

CENTRAL BUSINESS DISTRICT POLICY FOR THE USE OF CITY STREETS AND ALLEYS FOR CONSTRUCTION AND OTHER ACTIVITIES

Revised October 2014

This policy supplements the Central Business District (CBD) Policy for the Use of City Streets and Alleys for Construction and Other Activities dated April 1, 1994. The direction as set forth in this policy will be applied and enforced by the Department of Transportation and Engineering (DOTE) effective immediately for existing and future construction projects in the CBD.

The Central Business District is defined as the area between 12th Street and the River and Central Avenue and Eggleston Avenue.

Downtown Cincinnati is transforming, which is very exciting and encouraging. There are more people living downtown, which is attracting more businesses and making downtown more vibrant during the weekends and evenings. Downtown is becoming the place where everyone wants to be and, as a result, there is no slow time in the CBD anymore. With many entities competing for space on city streets it is important that construction activities be limited to as little space and the shortest duration as possible and all work be scheduled and performed to cause the least interruption to vehicular travel, bicyclists, pedestrians and businesses.

The following conditions are in addition to those already in the Street Restoration Book and will apply to all new and existing construction work within the Central Business District (CBD).

- No work will be allowed on weekdays between the hours of 7AM to 9AM, 4PM to 6PM and 11PM to 7AM.
- No right-of-way work, lane or sidewalk closures are allowed from 2 hours before until 1 hour after any Reds, Bengals, US Bank Arena or other Cincinnati Police Department (CPD)-designated special event unless approved in advance by the City Engineer or expressly allowed to do so by permit or City contract.
- Work zones will be limited to only the area needed to complete the work. Work zones are to be as small as possible.
- Plates should only be used to allow time for a durable repair and high-quality street restoration. Every attempt must be made to minimize the extent and duration of such use. Plates that are left over night shall be pinned, wedged, and possibly recessed to eliminate noise issues.
- On street parking shall be maintained wherever possible. If parking is restricted, it shall be immediately restored as soon as the work is complete for the day.

During all non-working hours street parking in work areas shall be restored and unobstructed unless it is behind an established approved work zone that is left in place. Permittees are subject to CPD parking requirements.

- No equipment or material storage will be allowed on site during non-working hours, unless it is behind an established work zone that is the City has given approval to be left in place. Only materials and equipment to be used for that day's work shall be brought to the site.
- Construction vehicles, equipment, and material delivery vehicles are required to utilize the approved work zone. Stopping, standing, or parking of such vehicles and equipment outside the work zone is subject to enforcement of traffic regulations.
- No personal vehicles will be allowed to park within a work zone. Only work trucks needed to support that day's work will be allowed.
- No port-o-lets will be allowed unless they are on a trailer located within the work zone and removed after each day's work. They are not permitted to be left within a work zone during non-working hours.
- All work sites shall be kept clean and the contractor shall ensure that the site is free of loose gravel or construction debris during non-working hours.
- For work more than two weeks in duration, project signs are required that identify the type of work being performed, the contractor's name and contact number and the duration of the work. See the DOTE Construction Sandwich Board specification for details. These signs shall be in place before work begins and shall be maintained until work is complete.
- Any work along the streetcar route shall be coordinated with the city's streetcar team and shall be scheduled in concert with the surrounding work. Any work undertaken along the Streetcar ROW Alignment¹ shall require a valid Track Access Authorization obtained in accordance with the procedures set forth in the Streetcar ROW Manual (Appendix I to the Street Restoration Book) and will not be permitted to start until one is obtained.
- Maintenance of Traffic (MOT) items shall be covered or removed at the end of each work day if not in effect.
- Work within 50' of a signalized intersection will require an off-duty law enforcement police officer (LEO) for all times active travel lanes are restricted. If the work is deemed to cause congestion at other intersections, then a LEO may be required at such intersection(s) also. The use of CPD officers may be required at the City's sole discretion. The hiring of a LEO is for assistance with traffic and pedestrian control, for the safety of the traveling public, and for the safety of the Contractor's employees. The LEO is an agent of the Contractor and the Contractor is responsible for his or her actions.

