

# Memorandum



CITY OF DALLAS

DATE March 29, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Follow-up from March 20, 2019 City Council Briefing – Right-of-Way Management: Proposed Process & Code Revisions**

On March 20, 2019, the Public Works Department provided the City Council with a briefing of proposed process and City Code revisions associated with working on the City of Dallas' right-of-way (ROW). The ROW Management presentation was previously presented to the City Council on January 2, 2019, and previously to 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 March 20, 2019 briefing, the purpose of this memorandum is to provide clarifications or responses to the following outstanding points:

1. (Mayor Pro Tem Thomas): How do we receive resident feedback on contractors?

*The Public Works Department is currently working with the Communication and Information Services Department to develop a post-construction survey that will be uploaded to the Public Works web page. 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, and each citizen/business can complete the survey post-construction. An update of the development and implementation of the survey will be shared with the City Council via memo in May 2019.*

2. (Council Member Kingston): Implement a robust system of evaluating contractors for all departments (vertical and horizontal) and (Council Member Callahan): How do we ensure contractor accountability and performance measures of contractors? How do we hold contractors responsible for warranties on work?

*Public Works staff continues to work with the City Attorney's Office and other departments to finalize the scoring matrix that will include variables such as public/owner complaints, traffic control, accountability, and performance measures of contractors. Staff is also working on the legalities of posting the scoring matrices and data online. Completion of the scoring matrix is estimated by the end of May 2019 and staff will also work towards getting the scoring data online by the May 2019 timeframe.*

3. (Council Member Arnold): How do we monitor construction equipment that is left in the right-of-way after project completion?

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*Public Works currently has 13 Right-of-Way inspectors in addition to numerous inspectors and supervisors throughout the city to ensure construction equipment is removed in a timely manner. In addition, citizens may download the Dallas 311 mobile app, website, or call 311 to report traffic control equipment that has been left at a construction site where the work has been completed.*

4. (Council Member McGough): What are the requirements for securing steel plates in the public right-of-way and on the thickness of lip of plate?

*Public Works proposes the underlined amendments to Chapter 43 of the Dallas City Code, Section 43-139:*

*“(7) If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic.*

*(8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic or cause any loud and disturbing noises and vibrations. Hot Mix Asphalt with a minimum 2:1 transition on the temporary pavement used to secure the plate in place must be placed as required to provide a reasonably smooth riding surface. (9) Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an emergency, unless a sign complying with Paragraph (2) of this subsection is posted at or in close proximity to the worksite.”*

5. (Council Member Atkins): When are dynamic message signs and flashers required on street cuts and street repair?

*All pavement repairs in the Right-of-Way require an approved traffic control permit that follows 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>. In addition, Public works proposes the underlined addition to Chapter 43 of the Dallas City Code, Section, 43-141, subsection 2:*

*(e) If construction on a thoroughfare, arterial, or a community collector in the public right-of-way will involve complete street closures or extended traffic delays, at least two portable changeable message signs (CMS) that comply with the requirements of the latest edition of the Texas Manual of Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and the City of Dallas requirements, are required to be installed facing each direction of traffic at least one week prior to commencing construction.*

6. (Council Member Gates): Can we use the contractor evaluation for other private and utility work? Quality work standards in the right-of-way? Monitoring of day and night work?

*To ensure quality construction of work completed by private and utility contractors, Public Works staff will work with the City Attorney’s Office to explore the possibility*

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*of moving from a five-year warranty of work to either a ten-year warranty of work or a lifetime warranty of work. This proposed change could be considered at the same time as the other City Code changes are brought for a vote to the City Council. Please be aware that the cost of said improvements may escalate due to the contractors adding the warranty cost as part of their bids.*

Staff will continue working on the action items above in preparation 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 contact me or Assistant City Manager Majed Al-Ghafry.



T.C. Broadnax  
City Manager

c: Chris Caso, City Attorney (Interim)  
Carol A. Smith, City Auditor (Interim)  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant 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  
Laila Aleqresh, Chief Innovation Officer  
Directors and Assistant Directors