



Outline of Revisions to the February 10th Draft
of the *Rules and Regulations Guiding Permits, Licenses, and Plan Reviews*
Department of Mobility and Infrastructure
May 4, 2020

Overview

- Starting in 2019, the Department of Mobility & Infrastructure began the lengthy process of modernizing and standardizing departmental business practices in anticipation of moving right-of-way (ROW) permits, licenses, and plan reviews to the City’s new OneStopPGH system.
- In support of these changes, City Council voted to revise the Pittsburgh Code of Ordinances ([ordinance 2019-2291](#) on December 16, 2019) and update the Fee Schedule for 2020 ([adopted by City Council](#) on December 23, 2019).
- On February 10, 2020, DOMI published draft *Rules & Regulations Guiding Permits, Licenses, and Plan Reviews* to administer changes related to the launch of the new permit system.
- The draft *Rules and Regulations* were open for inquiries for 30 days. The department received feedback from three utility service providers.
- DOMI revised the draft *Rules and Regulations* to address comments and clarify language. The final version of the *Rules and Regulations* was published on the City’s website on May 4, 2020.
- This *Outline of Revisions* provides an Index of Changes that summarizes changes and clarifications made to the February 10 draft. This document also provides a response to the feedback received from utility providers.
- The May 4, 2020 final version and the February 10 draft *Rules & Regulations* are both available on DOMI’s website.

Index of Changes

Excludes corrections for typos, formatting, or small edits for clarity.

Section in May 4, 2020 Version	Changes Made
III.1.B	Changes <i>Failure to Comply</i> section to <i>Failure to Comply: Applicants not Regulated by the PUC</i>
III.1.C	New section added: <i>Failure to Comply: Applicants Regulated by the PUC</i> . Outlined in response 1, below.
II.2.B.ii-iii	Changes to reporting emergency work. Outlined in response 9, below.
III.3.B.i	Clarifies definition of the application fee and when it is due. Clarifies when the permit fee is due. Removes description as “flat fee” for applications to avoid confusion.
III.3.B.ii	Clarifies ROW Improvement Plan.
III.3.D	Changes <i>Payment and Issuance of Fees</i> to <i>Payment Scheduled for Non-Invoiced Customers</i>

III.3.E	Moves <i>Payment Schedule for Invoiced Customers</i> from III.5.A and corrects how invoiced customer make payment through OneStopPGH. Please see response 13 for more information.
III.4.A.v	Corrects the bounced check fee from \$25 to \$50. This is not a new fee.
III.5	Changes <i>Refunds</i> to <i>Refunds and Adjustments</i> . Adds new language to clarify fee adjustment process.
III.6	Reorganized sections on correspondence for clarity.
IV.1.A	Clarifies registration process for OneStopPGH.
IV.1.B	Reordered from IV.1.C. Changes <i>Tax Compliance</i> to <i>Contractor Registration</i> . This section requires contractors applying for permits or listed on the permit record to be registered with the City. This is to ensure that tax compliance and insurance requirements are met. Contractors can also elect to submit an annual bond with their license. In this case, the annual bond on the license will meet the requirement to submit a bond for individual opening permits.
IV.1.C	Reordered from IV.1.B. Changes <i>Good Standing</i> to <i>Standards of Conduct</i> to better describe the intent of this section. Adds contractors to those required to observe these standards. Removes the provision to withhold permits.
IV.2.C	Changes <i>Utility Providers</i> to <i>Coordination of Work with Utility Providers</i> . Changes language to ask providers to submit an annual list of planned projects to DOMI, and states that participation in Coordinate PA would suffice. Outlined in response 2, below.
V.1.B	Moves some of the bullets from V.1.A to new section <i>When to Submit Application</i> to provide clarity.
V.1.C	Renumbered from V.1.B in original draft. Changes <i>Application Review</i> to <i>Application Review and Completeness Check</i> to better describe the work DOMI does at this stage.
V.1.D	Renumbered from V.1.C in original draft. Changes <i>Rejection of Application</i> to <i>Denial of Permit or License Application</i> .
V.1.E	New section outlining inspection process and failed inspections. Outlined in response 6, below.
V.2.B.iv	New provision for work that has not commenced before the expiration date, the permit will be voided, unless a permit extension or amendment has been granted.
V.2.C	Clarifies permit extension process. Outlined in response 3, below.
V.2.C.iv	New provision for permittee to request extension without additional fees when a state of emergency has been declared. Outlined in response 12, below.
V.2.C.v	New provision for utilities regulated by the PUC to request extension without additional fees when a weather-related event causes an unexpected disruption in the service infrastructure. Outlined in response 12, below.
V.2.D	New section on permit amendment to clarify difference between extension and amendment. Outlined in response 3, below.
V.2.E	Renumbered from V.2.D in original draft. Expands <i>Permit Inspections</i> to give more details on this stage of the permitting process.
V.2.G	Renumbered from V.2.F in original draft. Makes clarifications to the process of closing the permit for winter restoration.
VI.1.C	New section added to distinguish between the <i>Application Review</i> and the <i>Plan Review</i> for ROW Improvement Plan and other plan reviews.