¹ The Streetcar ROW Alignment means the public right-of-way contiguous with the streetcar trackway, including the area from property line to property line, which may include a roadway, sidewalk, curb, grassy area, utilities facilities, all or any combination of the above. A Track Access Authorization is also required for work with potential to enter the Power Envelope along the overhead contact system, as defined in the Streetcar ROW Manual.

- Due to the large amount of work and events planned and underway downtown this policy is effective immediately and will be extended at least through the 2015 All Star Game.
- Any exception to this CBD Construction Policy must be approved by the Director of the Department of Transportation and Engineering or the Director's designee (the "Director"). The Director, in his or her discretion, may grant an exception to the CBD Construction Policy for good cause. In making his determination, the Director shall be guided by consideration of the safety and convenience of ordinary travel of the public over the right of way, and by considerations relating to the public health, safety and welfare. The Director shall issue a decision on whether to grant an exception within a reasonable period after receipt of a written request for the exception. The decision regarding an exception shall be final.
- In the case of a conflict between this policy and the City's Street Restoration Book, this policy shall prevail.
- Contractors must have a copy of the permit on site at all times. CPD Officers and/or City Inspectors will shut down the work and clear the right of way if there is no permit issued, if the contractor does not have a copy of a valid permit, or if the contractor fails to comply with permit conditions.

**April 1, 1994 Policy
Revised October 2014**

It is the policy of the Department of Transportation and Engineering (DOTe) that every attempt be made to coordinate the impact of a project with the affected businesses and property owners throughout the City of Cincinnati.

In 1992, the Department of Trade and Development (then known as the Economic Development Department), working with DOTe (then known as Public Works), reported to City Council that detailed coordination will be required for all capital improvement projects in the CBD. As part of its responsibility for managing the City's streets and right-of-ways, DOTe has determined that it would be beneficial to expand the coordination identified in the council report to include other levels of work, where possible, to maximize the level of communication in the CBD. With this policy statement, DOTe hopes to achieve the desired levels of communication.

The procedures in this report are intended to be a guide to a cooperative relationship between the operators of the City's infrastructure and the business owners, property owners and residents that benefit from the services provided through the operators' efforts. It is not intended that emergency work follow these procedures (except as

provided in the Streetcar ROW Manual). Restoration of service to our customers is of primary importance and should not be impeded.

Unless otherwise noted, it will be the responsibility of the agency sponsoring the work to ensure that the following procedures are satisfied. For purposes of the following requirements, "Work" shall include the following activities: construction (including construction staging); street openings; street encroachments; utility work (non-emergency); and any other activity requiring a City permit or approval under Chapter 718 (Revocable Street Privileges), Chapter 721 (Streets and Sidewalks, Establishment and Maintenance), Chapter 722 (Management and Control of the Use of the City Right-of-Way), or Chapter 723 (Streets and Sidewalks, Use Regulations). Failure to abide by the CBD policy below may result in denial of a construction permit (as defined in CMC Chapter 722), revocation of a construction permit, or a notice of violation under CMC §722-7 resulting in administrative fines of up to \$500 per day of violation.

It shall be the policy of DOTE that work in the CBD must comply with the following requirements in addition to ordinary permit requirements.

1. CAPITAL PROJECTS

a. City Streetscape Projects:

- i. Avoid using trailers for field offices. Contractors will be required to secure space for a field office building. If there is no available office that meets the contractor's requirements within one City block of the project, the contractor may locate a trailer, including sanitation facilities, within an off-street parking facility.
- ii. The need for elimination of parking metered spaces will be evaluated before contracts are bid. Each contract will identify material storage and staging areas for the work, minimizing the need to eliminate parking meters.
- iii. Some phases of work shall be scheduled for outside of business hours. Each project will be examined during the planning stages to maximize the amount of work performed after business² or non-peak³ hours while avoiding nighttime construction.⁴

² Business hours/time is determined on a case-by-case basis for affected businesses.

