



Office of the Town Manager

Rafael G. Casals
Town Manager

MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, Town Manager

Date: July 20, 2016

Re: Ordinance creating a Five (5) Year Pavement Cutting and Excavation Prohibition:
2nd Reading (Additions to existing code text are shown by underline)

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING SECTION 30-1 ENTITLED “PAVEMENT CUTTING AND EXCAVATION PROHIBITION” OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On February 20, 2008, the Town Council approved a Roadway Transfer Agreement with Miami-Dade County (the “County”), which was adopted via Town Resolution No. 08-11. As a result of this Agreement, the County’s ownership and maintenance responsibilities of approximately ninety (90) miles of local roadways within the Town limits was transferred over to the Town. On February 2009, a Town wide Pavement and Sidewalk Assessment Study and Report was completed by the Town’s Consulting Engineers. One of the major components of the Assessment Report was the rating of local roadways with the following categories: Excellent, Very Good, Good, Fair, and Poor. Town staff initiated a Town wide Roadway Resurfacing project, budgeting funds annually commencing in Fiscal Year 2011-2012 to systematically resurface all roads with a high level of distress, as identified in the report. Funding for the Town-wide Roadway Resurfacing Project(s) is provided through the Town’s portion of People’s Transportation Plan (PTP). The Board of County Commissioners approved the Town’s Inter-Local Agreement which, allows the Town to receive Municipal Surtax Funds on a monthly basis, which are to be utilized for both transportation and transit projects. Additionally, the Town is scheduled to receive retro-active PTP funds, which were negotiated in the Inter-Local Agreement.

In order to protect the Town’s Roadway resurfacing investment, Town Staff has developed a Pavement Management Maintenance Program (PMMP) at the Department of Public Works (DPW); therefore, a five (5) year pavement prohibition will allow the protection of the newly paved local street(s) to better manage pavement degradation from the effects of utility cut(s), and





keep the street pavement with an aesthetic look throughout the Town. This (PMMP) will also apply to all existing roadways within the Town maintained by both the County and Florida Department of Transportation. When it becomes necessary to cut into an identified prohibition street, the DPW will make a concerted effort to protect the integrity of the pavement structure, and to ensure a high quality replacement patch or overlay.

Town staff is proposing the Ordinance in order to regulate the use of public right-of-ways in the interest of public safety and convenience, and to operate and protect The Town's investment of roadway infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety, and function of the public right-of-way.

The Town's Public Works Department will be granted the authority to administer and the Town's Code Compliance Department is authorized to enforce the requirements of these Rules with direction from the Town's Public Works Department.

It is the intent of the Town's Public Works Department to ensure quality performance by all permitted users and to promote cooperation among all users of the public right-of-way. To minimize disruption of public places the Department of Public Works strongly encourages the use of tunneling, boring, jacking, or other trenchless technologies instead of open trench excavation whenever possible. Depending on the particular trench cut size, location, and construction duration, conditions will be placed on the permittee to return the street to a similar integrity as prior to the cut occurring. This may require a larger pavement restoration area on each side of the trench, a full-lane-width pavement replacement, and/or a full curb-to-curb replacement.

The proposed five (5) year pavement cutting and excavation prohibition is intended to provide a mechanism to assure that all excavation activities performed within the Town are properly regulated and monitored.

RECOMMENDATION

Staff recommends that the Town Council adopt the proposed Ordinance, on First Reading which creates a Five (5) Year Pavement Cutting and Excavation Prohibition, as outlined in Attachment "A".

ATTACHMENTS

- Attachment "A" – Pavement Management Maintenance Program (PMMP) Manual
- Attachment "B" – Photographs of Existing Conditions
- Attachment "C" – Advertisement (Miami Herald Neighbors – July 7, 2016)

