

AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 138, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III, “CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY”, AT SECTION 138-69 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PAVEMENT DEGRADATION RECOVERY FEE TO BE CHARGED TO THE APPLICANT FOR CONSTRUCTION OR EXCAVATION IN THE RIGHT-OF-WAY PERMITS; AND FOR OTHER PURPOSES.

(PUBLIC HEARING HELD 5/27/14) (HELD 5/27/14 TO BE REVIEWED BY THE NPUS)

WHEREAS, the City of Atlanta (“City”) is charged with maintaining control of and access to the Right of Way in order to protect the health, safety, and welfare of the City’s residents and visitors; and

WHEREAS, construction and excavation in the City streets significantly interferes with public use and results in a negative impact on air quality, a loss of parking, and in a loss of business to merchants; and

WHEREAS, construction in and the excavation of paved streets significantly degrades and shortens the service life of such streets; and

WHEREAS, substantial public funds have been invested to build, maintain and repair city streets;

WHEREAS, pavement cuts lead to the reduced structural life of paved streets due to intrusion into the road base, and also increases the frequency and cost to the public of necessary resurfacing, maintenance and repair, regardless of the quality of restoration; and

WHEREAS, the American Public Works Association (“APWA”) has concluded, through *APWA’s Mid-Atlantic Regional Council’s “Public Right-of-Way” Cost Recovery Plan* (May 1998), that cutting a street decreases the lifecycle of the street;

WHEREAS, the Office of Transportation is responsible for permitting and inspecting all work in the right-of-way, and ensuring that all repairs are constructed according to specific standards; and

WHEREAS, each year, the Department of Public Works permits over 1,500 street cuts with the typical size being approximately three (3) square yards; and

WHEREAS, mitigation of the long-term damage associated with pavement cuts has frequently resulted in a significant budgetary impact to the Department of Public Works for which the City has not established a cost recovery mechanism; and

WHEREAS, the cost incurred due to degradation should be recaptured through a recommended cost recovery method that includes various street construction costs, type of material used to repair, and age components; and

WHEREAS, APWA's Mid-Atlantic Regional Council's "Public Right-of-Way Cost Recovery Plan (May 1998) recommends that repair costs due to intrusions into the public right-of-way should be the responsibility of the intruding party; and

WHEREAS, the Department of Public Works wishes to institute and impose a cost recovery mechanism on applicants requesting to perform street cuts, based on the age of the street; and

WHEREAS, The Department of Public Works proposes to charge all applicants for permits which involve pavement cutting a degradation fee based upon type and size of the cut, current milling and resurfacing costs; and

WHEREAS, the Commissioner of the Department of Public Works recommends the creation of a Pavement Degradation Recovery Fee ("PDR Fee") as an appropriate cost recovery mechanism to reimburse the city for the damage associated with pavement cuts to be used for City Street Maintenance and Resurfacing Programs.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 138-69 of the Atlanta City Code is hereby amended by deleting Section 138-69 in its entirety and replacing said section so that it reads as follows:

Sec. 138-69. Rehabilitation and restoration of the pavement

- (a) Whenever any person or contractor desires to cut or make an opening in any street, such person shall repair and restore the street, including milling and resurfacing, to the specifications of the Department of Public Works.
- (b) Fees for rehabilitation and restoration of pavement
 - 1. Any person or contractor making a cut on any street shall be responsible for a Pavement Degradation Recovery Fee based on the below formula:

PDR Fee = Cost of resurfacing/Repair * Area of Influence * Depreciation Rate

Average cost of contractor resurfacing asphalt	\$44.22/sq yd
Average cost of contractor street repair concrete	\$675.00/sq yd
Average street cut size	\$2.78/sq yd
Area of influence equals street cut size plus 3 feet on each side of cut	\$6.11/sq yd
Life Cycle of Asphalt Street - 20 years	Life Cycle of Concrete Street - 40

years

2. The Pavement Degradation Recovery Fees for both Asphalt Surfaced Streets and Concrete Surfaced Streets shall be established pursuant to the schedules below:

Degradation Fees Schedule for Asphalt Surfaced Streets (Per Square Yard)

Age of Street (Years)	Depreciation Rate (%)	Fee (per SY)
0	100	270.18
1	99	267.48
2	98	264.80
3	97	262.09
4	96	259.39
5	95	256.69
6	90	243.18
7	84	226.97
8	79	213.46
9	74	199.95
10	68	183.74
11	63	170.23
12	58	156.72
13	52	140.50
14	47	126.99
15	42	113.48
16	36	97.27
17	31	83.76
18	26	70.25
19	20	54.04
20	15	40.53

Degradation Fees Schedule for Concrete Surfaced Streets (Per Square Yard)

Age of Street (Years)	Depreciation Rate (%)	Fee (per SY)
0	100	675.00
1	99	668.25
2	98	661.50
3	97	654.75
4	96	648.00
5	95	641.25
6	93	627.75

7	90	607.50
8	88	594.00
9	86	580.50
10	84	567.00
11	81	546.75
12	79	533.25
13	77	519.75
14	74	499.50
15	72	486.00
16	70	472.50
17	68	459.00
18	65	438.75
19	63	425.25
20	61	411.75
21	58	391.50
22	56	378.00
23	54	364.50
24	52	351.00
25	49	330.75
26	47	317.25
27	45	303.75
28	42	283.50
29	40	270.00
30	38	256.50
31	36	243.00
32	33	222.75
33	31	209.25
34	29	195.75
35	26	175.50
36	24	162.00
37	22	148.50
38	20	135.00
39	17	114.75
40	15	101.25

Section 2: That this Ordinance will become effective July 1, 2014.