DOMI's Responses to Feedback

1. Withholding, Denying or Revoking Permits for Utility Work

(Comments concerning withholding permits as a regulating activity not allowed under the PUC)

- The *Rules and Regulations* are intended for all DOMI applicants and are not exclusive to the work of utilities.
- **Section III.1.C: Failure to Comply: Applicants Regulated by the PUC** has been added to clarify the department's review of permit applications for utility work. DOMI acknowledges that the activities conducted by public utilities in many cases fall under the jurisdiction of the Public Utility Commission. As a result, to the extent that such work is implicated, DOMI acknowledges that the permit review process may necessarily differ from that provided in the *Rules and Regulations* and further that DOMI's proper venue for redress is through the Public Utility Commission.
- **Section IV.1.B** and **Section IV.C** require contractors listed on the permit to meet compliance requirements and standards of conduct to be eligible to apply for or be listed as the contractor on the permits. Contractors that are not eligible to pull their own permits cannot be listed as the contractor performing the work.

2. Annual Work Program

(Comments on operations, emergency work, and duplication with Coordinate PA)

- The *Rules and Regulations* have been revised to accept participation in Coordinate PA as meeting the requirement to submit an annual list of planned projects to DOMI.
- The City will continue to request that notification of updates to the annual work list and restoration plan are submitted to DOMI as needed to coordinate activity in the ROW.
- The submitted plans and updated schedules are not expected to include emergency work or new service lines. [§ 412.06]
- The section "failure to report emergency may result in ineligibility for future permits" has been removed.

3. Permit Expiration and Extension

(General questions about permit periods, work dates, and the extension process)

- There seems to be a misunderstanding of terminology for permit periods and work dates. These terms are unique to OneStopPGH. The department is preparing permit information sheets, which will be comprehensive in addressing the process for requesting an extension or amendment. Guidance is also provided below.
 - Permit periods are defined as the increments for which a permit can be requested. Please note that these have not changed from 2019. The permit periods for the most commonly sought permits are: Opening (14-day period), Pole (30-day period), Machinery (7-day period), and Materials Staging (14-day period).
 - Work dates are defined as the start and end date in which the work can occur. When making an application to DOMI, the applicant is expected to apply for the number of days needed to perform the work.
 - The permit period is automatically calculated based on the provided work dates. Please note that the system always rounds up to the nearest permit period. This then gives you the permit effective and expiration date. For example, if a 10-day work period is requested for a machinery permit, the expiration date will be set as 13 days from the start date to allow for a 14-day permit period.

- A one-time extension of permit dates can be requested by the applicant by phone or through OneStopPGH for the opening, pole, machinery, and materials staging permit. If granted, 14 additional work dates will be added to the permit, and a \$100 fee will apply.
- In cases where the permit is not eligible for an extension or there is a substantial change in permit activity (e.g. change in work scope) and/or work dates, the applicant may request a permit amendment.
- *Section IV.2.C* and *Section IV.2.D* have been updated accordingly.

**4. Permit Expiration and Extension
(Questions about dates for Pole Permits)**

- Pole permits dates should reflect the work period(s) necessary to perform work. As the pole owner, the applicant is responsible for selecting the work dates required to complete work up to the permanent restoration of the base. The note on the pole permit in the *Right-of-Way Fee Schedule* will be changed to reflect the \$50 fee applied to each 30-day work period, as selected by the applicant.
- Permits that require restoration must pass a final inspection verifying that all work was performed according to DOMI-approved plans and City specifications in order to close the permit record.

