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Title: Enacting a New Toledo Municipal Code (“TMC”) Chapter 128, Department of Transportation; and declaring an emergency.

Sponsors: Eileen Granata

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Enacting New TMC Ch. 128 - Dept Transportation
 Transportation/Law
 D. Stephens (x3671)/E. Granata (x1034)

Enacting a New Toledo Municipal Code (“TMC”) Chapter 128, Department of Transportation; and declaring an emergency.

SUMMARY & BACKGROUND:

This Ordinance enacts a new Toledo Municipal Code (“TMC”) Chapter 128, Department of Transportation to be made up of the existing city divisions of Transportation, Engineering and most of Streets, Bridges and Harbor into a Department of Transportation. The objective is to create greater synergy and efficiency by placing the key divisions responsible for the City’s road and transportation infrastructure into one department, rather than splitting the functions between the Departments of Public Utilities and Public Service.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new TMC Chapter 128, Department of Transportation, is enacted to read as follows:

**Chapter 128
 Department of Transportation**

- 128.01 Department of Transportation created.
- 128.02 Director of Transportation.
- 128.03 Deputy Director of Transportation.

- 128.03 Traffic Management Division.
- 128.04 Fees - Traffic Management Division.
- 128.05 Road and Bridge Maintenance Division.
- 128.06 Enforcement of Road and Bridge Maintenance Rules or Orders.
- 128.07 Engineering and Construction Division.
- 128.08 Permits and Fees - Department of Transportation (Non-Traffic Management)

128.01 Department of Transportation created.

The Department of Transportation is hereby created as an administrative department in the City.

128.02 Appointment of Director.

The Director of the Department of Transportation shall be appointed by the Mayor in the manner provided by the Charter to serve at the pleasure of the Mayor. The Director is responsible for the administration and operations of the Department of Transportation. The Director shall undertake such duties as assigned by the Mayor.

128.03 Appointment of Deputy Director.

A Deputy Director of Transportation may be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Deputy Director shall service as the Acting Director in the absence or unavailability of the Director. The Deputy Director shall report to the Director of Transportation and perform such other duties as may be prescribed by the Mayor and/or the Director. The Deputy Director may be combined with any Commissioner position upon recommendation of the Director and approval by the Mayor.

128.04 Traffic Management Division established.

(a) There is hereby established a Traffic Management Division, which shall be in the charge of a Commissioner of Traffic Management, who shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor and under the supervision of the Director of Transportation.

(b) The Division of Traffic Management shall have charge of and provide for the safe and expeditious flow of traffic within the City as follows:

(1) The Division shall collect, analyze and interpret all data needed to measure existing and estimate future traffic characteristics.

(2) The Division shall prepare plans and make recommendations for the proper location, function and operation of traffic routes and terminals.

(3) The Division shall prepare plans and make recommendations for the proper geometric design of traffic facilities.

(4) The Division shall have charge of the application of uniform and effective regulatory warning and information devices to traffic facilities.

(5) The Division shall have authority over the sign shop.

(6) The Division shall have the authority over the design, installation, operation and maintenance of all traffic control signals.

(7) The Division shall have direct authority over the installation of all on and off-street parking meters

(other than collections).

(8) The Division shall have the power of review and approval over the physical conditions of parking facilities and off-street parking areas, commercial driveways, loading docks, trucking terminals and above grade street right-of-way installations, including benches at bus stop locations.

(c) Duties of the Commissioner of Traffic Management. The Commissioner of Traffic Management shall be responsible for the execution of the duties of the Division under the supervision of the Director of Transportation; and shall undertake duties as may be imposed by ordinance of Council and such further duties as may be prescribed by the Mayor or the Director of Transportation.

128.05 Fees - Traffic Management Division.

The Fees shall be charged and collected by the Division of Traffic Management for services as specified below. Fees shall be set in accordance with a schedule as recommended by the Director of Transportation and approved by ordinance. All fees charges under this section shall bear a reasonable approximation and shall not exceed the actual costs (including overhead) incurred by Department of Transportation related to issuing the respective permits or conducting the activities specified below. All fees collected pursuant to this subsection (d) shall be deposited in the Street Construction, Maintenance and Repair Fund of the City and designated for use in the operation of the Division of Traffic Management.

(a) Fees shall be charged for activities necessary for requested road closures by entities other than the city of Toledo, including:

(1) For planning related to road closures, including preparation of road closure notices, detour route and work orders.

(2) For the installation and removal of detour signing and barricades;

(3) The fees shall not apply to road closures which are funded from the City's Street Construction, Maintenance and Improvement Fund or Capital Improvements Fund.