Section 3: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1242

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(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by the NPUs)

Workflow List:

Santana K. Wright	Completed	04/30/2014 4:39 PM
Rita Braswell	Completed	04/30/2014 5:10 PM
Richard Mendoza	Completed	05/01/2014 2:47 PM
Stefanie Grant	Completed	05/01/2014 3:33 PM
Mayor's Office	Completed	05/01/2014 4:13 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:42 PM
City Utilities Committee	Completed	05/13/2014 9:30 AM
Atlanta City Council	Completed	05/19/2014 1:00 PM
City Utilities Committee	Completed	05/27/2014 9:30 AM
Atlanta City Council	Completed	06/02/2014 1:00 PM
City Utilities Committee	Completed	06/10/2014 9:30 AM
Atlanta City Council	Completed	06/16/2014 1:00 PM
City Utilities Committee	Completed	06/24/2014 9:30 AM
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City Utilities Committee	Completed	10/14/2014 9:30 AM
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Atlanta City Council	Completed	06/19/2017 1:00 PM
City Utilities Committee	Pending	06/27/2017 9:30 AM

HISTORY:

05/13/14 City Utilities Committee
 05/19/14 Atlanta City Council REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 5/27/2014 9:30 AM
AYES:	Norwood, Dickens, Smith, Hall, Archibong, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
ABSENT:	Michael Julian Bond, Ivory Lee Young Jr., Clela Winslow, Alex Wan	

05/27/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/2/2014 1:00 PM
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06/02/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 6/10/2014 9:30 AM
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06/10/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/16/2014 1:00 PM
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06/16/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 6/24/2014 9:30 AM
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06/24/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 7/7/2014 1:00 PM
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07/07/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 7/15/2014 9:30 AM
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07/15/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 7/21/2014 1:00 PM
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07/21/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 7/29/2014 9:30 AM
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07/29/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 8/18/2014 1:00 PM
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08/18/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 8/26/2014 9:30 AM
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08/26/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 9/2/2014 1:00 PM
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09/02/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 9/9/2014 9:30 AM
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06/09/15	City Utilities Committee	HELD IN COMMITTEE
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07/14/15	City Utilities Committee	
07/20/15	Atlanta City Council	RETURNED AS HELD
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07/28/15	City Utilities Committee	HELD IN COMMITTEE
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08/25/15	City Utilities Committee	
09/08/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 9/15/2015 9:30 AM
09/15/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 9/21/2015 1:00 PM
09/21/15	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 10/13/2015 9:30 AM
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10/27/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 11/2/2015 1:00 PM
11/02/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/9/2015 9:30 AM
11/09/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 11/16/2015 1:00 PM
11/16/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/1/2015 9:30 AM
12/01/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 12/7/2015 1:00 PM
12/07/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/15/2015 9:30 AM
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/12/2016 9:30 AM
01/12/16	City Utilities Committee	HELD IN COMMITTEE
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01/19/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/26/2016 9:30 AM
01/26/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/1/2016 1:00 PM
02/01/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/9/2016 9:30 AM
02/09/16	City Utilities Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 2/15/2016 1:00 PM
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RESULT:	HELD IN COMMITTEE	Next: 3/7/2016 1:00 PM
03/07/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 3/15/2016 9:30 AM
03/15/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/21/2016 1:00 PM
03/21/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 3/29/2016 9:30 AM
03/29/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 4/18/2016 1:00 PM
04/18/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 4/26/2016 9:30 AM
04/26/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/2/2016 1:00 PM
05/02/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/10/2016 9:30 AM
05/10/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/16/2016 1:00 PM
05/16/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/24/2016 9:30 AM
05/24/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/6/2016 1:00 PM
06/06/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/14/2016 9:30 AM
06/14/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/20/2016 1:00 PM
06/20/16	Atlanta City Council	RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 6/28/2016 9:30 AM
06/28/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/5/2016 1:00 PM
07/05/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 7/12/2016 9:30 AM
07/12/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/18/2016 1:00 PM
07/18/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 7/26/2016 9:30 AM
07/26/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 8/15/2016 1:00 PM
08/15/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 8/23/2016 9:30 AM
08/23/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 9/6/2016 1:00 PM
09/06/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 9/13/2016 9:30 AM
09/13/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 9/19/2016 1:00 PM
09/19/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 9/27/2016 9:30 AM
09/27/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 10/3/2016 1:00 PM
10/03/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/11/2016 9:30 AM
10/11/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 10/17/2016 1:00 PM
10/17/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 10/25/2016 9:30 AM
10/25/16	City Utilities Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 11/7/2016 1:00 PM
11/07/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/15/2016 9:30 AM
11/15/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 11/21/2016 1:00 PM
11/21/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/29/2016 9:30 AM
11/29/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 12/5/2016 1:00 PM
12/05/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/13/2016 9:30 AM
12/13/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 1/3/2017 1:00 PM
01/03/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/10/2017 9:30 AM
01/10/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 1/17/2017 1:00 PM
01/17/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/24/2017 9:30 AM
01/24/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/6/2017 1:00 PM
02/06/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/14/2017 9:30 AM
02/14/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/20/2017 1:00 PM
02/20/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/28/2017 9:30 AM
02/28/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/6/2017 1:00 PM
03/06/17	Atlanta City Council	RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 3/14/2017 9:30 AM
03/14/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/20/2017 1:00 PM
03/20/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 3/28/2017 9:30 AM
03/28/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 4/17/2017 1:00 PM
04/17/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 4/25/2017 9:30 AM
04/25/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/1/2017 1:00 PM
05/01/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/9/2017 9:30 AM
05/09/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/15/2017 1:00 PM
05/15/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/23/2017 9:30 AM
05/23/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/5/2017 1:00 PM
06/05/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/13/2017 9:30 AM
06/13/17	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/19/2017 1:00 PM
06/19/17	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/27/2017 9:30 AM

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	