³ Weekday peak hours/time: 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00.

⁴ Nighttime construction permits: no construction shall occur between the hours of 11:00 P.M. and 7:00 A.M. without express permit authorization to do so.

b. Street Rehab/Maintenance Projects:

- i. Field office trailers will not be authorized within the public right-of-way.
- ii. Each street will be evaluated to maximize the amount of work done during non-business or non-peak times. Consideration will be given to expediting the work utilizing evening hours while not compromising acceptable noise levels during the restricted evening hours.

c. Utility Projects (Water, Gas, Electric, Sewer, Communications, etc.):

- i. Field office trailers will not be authorized in the public right-of-way.
- ii. The effect of the proposed work on on parking must be assessed before contracts or permits are let.
- iii. Material storage and staging will be kept to a minimum. Storage of materials will be limited to one day's usage unless special permit arrangements are approved for storage space.
- iv. Parking will be reopened as quickly as roadway conditions allow.
- v. The time limit for start and completion of all capital projects will be evaluated to eliminate excessive contract time periods. It must be considered that the impact of irregular or expanded work shifts on projects may cause work schedules to be longer than normal. To minimize the impact on CBD business and residents, every effort will be made to have construction done utilizing non-business/peak hour work shifts.

2. MAJOR NEW BUILDING PROJECTS

- i. Closure of sidewalk and street space will be evaluated to minimize the impact on accessibility to the surrounding businesses and residents.
- ii. Where possible, overhead pedestrian protection requirements will be implemented to make available accessible space for parking and pedestrian traffic.
- iii. To eliminate traffic interferences, delivery of materials will be received within the construction limits of the projects.

3. NON-DESTRUCTIVE MAINTENANCE AND PROJECTS

- i. Whenever possible, the utility companies/agencies will have planned manhole work such as regular maintenance and cable pulling and splicing operations done during non-business or non-peak hours. Work in intersections is highly disruptive to traffic during peak business hours.

4. SCHEDULING WORK

a. Scheduling Restrictions and No-Work Periods:

- i. Permittees are encouraged to contact DOTE at least **six months in advance** regarding work in the CBD in order coordinate access to the public right-of-way with the need to maintain the safety and convenience of ordinary travel over the public right-of-way – including pedestrian travel. Failure to provide adequate notice to DOTE may result in denial of permit applications and delays to performance of the proposed work.
- ii. Effective immediately until July 21, 2015 (one week after the 2015 All Star Game on July 14, 2015), all work in the CBD shall be subject to additional traffic control, sidewalk maintenance, and scheduling review by DOTE. As a general matter, work during this time shall be kept to a minimum as a result of the unusually large demand placed on the use of the right-of-way for work currently planned or underway. The Director may reject permit applications for work during the above period if the Director determines that delaying the work is in the best interests of the public. In making his determination, the Director shall be guided by consideration of the safety and convenience of ordinary travel of the public over the right of way, and by considerations relating to the public health, safety and welfare.
- iii. Work in the CBD shall be prohibited during the Holiday Season. The Holiday Season begins on the Saturday before Thanksgiving and continues through the Sunday following January 1st of the New Year.
- iv. DOTE may establish special moratorium periods in association with major public events such as Oktoberfest, Taste of Cincinnati and other major events the City determines require special consideration due to their scale and public nature. These schedules will be determined on an annual basis.
- v. Moratorium notices will be issued by DOTE to work permittees as soon as schedules are made available, but no later than 30 days

before the event. Moratorium areas can be for the entire CBD or localized for a time and area to service the needs of the special event.

