

Memorandum



CITY OF DALLAS

DATE January 11, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Follow-up from January 2, 2019 City Council Briefing – Right of Way Management; Proposed Process and Code Changes**

On January 2, 2019, the Public Works Department provided the Mayor and City Council with a briefing of proposed process and City code revisions associated with working within the City of Dallas' right of way (ROW), after briefing the Mobility Solutions, Infrastructure & Sustainability (MSIS) Committee on November 26, 2018.

As the Mayor and City Council posed a number of questions to City staff during the January 2nd briefing, the purpose of this memorandum is to provide responses to the following outstanding questions:

1. (Mayor Pro Tem Thomas) Can a scoring matrix be developed for residents to complete at the end of a construction project?
The Public Works Department is currently developing a post-construction survey that will be uploaded to the Public Works website. The current vision is that a link to the survey will be added to the door hangers that are distributed before the start of a project. Development and implementation of the survey is expected to be complete by May 2019.
2. (Council Member Atkins)
 - a. Requested a copy of the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
A copy of the publication is online at: <http://ftp.dot.state.tx.us/pub/txdot-info/trf/tmutcd/2011-rev-2/revision-2.pdf>.
 - b. How does staff complete quality assurance/quality control to assure public notification is completed before the start of projects?
Notification is handled differently depending on the scope of the project. For major reconstruction projects, City Inspectors go door-to-door along the affected block(s), approximately 2-3 weeks before a project starts and either place notification on doors or speak directly with a business or property owner. For maintenance-type projects (i.e. resurfacing, slurry seal, mill and overlays), contractors deliver notices to individual businesses or residents and will speak to individuals at those businesses or homes and/or place (door hangers). Notification will be provided to the main offices of multi-family units with several copies. For those notifications left at residents' homes, Public Works staff verifies delivery of notices through pictures (sample attached) on at least one home on each block.

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3. (Council Member Greyson and Council Member Kleinman) Proposed revisions to the Contractor Scoring Matrix; add complaints and traffic control as measures within the matrix.

Taking the feedback from the City Council briefing, staff is working with the City Attorney's Office to continue refining the scoring matrix in the coming months. A mechanism to put the scoring matrices and data online will also be developed. Staff will work to have the scoring matrix and online tool completed by April 2019.

4. (Council Member Felder) What is the timeline for completion of the project on Lamar?

Both the City's project on Lamar, as well as the TxDOT work within the limits of the City's project on Lamar, are scheduled to be completed by December 2019. The estimated completion will be updated on the project signs onsite.

5. (Council Member Arnold) What is the timeline and process for the public to file damage claims?

Claims against the City of Dallas, which must be filed within (6) months of the injury or property damage, are filed through the City's Office of Risk Management. Claims can either be submitted by completing a Notice of Claim (copy attached) or online at: <https://live.origamirisk.com/Origami/IncidentEntry/Welcome>.

Staff will continue to work on completion of the items above in preparation for a follow-up briefing with the Mayor and City Council in April 2019 with a goal to bring forward the proposed City Code changes for City Council consideration in May 2019. Should there be any questions or need for clarification, please let me know.



Majed Al-Ghafry, P.E.
Assistant City Manager

[Attachments]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol A. Smith, City Auditor (I)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Directors and Assistant Directors

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Picture of Home with Door Hanger Notification of Work (Question 2B)



NOTICE OF CLAIM
AGAINST THE CITY OF DALLAS
PERSONAL INJURY – PROPERTY DAMAGE
 File this claim within six (6) months of the injury or property damage with:

OFFICE OF RISK MANAGEMENT
1500 MARILLA 6A SOUTH
DALLAS, TEXAS 75201
214-671-9458

Please complete both pages of this form

DATE OF BIRTH:		**SSN:	
VEHICLE (Yr/Make/Model/Tag):			
PLEASE PRINT FULL NAME		PHONE NUMBER(S)	
		Business:	
		Home:	
MAIL ADDRESS		CITY, STATE AND ZIP CODE	
Was there injury?		ESTIMATE the amount of your claim against the city :	
Was there property damage?			

(Please attach documentation if necessary)

Describe in your own words WHERE, WHEN and HOW the damage or injury occurred. Give names and addresses of any others involved, if known.

WHERE Location:		
WHEN Date:	Approximate Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
HOW: Describe details of your claim(s) for damages against the city		

_____ Date

_____ Signature of Claimant

* Continue details of your claim(s)

THIS FORM MUST BE SIGNED AND DATED AS ACKNOWLEDGEMENT THAT ALL OF THE STATEMENTS MADE IN THIS CLAIM ARE TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE:

Date

Signature of Claimant

** Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA Section 111)

Under MMSEA Section 111, any entity that pays settlement, judgment, award or other payment after July 1, 2009 is required to report that claim to Medicare. To meet these mandatory reporting requirements, you will be required to submit your date of birth and social security number before payment is made on your claim.

For additional information on MMSEA Section 111, visit: www.cms.hhs.gov.mandatoryinsrep

CHAPTER XXIII OF THE CHARTER OF THE CITY OF DALLAS REQUIRES WRITTEN NOTICE BEFORE ANY CLAIM FOR INJURY OR DAMAGE MAY BE CONSIDERED. THE CHAPTER PROVISIONS ARE QUOTED BELOW FOR INFORMATION.

"Section 1. NOTICE REQUIRED-PERSONAL INJURY-The City of Dallas shall never be liable for any personal injury, whether resulting in death or not, unless the person injured, or someone in his behalf, or in the event the injury results in death. the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the city within six (6) months after the same has been received, stating specifically in such notice, when, where and how the exact injury occurred, and the full extent thereof, together with the amount of damages claimed or asserted."

"Section 2. NOTICE REQUIRED-INJURY TO PERSONAL OR REAL PROPERTY-The City of Dallas shall never be liable for any claims for damages or injury to real or personal property caused by the negligent act or omission of its officers, servants or employees, unless the person whose property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the city within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damages claimed or asserted."

YOU MAY SUBMIT THE COMPLETED CLAIM FORM ONE OF THREE WAYS:

1. Mail to: City of Dallas
Office of Risk Management
1500 Marilla 6A South
Dallas, Texas 75201

OR

2. Fax to: 214-659-7038

OR

3. Email to: hrrmliabclaims@dallascityhall.com