



CITY OF RICHMOND

ROADWAY RESTORATION REGULATION

BYLAW NO. 7869

EFFECTIVE DATE – APRIL 11, 2005

ROADWAY RESTORATION REGULATION

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TABLE OF CONTENTS

PART ONE: GENERAL PROHIBITION 1

PART TWO: APPLICATION PROCEDURE 1

PART THREE: PAVEMENT RESTORATION TERMS AND CONDITIONS..... 2

PART FOUR: VIOLATIONS AND PENALTIES 4

PART FIVE: INTERPRETATION 4

PART SIX: SEVERABILITY AND CITATION 5

ROADWAY RESTORATION REGULATION BYLAW NO. 7869

The Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROHIBITION

1.1 Roadway Restoration Obligation

- 1.1.1 Unless specifically exempted under a Municipal Access Agreement, every person making a cut in the **roadway** of a **collector highway, arterial highway or bus route**, for the purpose of installing underground utilities, must restore the **roadway** according to the requirements specified in this bylaw.
- 1.1.2 Unless specifically exempted under a Municipal Access Agreement, no person shall perform **final restoration** of the **roadway** without first obtaining permission from the **City** as specified in this bylaw.

PART TWO: APPLICATION PROCEDURE

2.1 Application Procedure

- 2.1.1 Where a person wishes to make a cut in the **roadway** in order to install underground utilities, such person must:
 - (a) complete a roadway restoration application form provided by the **General Manager, Engineering & Public Works**; and
 - (b) pay an application fee of \$1.
- 2.1.2 Once a person has fulfilled the requirements in subsection 2.1.1, the **City** will determine whether the person or the **City** will perform the **final restoration** of the **roadway**.
- 2.1.3 If the **City** directs the person to perform the **final restoration** of the **roadway**, the person must:
 - (a) post security based upon the estimated cost of the restoration, as determined by the **General Manager, Engineering & Public Works**;
 - (b) provide proof of insurance naming the **City** as an additional insured;

- (c) indemnify and save harmless the **City** against all loss and damage related to the restoration; and
 - (d) complete and maintain any temporary pavement restoration until **final restoration** has been completed.
- 2.1.4 If the **City** will perform the **final restoration** of the **roadway**, the person must:
- (a) pay for the **final restoration** in the amount specified by the **General Manager, Engineering & Public Works**; and
 - (b) complete and maintain temporary pavement restoration until the **City** has completed the **final restoration** of such pavement.

2.2 Authorization

- 2.2.1 Once the **City** is satisfied that the steps in subsection 2.1 are complete, the **General Manager, Engineering & Public Works** may give written authorization for the person to proceed with a **roadway** cut and, if applicable, to proceed with **final restoration** of the **roadway**, subject to any additional terms and conditions which the **General Manager, Engineering & Public Works** considers to be appropriate.

PART THREE: ROADWAY RESTORATION TERMS AND CONDITIONS

3.1 Authority of General Manager, Engineering & Public Works

- 3.1.1 The **General Manager, Engineering & Public Works** may require a person undertaking **final restoration** of the **roadway**, to:
- (a) remove and replace any deficient work; and
 - (b) revise such person's schedule to accommodate the **City's** concerns and priorities.

3.2 Pavement Restoration Conditions

- 3.2.1 Any person granted permission to undertake **final restoration** of the **roadway** must:
- (a) bear all costs for **final restoration** of the **roadway** as determined by the **General Manager, Engineering & Public Works**;
 - (b) comply at all times with any directions relating to work scheduling, and any special conditions imposed by the **General Manager, Engineering and Public Works**;
 - (c) comply with all applicable Federal and Provincial laws and enactments, with all bylaws and regulations of the **City**, and with the most current edition of:

- (i) Workers' Compensation Board Safety Regulations; and
 - (ii) the Ministry of Transportation Traffic Control Manual for Work on Roadways;
- (d) comply with any conditions required by **General Manager, Engineering & Public Works** under subsection 2.2.1;
- (e) repair utility trenches of any dimensions as part of the **final restoration**;
- (f) in the case of a **roadway** cut made that is parallel to the lane lines, mill the existing **roadway** with a finished asphalt surface to the centreline, or the full width of the travelled lane affected by such **roadway** cut, whichever is applicable;
- (g) restore all **cross cuts** in compliance with the latest edition of the Master Municipal Construction Document, with the exception that the width of the **roadway** restoration must:
- (i) be a minimum of 8 meters, as measured parallel to the lane lines, and
 - (ii) be perpendicular to the lane line centred at the cross cut centre point;
- as determined by the **General Manager, Engineering and Public Works**;
and
- (h) restore all other public and private structures affected by the **roadway** cuts to the satisfaction of the **General Manager, Engineering & Public Works**.

3.3 Deficiencies

- 3.3.1 Where, in the opinion of the **General Manager, Engineering & Public Works**, the **final restoration** being undertaken by a person is deficient, the **General Manager, Engineering & Public Works** may notify the person in writing, of the deficiencies, and require such person to remedy such deficiencies.
- 3.3.2 Where the person notified in accordance with subsection 3.3.1 does not comply with the requirements specified in the notification within the time indicated, the **General Manager, Engineering & Public Works** is authorized to remedy the deficiencies at such person's expense and may draw upon the **security** provided by the person under subsection 2.1.3(a).
- 3.3.3 If the **security** is insufficient to cover costs incurred by the **City** under subsection 3.3.2, the **City** will provide the person with an invoice which will be due and payable immediately upon receipt.
- 3.3.4 Where the person disputes the deficiencies described in the notice, the matter will be referred to the **General Manager, Engineering & Public Works** for review, and the decision of the **General Manager, Engineering & Public Works** is final.

PART FOUR: VIOLATIONS AND PENALTIES

4.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw, or
- (d) obstructs, or seeks or attempts to prevent or obstruct a person, who is involved in the execution of duties under this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART FIVE: INTERPRETATION

5.1 In this bylaw, the following words have the following meanings:

ARTERIAL HIGHWAY	is as defined in the latest edition of the Transportation Geometric Design Guide for Canadian Roads and as supplemented by the City's own classification system.
BUS ROUTE	means any highway within the City that is used as a regular bus route or may be used as a future bus route.
CITY	means the City of Richmond.
COLLECTOR HIGHWAY	is as defined in the latest edition of the Transportation Geometric Design Guide for Canadian Roads and as supplemented by the City's own classification system.
COUNCIL	means the current Council of the City .
CROSS CUT	means any cut to the roadway that are at any other angle to the curb line other than parallel;
FINAL RESTORATION	means the materials, equipment and manpower necessary to bring the highway back to its normal operating condition.

**GENERAL MANAGER,
ENGINEERING & PUBLIC
WORKS**

means the person appointed by **Council** to the position of General Manager, Engineering & Public Works, and includes a person designated as an alternate.

HIGHWAY

includes a developed street, road, lane, bridge, and viaduct, but does not include a private right-of-way on private property.

ROADWAY

means that portion of a **highway**, which is improved for use by vehicular traffic, and includes paving, underground utilities, curbs and gutters.

SECURITY

means cash, certified cheque, bond or letter of credit in the form as determined by the **City** in favour of the **City**.

PART SIX: SEVERABILITY AND CITATION

6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

6.2 This bylaw is cited as “**Roadway Restoration Regulation Bylaw No. 7869**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK