.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

I. The City Council finds, based on the study performed by CHEC, that the estimated cost for all future maintenance, repair or resurfacing that would be necessary to fully mitigate the damage and degradation that longitudinal street excavations cause to the pavement located adjacent to the excavated trench is at least $3.50 per linear foot of trench excavated.
2. The City Council finds, based on the study performed by CHEC, that the estimated cost for all future maintenance, repair or resurfacing that would be necessary to fully mitigate the damage and degradation that transverse street excavations cause to the pavement located adjacent to the excavated trench is at least $7.00 per linear foot of trench excavated.

3. The trench cut cost recovery fee authorized by Section 38.03.027(c) of the Sacramento City Code, as amended by Ordinance No. 97-06 shall be in the amounts set forth in the attached Exhibit A, which is attached hereto and incorporated by this reference herein.

4. In determining the amount of the trench cut cost recovery fee due for an excavation, the calculation of the length of the excavation and the determination of the age of the streets shall be made in accordance with the provisions of Exhibit A.

5. The fees herein established do not exceed the estimated reasonable costs of providing the maintenance, repair or resurfacing services that would be necessary to fully mitigate the damage and degradation that excavations cause to the pavement located adjacent to the excavated trench, and such fees are established in order to compensate and reimburse the City for the estimated reasonable costs of providing such services.

6. This resolution shall become effective on January 1, 1998.

Joe Serna, Jr. 
MAYOR

ATTEST:

Valerie A. Burrowes 
CITY CLERK
EXHIBIT A

EXCAVATION COST RECOVERY FEES

A. Longitudinal Excavations in City Streets:

<table>
<thead>
<tr>
<th>Age of Street Pavement</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 years</td>
<td>$3.50/linear foot of excavation</td>
</tr>
<tr>
<td>Between 5 and 10 years</td>
<td>$3.00/linear foot</td>
</tr>
<tr>
<td>Between 10 and 15 years</td>
<td>$2.00/linear foot</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>$1.00/linear foot</td>
</tr>
</tbody>
</table>

B. Transverse Excavations in City Streets:

<table>
<thead>
<tr>
<th>Age of Street Pavement</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 years</td>
<td>$7.00/linear foot</td>
</tr>
<tr>
<td>Between 5 and 10 years</td>
<td>$6.00/linear foot</td>
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<tr>
<td>Between 10 and 15 years</td>
<td>$4.00/linear foot</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>$2.00/linear foot</td>
</tr>
</tbody>
</table>

2. FEE CALCULATION

A. Age of Street Pavement:

The age of the street pavement where excavation occurs shall be the period of time since the street surface was resurfaced, overlaid or reconstructed, measured from the fiscal year in which such work was completed to the fiscal year when a permit is issued for the excavation.

B. Length of Excavation:

The fee for longitudinal and transverse excavations in City streets shall be calculated based on the length of the excavation in linear feet.