

1 [Public Works Code - Installation of City Infrastructure in Excavation Projects]

2 **Ordinance amending the Public Works Code to require the installation of City-owned**
 3 **telecommunications and electricity infrastructure in excavation projects where the City**
 4 **has determined that it is both financially feasible and consistent with the City's long-**
 5 **term goals to develop the City's electrical and communications infrastructure; and to**
 6 **coordinate the installation of the infrastructure with municipal and utility excavators.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
 8 deletions are *strike-through italics Times New Roman*.
 9 Board amendment additions are double-underlined;
 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The Public Works Code is hereby amended by amending Section 2.4.13, to
 12 read as follows:

13 SEC. 2.4.13. TRANSIT, PEDESTRIAN, BICYCLE, ~~AND STORMWATER~~, ELECTRIC,
 14 AND COMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS AS PART OF PLANNING,
 15 CONSTRUCTION, RECONSTRUCTION, AND REPAVING PROJECTS.

16 (a) Whenever the Department or other Municipal Excavator undertakes a project
 17 involving the planning, construction, reconstruction, or repaving of a public right-of-way, such
 18 project shall include, to the maximum extent practicable and feasible, the following transit,
 19 pedestrian, bicycle, ~~and stormwater~~, electric, and communications infrastructure improvements:

20 (1) Street and pedestrian-scale sidewalk lighting;

21 (2) Pedestrian and bicycle safety improvement measures, as established in any
 22 official City adopted bicycle or pedestrian safety plan or other City adopted planning
 23 documents;

24 (3) Appropriate access in accordance with the Americans with Disabilities Act;
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1 (4) Public transit facilities accommodation, including, but not limited to designation
2 of the right-of-way as a transit preferential street designation or bus rapid transit corridor;

3 (5) Traffic calming devices;

4 (6) Landscaping;

5 (7) Low-impact design stormwater facilities consistent with the Stormwater Design
6 Guidelines;

7 (8) Other pedestrian and streetscape elements listed as appropriate to the relevant
8 street type as identified and defined in the Better Streets Plan; and

9 (9) Other street and sidewalk improvements consistent with the City's "Transit First"
10 Policy" (Section 16.102 of the City Charter) and "Better Streets Policy" (Chapter 98.1 of the
11 San Francisco Administrative Code)-and

12 (10) Electric or communications infrastructure.

13 (b) The Director, in consultation with the Directors of the San Francisco Municipal
14 Transportation Agency, Department of Public Health, Planning Department, Department on
15 the Environment, San Francisco Public Utilities Commission, Department of Technology, and
16 Mayor's Office on Disability shall develop orders, regulations, or amendments to the
17 Department's Standard Plans and Specifications that address the improvements set forth in
18 Subsection (a).

19 (c) To the maximum extent practicable and feasible, the Director shall condition all
20 excavation and street improvement permits on the inclusion of the improvements set forth in
21 Subsection (a). If such conditions would exceed the Director's regulatory authority, the
22 Director shall coordinate with other City departments to provide, to the maximum extent
23 practicable and feasible, said improvements on behalf of the City. As part of the decision on
24 any permit or authorization pursuant to the Public Works Code, the Director shall take into
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1 account the permit activity's positive and negative impacts on the integration, enhancement,
2 or preservation of the improvements set forth in Subsection (a).

3 Section 2. The Public Works Code is hereby amended by adding Section 2.4.14, to
4 read as follows:

5 SEC. 2.4.14. COORDINATION WITH CITY AGENCIES.

6 (a) Notice to City Agencies.

7 (1) Before filing an application for a Permit, the Applicant shall notify the San Francisco
8 Public Utilities Commission and the Department of Technology in writing that the Applicant intends to
9 file an application for a Permit.

10 (2) The Applicant shall send the notice to the San Francisco Public Utilities Commission
11 and the Department of Technology at least sixty (60) days before filing an application for a Permit
12 under Section 2.4.10.

13 (3) The notice shall state the location of the proposed Excavation, the linear feet to be
14 excavated, the anticipated date for filing the application, and the anticipated dates on which the
15 Excavation will be commenced and completed. The notice shall also state that the City agencies have
16 sixty (60) days to notify the Applicant and the Department that they intend to participate in the
17 Excavation or they will be deemed to have elected not to participate.

18 (b) Application Process.

19 (1) Notice Required. The Department shall not approve an application and issue a Permit
20 until the Department has determined that the Applicant has followed the notice process required in this
21 Section 2.4.14.

22 (2) Denial of Application. The Department shall deny an application for a Permit if the
23 Department determines that the Applicant has failed to comply with the notice requirements of this
24 Section 2.4.14.

25 (3) Approval of Application.

1 so, the San Francisco Public Utilities Commission shall notify the Applicant and the Department in the
2 time required by the notice that the San Francisco Public Utilities Commission intends to participate in
3 the Excavation.

4 SEC. 2.4.96. DEPARTMENT OF TECHNOLOGY.

5 Upon receipt of a notice issued pursuant to Section § 2.4.14 that a Utility Excavator or
6 Municipal Excavator intends to apply for a Permit under this Article, the Department of Technology
7 shall review the application to determine whether it is both financially feasible and consistent with the
8 City’s long-term goals to add telecommunications infrastructure to be owned by the City to a proposed
9 Excavation. If so, the Department of Technology shall notify the Applicant and the Department in the
10 time required by the notice that the Department of Technology intends to participate in the Excavation.

11 Section 4. Effective Date. This ordinance shall become effective 30 days from the
12 date of passage.

13 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
14 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
15 punctuation, charts, diagrams, or any other constituent part of the Public Works and
16 Administrative Codes that are explicitly shown in this legislation as additions, deletions, Board
17 amendment additions, and Board amendment deletions in accordance with the “Note” that
18 appears under the official title of the legislation.

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

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22 By: _____
23 WILLIAM K. SANDERS
24 Deputy City Attorney

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