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CHAPTER 2. CITY RIGHT-OF-WAY

- 2.1. **GENERAL.** Right-of-Way (ROW) shall be dedicated for public streets as needed in accordance with current master plans and development approval requirements. Specific procedural requirements for ROW dedication or vacation are listed in the Steamboat Springs Municipal Code. The purpose of this Section is to provide more detail for accessing City ROW, conducting work in the ROW, and considerations for vacating ROW.
- 2.2. **ACCESS TO CITY ROW.** Any new access and any modification of an existing access to a public street or City ROW must be approved by the Public Works Director prior to construction. Approval shall generally be granted via approval of the preliminary plat, development plan and/or building permit plan. Where a new access or modification to existing access is proposed that is not part of a development plan or a building permit, a written request shall be submitted to the Public Works Director for approval prior to construction. The request shall at a minimum include a drawing showing the existing conditions, the street and ROW width, and the proposed conditions.
- 2.3. **WORK IN RIGHT-OF WAY.** Contractors, developers, owners, or governmental agencies must obtain a Right-of-Way Permit from the City Streets superintendent prior to any excavation work being performed within the City ROW. The requirements for the permit and work are described in Section 20-2 of the Steamboat Springs Municipal Code and include obtaining the permit, leaving the ROW in satisfactory condition, and posting collateral if required. For fills or other work in the ROW not covered by a Right-of-Way Permit, approval from the Public Works Director is required either as part of the building permit or via a separate written request to conduct the work. For any work in the ROW, the contractor is responsible for obtaining utility locates, and obtaining any other permits and approvals necessary to complete the work. Contractor is also responsible for implementing any necessary controls such as traffic control and erosion control.
- 2.3.1. **Exceptions.** For work in the ROW to replace an existing driveway culvert, install a new driveway, or repair/modify an existing driveway where the work is part of an approved building permit, a separate Right-of-Way Permit is required. Where those types of work are proposed in the ROW but are not part of a building permit, approval from the Engineering department is required prior to conducting the work.
- 2.4. **RESTRICTIONS TO WORK IN THE CITY RIGHT-OF-WAY.** Work in the ROW is prohibited between November 1 and May 1 unless a written variance has been granted by Public Works Director. For utility work, additional approval is required from the appropriate utility. It is the intent that during the shoulder months of this restriction, if the weather conditions are suitable and specifications can be met a variance will be considered. A site is generally not eligible for a variance when a)

significant pavement repair is required and the work will be conducted when asphalt is not locally available or b) where excavation is within 4 ft of the edge of pavement. Work required to resolve a health and safety emergency will be permitted during the restricted months; however additional mitigation measures may be required to maintain the function infrastructure in the ROW. The variance request shall at a minimum include:

- Written explanation of why work must be completed during the restricted period and impacts of delaying work till restriction period ends,
- Plan showing at a minimum full pavement width, ROW limits, location and type of work, location of any utilities to be connected, width and length of trench,
- Estimated work start date and completion date,
- Estimated schedule for pavement and shoulder repair, and
- Cold weather construction techniques to be used to ensure material and placement standards can be met.

2.5. OBSTRUCTION PERMIT. Owners/contractors shall conduct construction to prevent or minimize the need to block the shoulder or travel lane of adjacent streets. Where all or a portion of a street must be closed to perform site work, contractor shall obtain an obstruction permit per the Steamboat Springs Municipal Code Section 10-142 prior to commencement of work.

2.6. MATERIAL STORAGE IN ROW. Contractors are generally not permitted to store site materials or support functions such as dumpsters or port-o-lets in the ROW. In some cases based on site constraints, materials may be permitted in the ROW where approved as part of a construction site management plan. No materials shall be placed on the street, shoulder, or travel lanes that could interfere with snow plowing operations between November 1 and May 1.

2.7. PRIVATE IMPROVEMENTS IN ROW. Private utilities, facilities, improvements, landscaping, infrastructure, etc, are not allowed in the public ROW without approval of the Public Works Director. Any improvements approved by the Director require an executed license agreement or revocable permit prior to construction.

2.8. RIGHT-OF-WAY VACATIONS. The Public Works Director provides recommendations on ROW vacations to City council. City Council reviews and directs staff to vacate ROW. In reviewing requests to vacate ROW, the Public Works recommendation will consider such items as:

- There is an overall development plan that provides and equivalent alternate public street network.
- There are no utilities in the ROW, or adequate easements will be provided prior to the vacation.
- There is no anticipated future need for utility installation or other public improvements in the ROW.

- The comprehensive plan does not support development accessing the ROW (such as secondary units/ garages in alleys).
- The request is for a full section of ROW (not for only part of an existing street or block).
- The vacation does not leave a parcel of land without access to a public street.
- The grades in the ROW are not practical for street construction.
- There is adequate alternate circulation provided.
- There is no existing access to the ROW.
- There is no potential for future access to the ROW.