

ORDINANCE 70924

BOARD BILL NO. 224 INTRODUCED BY: ALDERMAN JEFFREY BOYD/ALDERMAN JACK COATAR/ALDERMAN SCOTT OGILVIE

1 An ordinance establishing a “Dig Once” policy governing where, when and how often
2 construction and excavation that disrupts access to the right-of-way including the flow of
3 vehicle and pedestrian traffic may occur.

4 **WHEREAS**, the City of St. Louis seeks to provide a degree of relief to the citizens of St
5 Louis regarding repeated excavation in the right-of-way that disrupts the flow of vehicle and
6 pedestrian traffic; and

7 **WHEREAS**, the City of St. Louis seeks to protect public and private investments in
8 community improvement efforts; and

9 **WHEREAS**, the City of St. Louis seeks to protect public and private investments in
10 transportation infrastructure including street paving and sidewalk replacement; and

11 **WHEREAS**, the City of St. Louis seeks to develop a strategy and structure for
12 infrastructure modernization that includes excavation in the right-of-way in support the
13 Equitable Infrastructure Growth Program; and

14 **WHEREAS**, the City of St. Louis seeks to enhance coordination between the city,
15 utilities, telecoms, and fiber network builders regarding capital improvement projects that
16 include excavation in the right-of-way.

17

18

ORDINANCE 70924

1

2 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS**

3 **SECTION ONE. Applicability**

4 To the extent permitted by law, this chapter shall apply to:

5 A. The replacement of existing or the installation of new infrastructure.

6 B. , All capital improvement projects with the exception of ward capital improvement
7 projects.

8 This chapter shall not apply to:

9 C. Emergency repairs to existing critical infrastructure.

10 D. At the sole discretion of the Board of Public Service, excavation in the right-of-
11 way required to support land development projects such as neighborhood
12 improvement, commercial and/or residential construction.

13 E. At the sole discretion of the Board of Public Service, the repair of streets and
14 sidewalks.

15

16 **SECTION TWO. Definitions**

17 A. Definitions and Usage-General For the purposes of this Chapter, the following
18 terms, phrases, words, and abbreviations shall have the meanings given herein,
19 unless otherwise expressly stated. When not inconsistent with the context, words
20 used in the present tense include the future tense and vice versa, words in the
21 plural number include the singular number and vice versa, and masculine gender

ORDINANCE 70924

1 includes the feminine gender and vice versa. The words “shall” and “will” are
2 mandatory, and “may” is permissive. Unless otherwise expressly stated or contrary
3 to the context, those terms, phrases, words, and abbreviations not defined herein
4 shall be given the meaning set forth in the City Code, and, if not defined therein,
5 their common and ordinary meaning. For further convenience, the first letter of
6 terms, phrases, words and abbreviations defined in this Chapter have been
7 capitalized, but an inadvertent failure to capitalize such letter shall not affect its
8 meaning, nor shall the inadvertent capitalization of the first letter of a term, phrase,
9 word, or abbreviation not defined herein affect the meaning thereof.

10
11 B. “Critical Infrastructure” power, water, sewer, gas, fiber optic networks critical to
12 public safety, and transportation networks.

13
14 C. “Infrastructure”, power, water, sewer, gas, telecommunications including wireless
15 communications, fiber optic networks, and transportation networks.

16 17 **SECTION THREE. General Standards**

18 A. The Board of Public Service shall establish geographical excavation grids that
19 apply to all construction that requires excavation including but not limited to
20 opening streets and sidewalks in a manner that disrupts access to the right-of-way
21 including the flow of pedestrian or vehicle traffic.

ORDINANCE 70924

- 1 B. The Board of Public Service shall establish a public works plan including
2 geographical excavation grids wherein construction that requires excavation in the
3 right-of-way is managed.
4
- 5 C. The Board of Public Service shall establish and publish how often and when
6 construction that requires excavation in the right-of-way can occur and minimum
7 timeframes between construction in the same geographical grid.
8
- 9 D. The Board of Public Service shall assign and publish construction windows for
10 each geographical grid and assign a construction timeframe to all approved permits
11 based on the established construction windows.
12
- 13 E. The Board of Public Service may not permit construction within a geographical
14 grid outside of the established construction window; furthermore, to the extent
15 allowed by law the Board of Public Service may charge a higher permitting fee for
16 construction outside of the established construction window.
17
- 18 F. Any entity including their agents and contractors must restore the area in which
19 construction has occurred to the same or better condition than prior to construction
20 including but not limited to the replacement or repair of technology, structures,
21 landscaping, and decorative items. Additionally, entities must upgrade the area if

ORDINANCE 70924

1 required to meet ADA requirements or other City, State, or Federal laws or
2 regulations.

3 1. For construction that occurs outside of the established window for a
4 geographical grid and at the sole discretion of the Board of Public Service,
5 the patching of streets and sidewalks may not be considered restoration.
6 Entities may be required to replace/restore the entire section of sidewalk or
7 street affected by the construction.

8
9 G. The Board of Public Service may recover costs equal to the cost incurred by the
10 city and any third parties associated with restoration if an entity fails to properly
11 restore an area.