

RESOLUTION NO. 2018-15

A RESOLUTION of the City Council of the City of Lakewood, Washington, in support of the establishment and implementation of a pavement degradation fee based on pavement condition, road classification, and road type in the City of Lakewood.

WHEREAS, the City of Lakewood owns and maintains over 430 lane miles of paved streets and other public rights of way, which are subject, pursuant to state and federal law, as well as granting of franchise agreements, to being excavated with pavement cuts for the purpose of laying of utilities, such as but not limited to water, sewer, gas, electric, communication, or video signal service.

WHEREAS, pavement cuts in paved streets owned and maintained by the City degrade and shorten the life of the surface and substructure of the streets which increases the frequency and cost to the public of necessary resurfacing, replacement, maintenance and repair of the streets.

WHEREAS, pavement cuts in paved streets cause loss of serviceable life of the streets even where the excavations are refilled and repaired in conformity with applicable street standards and requirements as prescribed in the City of Lakewood Engineering Standards Manual.

WHEREAS, the establishment of a pavement degradation fee is necessary to recover loss of expected pavement life that has value to the community and by so doing, provide the City the financial capacity to address future resurfacing, maintenance and repair costs from the degradation caused by excavations in paved streets owned and maintained by the City.

WHEREAS, the pavement degradation fee is consistent with the terms of existing utility franchises with the City of Lakewood, because:

- i. a franchise is intended solely to authorize a utility's use of the City's streets, ways, alleys and places;
- ii. franchise fees established for franchises were not intended to recover the costs of mitigating damage to the pavement over or adjacent to the trench; nor was this damage known to the City when fees for the City's existing franchises were established, the City does not use, nor is it required to use, franchise fee revenue to pay for street surfacing, resurfacing and/or reconstruction;
- iii. franchises are subject to ordinances and regulations subsequently enacted by the City; and
- iv. the pavement degradation fee is not related to the quality of workmanship of the repair of the street following its excavation, but instead relates to the shortening of the effective life of a street.

WHEREAS, the pavement degradation fee also serves to better promote coordination among utilities making excavations and pavement cuts in the paved streets owned and maintained by the City and between these utilities and the City to minimize the number of excavations being made in the paved streets owned and maintained by the City wherever feasible and to ensure that

excavations are performed, to the maximum extent possible, in paved streets owned and maintained by the City scheduled and fully budgeted for resurfacing or reconstruction within the next two years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

Section 1. It is appropriate that entities responsible for pavement cuts into streets owned and maintained by the City bear the burden of the resulting cost of this degradation and shortened life of the surface and subsurface rather than the taxpayer of the City.

Section 2. This Council hereby supports the City administration in moving forward with the establishment of a pavement degradation fee in the City of Lakewood. Implementation of the fee will be administered through the technical standards established within the Engineering Standards Manual established by the Public Works Engineering Director/City Engineer and will be based on pavement condition index (PCI) score updated bi-annually by the City PWE Department, road classification, and road type.

Section 3. The Council hereby supports a pavement degradation fee be imposed on all pavement cuts within streets maintained and owned by the City with a pavement condition index score higher than 70, unless said pavement cuts meet the exemption criteria prescribed in the City of the Lakewood Engineering Standards Manual. The pavement degradation fee will be established by the City at the annual fee schedule updating process. Said fee will be at a rate based on the condition of the pavement at the time of the pavement cut, road classification, and road type.

PASSED by the City Council this 15th day of October, 2018.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney

STRIKED FROM CONSIDERATION
10/15/2018