- vi. Requests for special exceptions to the the above requirements shall be made in writing to the Director Department of Transportation and Engineering at Room 425 in City Hall, 801 Plum Street, 45202. Emergency work may proceed as needed, subject to applicable City regulations and permit requirements for emergency work.

b. Schedule Coordination:

- i. It is important that only one work crew work in a city block segment at any one time. Multiple work crew scheduling can be beneficial at times; however, extensive coordination is required to maintain adequate traffic control.
- ii. To avoid conflicting work zones in the CBD, it is required for permittees to clear work schedules through the DOTE Right of Way Section. The information required to clear a work schedule is the contract or permit number, the starting date and time, and the duration of the work. A clear work schedule will ensure a work zone will not be compromised, providing the work is being performed in the public interest. The DOTE Right of Way Section should be contacted no later than 8:30 A.M. of the day of the work. Emergency work should be scheduled the morning of the following business day. Non-emergency work will be postponed if there is a conflict with the emergency work zone.
- iii. Proper maintenance of traffic will be required including maintenance of safe pedestrian travel.
- iv. Work crews that create right-of-way and construction conditions not in the interests of local businesses and the public, or who have not cleared their work schedule, may be required to suspend work until proper coordination has been accomplished. In the event of failure to comply, permissess may be subject to permit revocation and administrative fines, as discussed above.

5. COORDINATION WITH BUSINESSES AND PROPERTY OWNERS

- i. It is important that the day-to-day affairs of businesses and property owners that adjoin or may be affected by work in the public streets and alleys of the CBD be considered in the planning and implementation of work.

- ii. The following is a guide for coordination with business and property owners of the CBD to be followed by the agencies sponsoring the work:

a. Major Planned Projects:

- i. Projects that are planned to exceed 3 working days shall be subject to the following requirements.
- ii. A list of affected street- and skywalk-level businesses, building owners and major event producers will be generated by the permittee when project planning commences.
- iii. Written notice of the planned project will be provided by the permittee to the list of affected businesses, building owners, other authorized users of the right of way (valet operators) and major event producers. The notice will include the scope of the project, the tentative work schedule and the name and telephone number of a representative of the project manager and, if the work is not sponsored by the City, contact information for the DOTE Right of Way Section. Building owners should be requested to notify their tenants. The City may written verification of the notices required under this section.
- iv. The telephone number for the DOTE Right of Way Section is 352-3463. The City will determine if meetings between the permittee and affected parties will be necessary to effectively communicate the scope of the project.
- v. The Permittee shall address the needs of the affected parties and incorporate those needs into the project documents. The permittee will inform the affected parties of any change in the project documents that may further affect them.
- vi. The affected parties will be informed of any changes that occur during the work that may further affect their operations (e.g., changes to work start dates, the work schedule, or the expected duration of the work).

6. Minor Planned Work:

- i. Work that is planned with a duration of 3 days or less shall be subject to the following requirements.

- ii. The following is a guide for coordination with business and property owners of the CBD to be followed by the agencies sponsoring the work:

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- vi. The affected parties will be informed of any changes that occur during the work that may further affect their operations (e.g., changes to work start dates, the work schedule, or the expected duration of the work).

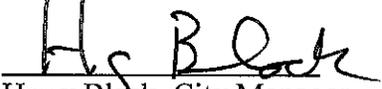
6. Minor Planned Work:

- i. Work that is planned with a duration of 3 days or less shall be subject to the following requirements.

- ii. The impact on street- and skywalk-level business and building owners will be assessed by the permittee when the work is planned.
- iii. Written notice of the planned project will be provided by the permittee to the list of affected businesses, building owners and major event producers at least 7 days in advance of the start of work. The notice shall include the scope of work, the starting date, the duration of the work, which shall not exceed 3 days. Building owners should be requested to notify their tenants. The notice shall also include the name and telephone number of a representative of the project manager and, if the work is not sponsored by the City, telephone contact information for the DOTE Right of Way Section (513-352-3463).
- iv. The DOTE Right of Way Section may elect to postpone the work until the needs of the affected parties are resolved.

It must be noted that this policy is intended to be a guide to effectively manage the streets and alleys of the Central Business District. Varying types of work may be handled differently to meet the needs of the CBD as a whole while successfully completing the work in the best interests of all parties involved.

APPROVED:


Harry Black, City Manager

Date: October __, 2014.

RECOMMENDED:


Michael R. Moore, Director
Department of Transportation and Engineering


Don Gindling, City Engineer