



RIGHT-OF-WAY MANAGEMENT PROGRAM



On January 13, 2009, Scottsdale City Council approved a new traffic barricade ordinance as part of its Right-of-Way Management Program (RWMP). The new ordinance will streamline the coordination of construction projects and other activities that occur on the city streets.

If you have questions about the barricade ordinance, please contact Walt Brodzinski at wbro@scottsdaleaz.gov or 480-312-7757.

What is Right-of-Way?

Right-of-way is land dedicated or purchased for the use and benefit of the public as part of a transportation system or utility infrastructure. This typically includes streets, shoulders, curbs, gutters, sidewalks, alleys, shared paths and bridges. Additionally, there are also public and private utilities located underground, at street level or overhead in the public right-of-way.

Program Goals

The goal of the RWMP is to enhance safety while maintaining mobility for residents and visitors by establishing policies and procedures to effectively manage the variety of activities that occur within the public right-of-way such as road construction, utility work and special events.

Other benefits to the proposed ordinance include:

- preventing conflicts
- the ability to consolidate similar type projects together
- reduce lane restrictions, congestion and travel delays, especially during peak hours
- Enhanced safety for drivers, pedestrians, bicyclists, event patrons and work crews
- increased communication between the city, event organizers and construction projects

How it Will Work?

Competition for the use of right-of-way in Scottsdale is strong. Personal and commercial vehicles, transit, bicycles, pedestrians and equestrians all use right-of-way in their daily routines. Maintenance and improvements to the city's infrastructure and streets, private utilities, construction projects and special events all require using of right-of-way and have the potential to restrict travel lanes along your route.

The Transportation Department is responsible for reviewing, scheduling and coordinating all activities that involve restricting or using the public right-of-way. It will establish guidelines and policies to allow restrictions of the right-of-way for engineers, contractors and consultants who prepare project plans that must be reviewed by the city. This includes reviewing, approving, and enforcing barricade plans. The RWMP also will include fines for not complying with the new ordinance and for motorists not obeying traffic laws in work zones. Barricade Plans and Enforcement

All activities involving right-of-way restrictions must have an approved barricade plan for traffic control before any work or activity can begin. A few exceptions include:

- emergency situations
- to protect the safety of the public

- when the city performs routine maintenance on a street or utility
- a city sponsored special event
- when placed on a local residential street
- a licensed valet parking operation

All barricades will need to be placed as close to what is reflected in the approved barricade plan, although minor adjustments may be allowed to accommodate driveways and business access.

The approved barricade plan must be kept on site at all times when work is underway. This includes placing and removing the barricades.

Any person who is authorized to issue a civil complaint, (police officer, police aide, city manager or their designee,) may also issue a notice of violation describing what actions must be taken and the timeframe to be completed to avoid a fine.

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Violations and Fines

The following violations of the barricade ordinance can be punishable by a fine of up to \$2,500 per day. Each day a violation continues represents a separate violation.

- Placing a barricade or traffic control device in such a way that it creates an imminent risk of injury or death to the public
- Placing a barricade or traffic control device in the right-of-way without an approved barricade plan, if one is required
- Placing a barricade in the right-of-way without actually needing to restrict the right-of-way
- Not following the conditions of the approved barricade plan, including the hours of operation
- Not following the conditions of an encroachment permit (an encroachment permit is required whenever the right-of-way is restricted)
- Placing, removing or adjusting barricades without traffic control device certification
- Failure to use barricades or traffic control devices in situations that are described in the Design Standards and Policies Manual

- Leaving or storing barricades or traffic control devices for more than 4 hours after the work is completed, or the approved barricade plan expires
- Place or maintain barricades or traffic control devices without having a copy of the approved barricade plan on site and being able to produce the plan at the request of a city employee
- Making a bus stop inaccessible without relocating it or making accommodations that comply with the Americans with Disabilities Act of 1990
- Making a sidewalk inaccessible without providing accommodations that comply with the Americans with Disabilities Act of 1990

In addition to fines, Scottsdale also may suspend or revoke work and/or special event permits, take possession of barricades or traffic control devices left in the right-of-way and charge a reasonable fee for storage, and charge for any actions taken by city staff to correct violations.



Definitions

Restrict or Restriction

Limiting access to or closing a right-of-way

Right-of-way

Includes streets, alleys, sidewalks, multi-use paths.

Right-of-way Manager

The person who is responsible for implementation of the Barricade Management element of the Right-of-Way Management Program, their successor or designee.

Barricade Plan

A plan showing the details of the traffic control devices that will be used to restrict a right-of-way. The requirements for a Barricade Plan are set forth in the Design Standards and Policies Manual.

Design Standards and Policies Manual

The document that details the City of Scottsdale's requirements, procedures, policies, forms, and document standards that are used to manage Right-of-Way Management Program ordinance.

Traffic Control Device

Any sign, traffic signal, marking, barricade or channeling device that is used to regulate, warn or guide traffic

Emergency

A sudden, unexpected event that may create an immediate or imminent risk of injury or death to a person that may require immediate response from medical personnel.