**5. Permit Expiration and Extension
(Questions about Opening Permits)**

- All opening permits are issued in 14-day increments plus an additional 30 days for restoration. The permit fee is assessed on the number of 14-day increments and size of opening. The work dates should be selected based on the time to excavate and fill. The additional 30 days for restoration is automatically added to the permit at no additional cost.
- Permits that require restoration must pass a final inspection verifying that all work was performed according to DOMI-approved plans and City specifications in order to close the permit record.
- A provision for inspection of the temporary patch for winter moratorium permits is outlined in response 7.

6. Final Inspection on Excavation Permits

- *Section V.2.E* has been added to outline the inspection process for all permittees. Additional detail on changes to the inspection process are also provided below.
- All work done in the ROW is subject to inspection. Permits that require excavation (opening, pole, sidewalk repair and curb cut) require three inspections: a pre-work inspection, opening inspection, and final inspection.
 - The pre-work inspection is conducted by a DOMI inspector to document existing pavement condition and anticipated restoration, and to discuss questions or site plan adjustments with the construction supervisor.
 - The opening inspection is conducted by a DOMI inspector to ensure that base repair is complete in accordance with department policy and procedures.
 - The final inspection is conducted by a DOMI inspector to verify that the restoration of the street or sidewalk opening is done in accordance with approved plans, department policy, construction standards, and procedures.
- When conducting an inspection, a DOMI inspector will complete an inspection checklist. If a deficiency is found, an Inspection Report will be sent to the permittee with the checklist item(s) that failed, the number of days to correct, and the re-inspection date.

- For permits that require more than one inspection, the number of failed inspections will reset to zero with each new inspection type.
- A “passing” final inspection is required to mark the permit as “complete” in OneStopPGH.
- Permits requiring restoration must pass a final inspection verifying that all work was performed according to DOMI-approved plans in order to close the permit record.

7. Final Inspection on Excavation Permits during Winter Months

- During the winter moratorium, all restoration for excavation is expected to follow temporary restoration procedures outlined in the ROW Procedures Manual.
- During the moratorium, the inspection of the temporary patch will count as the final inspection required to close the permit.
- DOMI will maintain a record of complete permits issued during the moratorium for temporary patches that are required to be restored in the spring.
- If periods of fair weather allow for a change in moratorium dates or suspension of the temporary restoration, the Director will make an announcement in writing to authorize this change in policy.
- *Section V.2.G* has been updated accordingly.

8. Review Timeline

(DOMI should provide a reasonable commitment to reviewing applications)

- Agreed. DOMI will provide a completeness check within 3 business days for submissions received through OneStopPGH. In many cases, the permit will be issued shortly after the check is complete unless that application is returned as “revisions requested”. Please see the corresponding permit information sheet on the City’s website for additional guidelines around permit processing.

9. Reporting for Emergency

(Clarify timeframes for reporting emergency work)

- The reporting timeframe for emergency work has been changed from 6 hours to one business day. Reports can be made by email or phone.
- The time to obtain permits or apply for permits has been changed from 24 hours to three business days. This is to allow for the reporting of the emergency and time to submit through OneStopPGH.
- The section “failure to report emergency may result in ineligibility for future permits” has been removed.
- *Section III.2.B* has been updated accordingly.

10. Planned/Capital Project Fee Caps

(Concerns about escalating permit fees for mainline projects)

- DOMI has clarified the process of submitting applications and fees for planned projects, involving excavation. This process, articulated below, will be published as an addendum to the *Rules and Regulations*.
 - A planned or mainline project shall be defined as a capital project or system enhancement undertaken with advanced planning and submitted to Coordinate PA by a utility provider.
 - Applicants are encouraged to request a plan review meeting with the Utility Supervisor and Permit Manager to review the description of the work to be performed, timeline, project phasing, and proposed traffic control prior to applying for permits.

