

PUBLIC HEARING AND INTRODUCTORY ORDINANCE AMENDING CITY OF LAREDO CODE OF ORDINANCES CHAPTER 28, ARTICLE IX PUBLIC RIGHT-OF-WAY MANAGEMENT - DIVISION 1. SECTIONS 28-165 DEFINITIONS AND SECTION 28-167 FIELD UTILITY COORDINATION; DEFINING HYDRO-EXCAVATION. MANDATING HYDRO-EXCAVATION TO EXPOSE EXISTING UTILITIES IN THE PUBLIC RIGHT-OF-WAY THAT PROVIDE FOR A GREATER CONTROL TO REDUCE THE POTENTIAL DAMAGES OF THE CITY OF LAREDO'S INFRASTRUCTURE IN PUBLIC RIGHT-OF-WAY.

WHEREAS, IT IS DESIRABLE TO DEFINE HYDRO-EXCAVATION THAT WILL PROVIDE GREATER CONTROL OVER THE CITY OF LAREDO PUBLIC RIGHT-OF-WAY; AND

WHEREAS, THE DEFINITION OF HYDRO-EXCAVATION WILL HELP PREVENT / MINIMIZE DAMAGES OF THE CITY OF LAREDO'S PUBLIC INFRASTRUCTURE OF THE CITY OF LAREDO PUBLIC RIGHT-OF-WAY; AND

WHEREAS, MANDATING HYDRO-EXCAVATION BEFORE THE PRE-INSPECTION PROCESSE TO VERIFY EXISTING UTILITIES TO ALLOW CONSTRUCTION TO BEGIN ON THE CITY OF LAREDO PUBLIC RIGHT-OF-WAY.

SECTION I.

Amending Chapter 28, Streets, Sidewalks and Public Places, Article IX, Public Right-of-Way Management, Division 1. – General Provisions, Section 28-165. – Definitions defining hydro-excavation. Amending Chapter 28, Streets, Sidewalks and Public Places, Article IX, Public Right-of-Way Management, Division 1. – General Provisions, Section 28-167. – Field Utility Coordination. Mandating that all projects that will have-excavation along the City of Laredo's Public Right-of-Way shall expose the existing utilities by means of hydro-excavation.

ARTICLE IX. PUBLIC RIGHT-OF-WAY MANAGEMENT

DIVISION 1. GENERAL PROVISIONS

Sec. 28-165. Definitions.

Hydro-Excavation is the process of removing or moving soil with pressurized water. An air conveyance or vacuum is then used to transfer the soil or debris to a debris tank. This allows for a non-destructive and more accurate way to excavate soil and locate underground utilities.

Sec. 28-167. Field utility coordination.

The ROW user shall notify the department at each of the following times during a project;

- (1) Forty-eight (48) hours before the start of construction;
- (2b) Upon completion of the initial backfill; and
- (3) Upon completion of the project.

The ROW user shall mark the site of the proposed excavation with white lining and/or flags prior to making a request for locates and actual excavation. White lining is not required for excavations more than sixty (60) feet long unless the excavation is located in pavers, cobblestone, pavements, sidewalks, or other public flatwork.

The ROW user shall make a request for a utility locate in accordance with the requirements of the Texas Underground Facility Damage Prevention and Safety Act, V.T.C.A., Utilities Code § 251.001 et seq. not more than fourteen (14) days and not less than forty-eight (48) hours prior to the commencement of the proposed excavation. Such request shall be made to the one-call system and the utility coordinator of the city. Such requests shall be made by telephone or facsimile and shall include the date, location, extent and reason for such proposed excavation. *The ROW user shall expose existing utilities by the means of hydro excavation as defined in Section 28-165 of this chapter.*

The use of markers, stakes, poles, barricades or other devices shall be used as appropriate in such a way to avoid damage to adjoining property. The use of "non-washable" markers is prohibited.

The ROW user shall mark the proposed excavation site with paint and/or flags in colors established by the one-call system. The markings shall be placed a distance of not less than five (5) feet in all directions from the outside boundary of the site to be excavated.

All excavations shall commence within fourteen (14) days of the date of the utility locate. In the event that the excavator fails to commence work within fourteen (14) days of the utility locate marks are not visible at the time the excavation is scheduled to commence, the ROW user is required to request a new utility locate.

Compliance with the Texas Utilities Code is required at all times.

All barricades, plates, cones, traffic directional equipment, and all other traffic control devices owned by the ROW user and used on or near any excavation shall be clearly and visibly marked with the name of the permittee and/or ROW user for any project with duration of more than twenty-four (24) hours as applicable, at all times such equipment is used on or near the right-of-way. An exception to the marking requirement may be made in the event the traffic control equipment is not owned by the permittee or ROW user.

(Ord. No. 2009-O-045, 4-6-09)

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo. **[Publication is required if the ordinance imposes a fine, penalty, or forfeiture. City Charter 2.09(D)]**

Section 5. This Ordinance shall become effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR ON THIS DAY OF 2025.**

ORDINANCE 2025-O-XXX

DR. VICTOR M. TREVINO
MAYOR

ATTESTED:

MARIO I. MALDONADO, JR.
CITY SECRETARY

APPROVED AS TO FORM:

DOANH “ZONE” T. NGUYEN
CITY ATTORNEY