

Abandoned Utilities in the City's Right of Way

- I. **PURPOSE:** The purpose of this policy is to outline the procedure the City will follow to determine if utility facility removal is required or if alternatives may be used.
- II. **RESPONSIBILITY:** The City Engineer or designee shall ensure that all provisions of this policy and procedures are followed.
- III. **POLICIES**
 - A. The Chandler City Code and the Transportation and Development Department Utility Manual cite regulations related to utilities being abandoned in City Right-of-Way. This includes but is not limited to City Code Chapter 46 2.9 (Abandonment or Removal) and Chapter 46-8.12 K (Removal and abandonment of property of licensee). In addition, many Use Agreements approved by Ordinance between the City and an individual Utility may have specific requirements related to abandonment. The City will review proposals to abandon utility facilities within its right-of-way on a case-by-case basis given the requirements in place related to the City Code, Use Agreements and the Utility Manual. The City Engineer or designee will determine if utility facility removal is required or if alternatives may be utilized.
 - B. Utility facilities may be considered for abandonment in the right-of-way when one or more of the following conditions apply:
 1. The City plans to transfer ownership of the right-of-way to another party and the receiving party allows abandonment of utilities within its right-of-way;
 2. Removal of the utility would involve cutting a pavement structure less than two years old;
 3. Removal of the utility would disrupt traffic or create a threat to public safety;
 4. The Utility submits justification to the City that the cost of removal would exceed the public benefit;
 5. The abandoned facility would not create significant conflict for future improvements;
 6. Removal of the facility can be accomplished by the Utility at a later date during future project construction/reconstruction;
 7. City determines that it may remove the abandoned utility without a cost increase to the current or future projects;
 8. The Utility has a future need to re-use the facility.

IV. PROCEDURES

- A. Requests to abandon a utility facility shall be made as part of the City's Encroachment process as outlined in City Code. A request to abandon the facility with appropriate justification shall be attached to the Utility's permit application. The following procedures are taken into consideration and may be adapted when interpreting how the individual case relates to any Use Agreement held by the Utility and the City Code.
- B. The Utility shall maintain installation records for all facilities that are approved for abandonment. The Utility shall make these records available to the City at the time of request for abandonment. When the City provides copies of plans for City projects, the Utility shall respond to the City identifying conflicts with their abandoned facilities. If the abandoned facility must be removed to accommodate City project, the City will notify the Utility.
- C. The Utility shall remove all above-ground appurtenances to all facilities approved for abandonment.
- D. The Utility shall purge, cap or plug the ends of all facilities and conduct whatever procedures are necessary to safely abandon the facility.
- E. The Utility shall be responsible for all of the costs associated with the maintenance, removal or relocation of its abandoned facilities within the City's right-of-way.
- F. In the event of conflict between a City project and an abandoned utility facility, the Utility shall remove or pay for the removal of the facility provided that the Utility did not have prior rights.
- G. Conflict is defined as and caused by the following:
1. A grade change resulting in less separation from the proposed work than is acceptable.
 2. The proximity of the abandoned facility interferes with the constructability or construction method.
 3. The utility facility impacts construction efficiency, project schedules or phasing.
 4. The location, type, or size of the facility interferes with construction and/or operations of City's projects and results in an increase in the City's cost of work.
- H. If the Utility decides to remove the abandoned facility, the Utility shall insure the removal will not interfere with City projects or other facilities in the right-of-way.
- I. Should the Utility request to include the facility removal in a City construction project, there shall be sufficient time to allow for any special conditions to be placed into the contract documents and the Utility will reimburse the City for costs associated with the removal.
- J. If the City's contractor removes the abandoned facilities under its contract, the Utility owner shall reimburse the City for all costs associated with the removal and disposal of the facility.

K. Appeals may be made in accordance with City Code.



Transportation and Development Director

9-19-15

Date