- Planned projects that span many blocks will often require several permits to complete the work. The benefit of the planning meeting is to identify the permit package/list of permits required to perform the work and general timeline.
- When the work is ready to commence, the Permit Manager will issue a project ID created in OneStopPGH. The project ID is used to relate individual permits to one record in the permit system.
- The applicant will then apply for permits identified in the plan as normal through OneStopPGH and will have the ability to attach the permit to the project.
- Permits attached though the OneStopPGH project ID do not need to have the same work dates or traffic plan.
- Calculation of Fees for Planned Projects
 - For planned or capital projects involving excavation, fees will be calculated at the permit level and calculated so as not to exceed an overall project cap.
 - The basis of street opening fee will be square yards, defined as “Base Fee”.
 - Square yards will be calculated as linear feet of contiguous replaced/repaired/installed lines times a constant multiplier of 3 feet.
 - The Base Fee will be applied for each 14-day work period. A cap of \$920 will be set on the Base Fee. The cap is equivalent to 1,200 feet of linear work on the permit.
 - Projects shall have a \$10,000 annual cap. The cap is calculated based on the sum of permit fees accrued on the project.
 - Service providers can use the Capital Project Fee Calculator provided by DOMI to estimate fees for capital projects. When entering in the linear feet measurement and work days, the user should keep in mind that the information entered on each line should be for a contiguous cut following the same work dates and traffic obstruction. This, not the overall project, is used as the basis of fees. The calculator is provided only as an estimate of permit and is only applicable for work over 300 linear feet.

11. Multiple Poles or Openings on One Application

- DOMI allows multiple poles and openings that have the same work date and traffic control plan to be entered on one application. When entering multiple poles or openings on one permit, a plan showing the location and extent of work listed on the permit must be submitted with the application for review.
- When bundling Pole Permits, fees are calculated as:
 - \$75 application fee + \$50 each pole
 - Example: 5 poles on one permit
 - $\$75 \text{ application} + (\$50 \text{ permit} * 5 \text{ poles}) = \375
- When bundling Opening Permits, the application fee for each individual opening will accrue up to \$250. Two examples are below:
 - If a permit for three 5’x5’ sidewalk openings is entered on one application, the fee breakdown will be:
 - $\$25 \text{ application fee} + \$30 \text{ permit} * 3 \text{ openings} = \165 total
 - In this example, the fee is not different than applying for individual permits.
 - If a permit for fifteen 5’x5’ sidewalk openings were entered on the application, the fee breakdown would be:

- A \$25 application fee for each opening would accrue up to \$250 (instead of \$375 cumulative fee).
- The \$30 fee for each opening would still apply.
- $\$250 + (30 * 15) = \700

12. Unexpected Delays Occurring from Weather, Emergencies, Catastrophe, etc.

- A permittee may request an extension to a permit without incurring additional fees if a federal, state, or local state of emergency is declared that expressly prohibits construction or repair work.
- Delays caused by inclement weather or other non-state of emergency circumstances are considered by DOMI to be a usual course of business and do not warrant a fee-free extension. In these instances, the permittee may apply for a permit extension. All applicable fees will apply.
- The exception to this pertains to utility providers regulated by the PUC. If a severe weather-related event causes an unexpected disruption in the service infrastructure such that a permit cannot be completed as originally issued, the utility provider may request an extension without incurring additional fees. In these cases, the request should be made in writing to the Senior ROW Manager.
- *Section III.2.C* has been updated accordingly.

13. Registering as an Invoiced Customer

- Utilities perform a high-volume of complex work. To help streamline application submission and processing, the department offers registration as an Invoiced Customer in OneStopPGH at no additional cost.
- Registering with DOMI as an Invoiced Customer is the easiest way for the department to track permits, plans, and fees associated with service providers. It also allows the service provider to submit an annual bond and proof of insurance rather than submitting these documents on a permit-by-permit basis.
- Service providers that elect to be invoiced will have two records in the permit system.
 - Contractor Account: this is the corporate account that allows the system to issue permits without needing to submit proof of bonds or insurance with every application. This account will be set up by DOMI staff and updated as needed.
 - Applicant Account: this is the account that the person(s) applying for permits on the service providers behalf will use to submit application, download “no parking” signs, request inspections, and extensions.
- Fees are generated by permits applied for using the applicant account. At this time, DOMI can only allow one applicant account per Invoiced Customer. The department is exploring future permit system enhancements that would allow service providers to have several individual accounts associated with their corporate account. In the meantime, service providers are responsible for authorizing the user(s) of their applicant account.
- Service providers that do not elect to register as an Invoiced Customer will follow payment procedures outlined for all applicants.