



City of Phoenix

STREET TRANSPORTATION DEPARTMENT

Title: After-Hours Work in the Right of Way Policy

Date Issued: 10/18/18

I. PURPOSE

Summary

As part of the process for developing a comprehensive policy for public notification of planned after hours work in the right-of-way (ROW), Street Transportation Department (Streets) staff completed a complete review of all work types it performs in the right-of-way. The majority of work happens on weekdays during daytime hours. Some work may take place on nights, weekends and/or holidays due to necessary lane closures or restrictions that will have negative impacts on the traveling public.

Phoenix City Code 23-14 requires a permit for work performed after-hours (7 p.m. to 6 a.m. from May 1 through September 30, and 7 p.m. to 7 a.m. from October 1 through April 30).

In recent years, there has been a significant increase in the number of utility, private developer, and City projects taking place in the right-of-way, which has led to additional traffic congestion and adverse impacts to the traveling public. Often, to minimize these disruptions, it is necessary to perform planned right-of-way work after-hours.

This policy has been developed to ensure that:

- The Street Transportation Department is aware of and has reviewed and approved all after-hours work in the ROW,
- The Council District(s) where after-hours work will take place have been notified and approve of the work,
- Any residents, including hotels and hospitals, if the property line is within 500 feet of the work site are notified at least 72 hours in advance of the work activity commencing.

All work in the right-of-way requires coordination with the Street Transportation Department and at a minimum will require a Temporary Restriction and Closure System (TRACS) Permit from the Streets Right-of-Way Management Section.

The following are clarifications for After-Hours Work in the Right-of-Way Policy:

- This policy excludes work deemed as “emergency” in nature, work performed during daytime hours on weekends and holidays
- This policy excludes work performed during after-hours that produces only minimal noise levels.

- If the Planning and Development Department has approved an Extended Construction Work Hours permit for on-site construction, separate approval for After-Hours work in the Right-of-Way is not required except for TRACS permit from Streets.
- If the project is under the inspection jurisdiction of the Planning and Development Department, and will produce moderate or loud noise levels, and an Extended Construction Work Hours permit has not been issued for on-site work, an After-Hours Work in the Right-of-Way Application must be submitted to the Streets Design and Construction Management Division.

II. DEFINITIONS

Work Types

- **Routine Maintenance** - This work includes, but is not limited to: filling potholes, repairing sidewalks, performing pavement maintenance activities, conducting street sweeping operations, repairing traffic signals and streetlights, and clearing vegetation and debris from drainage easements.
- **Replacement of Existing Equipment and/or Infrastructure** - Although these activities could be considered maintenance, these replacement activities are more significant, and could be considered major maintenance functions. A sample of these activities includes: replacing faded signs, restriping streets, and replacing traffic signal equipment.
- **New Installation or Construction** - The installation of new infrastructure in the right-of-way is typically captured as a stand-alone capital improvement program (CIP) project, and may include: installation of new traffic signals, construction of new waterlines or sanitary sewer lines, construction or widening of roadways, and installation of new sidewalks.
- **Emergency Work** - Emergency work is typically due to accidents, weather-related damage, or infrastructure failure. The types of work considered an emergency include, but are not limited to: responding to traffic signal malfunctions, restoring damaged or knocked-down infrastructure (signs, streetlights, or signals), repairing water main breaks, repairing significant or critical damage to roadway (concrete and asphalt), and mitigation of flooding concerns or debris in the road.

Noise Levels

- **Minimal Noise** - The noise associated with these activities is typically limited to use of non-powered hand tools (shovels / pick axe). No approval for after-hours work activities is required.

- **Moderate Noise** - Noise at this level may come from equipment with a higher, but less frequent noise level (vehicle back-up alarms) or a lower, but constant noise level (equipment generator). Approval for after-hours work activities is required and evaluated for activities adjacent to all land use types.
- **Loud Noise** - The activities that have the highest audible impact would include demolition activities (jack hammers and saw-cutting) or pavement repair activities (vibrating roller). Approval for after-hours work activities is required and evaluated for activities adjacent to all land use types.

III. POLICY

- This policy applies to both public and private sector work, including utility companies, in the ROW.
- Approval from Streets and City Council is required for all after-hours work in the ROW that generates moderate to loud noise levels.
- After-hours work in the ROW that generates minimal noise levels is not required to seek after-hours work approval from the City or provide public notification.
- The permittee is responsible for providing notice to residents, hotels, hospitals, and other residential uses, if the property line is within 500 feet of the work location, a minimum of 72 hours prior in advance of the planned work activity.
- A copy of the notification flyer shall be submitted to the Streets Design and Construction Management Division as part of the application process.
- All work (except for emergencies) requiring traffic lane restrictions or closures will comply with the City's existing policy concerning the annual moratorium on activities between Thanksgiving and New Year's Day.
- All requests for after-hours work will be thoroughly vetted in coordination with the Streets Right-of-Way Management Section, which reviews and approves any traffic restrictions or closures in the right-of-way.
- After-hours permits may be revoked if the City receives complaints about the noise that cannot be resolved.

IV. APPLICATION PROCESS

1. Applicant should first coordinate with Streets Right of Way Management to discuss the traffic control requirements for work in the project limits to determine whether work may take place during daytime hours.
2. If it is determined that after-hours work is required, then the applicant must complete the After-Hours Work in the Right-of-Way Approval Application (Appendix A) and submit it to Streets a minimum of five business days prior to the anticipated start date. (this timeline should be extended by three business days if the work site is within 500 feet of residential uses).
3. The Streets Designee will conduct a preliminary review of the application materials.

4. If the application is considered complete and preliminary review finds that after-hours work is in the best interest of the City, the application will be forwarded to the appropriate Council Office(s) for their review and approval.
5. If approval is granted by both Streets and the Council Office, the applicant will receive written approval of the application.
6. If the application is denied, Streets will communicate this in writing to the applicant and include the reason why the request was denied.
7. The permittee is responsible for providing notice to residents, hotels, hospitals, and other residential uses, if the property line is within 500 feet of the work location, a minimum of 72 hours prior in advance of the planned work activity.
8. If a change is required to the approved after-hours work schedule, Streets must be notified in writing immediately and approval must be secured in writing from Streets.
9. If noise complaints are received during the after-hours work project duration the following steps will be taken to resolve the issue(s):
 - a. If the complaint is made in person at the project site, inform the City Inspector of the complaint and attempt to resolve the issue at that time with the complainant. If the issue cannot be resolved in the field before the next after-hours work shift, Streets will serve as mediator to resolve the issue, and will have the final decision on whether to revoke the after-hours work approval.
 - b. If the complaint is received by Streets, another City department or City Council Office, Streets will work with the City Inspector and the applicant to resolve the issue. If the issue cannot be resolved before the next after-hours work shift, Streets will serve as mediator to resolve the issue, and will have the final decision on whether to revoke the after-hours work approval.