(b) Fees may be charged for preparation of color sequence charts, traffic signal timing and phasing information and other reports regarding traffic signal operation.

(c) Fees may be charged for miscellaneous staff services, including but not limited to traffic assignments and capacity analysis.

128.06. Road and Bridge Maintenance Division established.

(a) There is hereby established a Road and Bridge Maintenance Division in the Department of Transportation under the supervision of a Commissioner of Road and Bridge Maintenance who shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor and under the supervision of the Director of Transportation.

(b) The Road and Bridge Maintenance Division shall have of all of the following specified duties and responsibilities.

(1) The maintenance, repair of the streets, highways, bridges and alleys; sidewalks and viaducts, including necessary planning, design and management of contracts; the opening of streets, highways, bridges and alleys; the inspection of openings and cuts into pavements and repairing of the same whether made by the City or by others.

(2) The repair, maintenance and operation of the harbor, watercourses, canals, streams, wharves, docks and landings and shall have the primary duty of initiating enforcement of the violations of any laws or ordinances pertaining to the harbor of tributaries or to the use thereof.

(3) Snow and ice removal from roads and bridges.

(4) The design, engineering, and solicitation of, and management of contracts for the construction of bridges.

(c) Duties of the Commissioner. The Commissioner of Road and Bridge shall be responsible for the execution of the duties of the Division under the supervision of the Director of Transportation; and shall undertake duties as may be imposed by ordinance of Council and such further duties as may be prescribed by the Mayor or the Director of Transportation. In addition, the Commissioner shall have all of the following specified duties.

(1) Commissioner shall initiate enforcement of the violations of any laws or ordinances pertaining to the harbor of tributaries or to the use thereof.

(2) The Commissioner shall keep an accurate account and record of all damages to bridges, piers, wharves and other property pertaining to the harbor owned or controlled by the City and shall gather information and evidence concerning such damage, causation and responsibility therefor, and shall promptly make a detailed report to the Director of Transportation.

(3) The Commissioner shall report to the Director of Transportation all encroachments upon the wharf lines and pierhead lines as now established or which may hereafter be established and to take such action as necessary to prevent such encroachments.

(4) The Commissioner of Road and Bridge Maintenance shall give such orders and directions relative to the location, change of place or station, manner of moving or use of the harbor by every vessel lying, moving, anchored or laid up in the harbor as may be necessary to promote good order therein and the safety and equal convenience of such vessels and to regulate the same in such a manner that the harbor shall not be unnecessarily congested. The Commissioner shall give such orders and directions relative to the places where and the circumstances under which vessels may be moored or stored during the winter season or when they are not engaged in navigation.

(5) Whenever the Commissioner of Road and Bridge Maintenance determines that an emergency exists, he may adopt such rules and regulations and give such directions of a temporary character as he deems necessary to promote the general health, safety and welfare in the use of the harbor and upon the navigable waters in and around Toledo, provided any rules, regulations and directions are first approved by the Mayor or the Director of Public Service.

128.07 Enforcement of Road and Bridge Maintenance Division Rules or Orders.

Whoever neglects or refuses to obey an order of the Commissioner of Road and Bridge Maintenance made under the Commissioner's authority under section 128.05 or violates sections 965.07 through 965.09 is guilty of a misdemeanor of the third degree.

128.08 Engineering and Construction Division established.

(a) There is hereby established an Engineering and Construction Division within the Department of Transportation under the supervision of a Commissioner of Engineering and Construction, who shall report to the Director of Transportation.

(b) The Engineering and Construction Division shall have responsibility for the design, engineering, and solicitation of and management of contracts for the construction of public infrastructure improvements in the city, including roads, alleys, sidewalks, bike paths, other alternate transportation facilities and city owned-public utilities. All engineering and construction work related to Public Utilities shall be done in collaboration with the Department of Public Utilities. The Division shall also be responsible for the management of the

public right-of-way.

(c) Duties of Commissioner. The Commissioner of the Engineering and Construction Division shall supervise the work of the Engineering and Construction Division under the supervision of the Director of Transportation; and shall perform duties as may be imposed by ordinance of Council and shall have such further duties as may be prescribed by the Mayor and the Director of Transportation. In the event of a vacancy in the Commissioner position, an administrator or manager in the Engineering and Construction Division may serve as acting Commissioner or otherwise fulfill the duties of the Commissioner.

128.09. Permits and Fees - Transportation Department (Non-Traffic Management).

The Director of Transportation shall issue permits and collect fees for services as specified below in accordance with a schedule as recommended by the Director of Transportation and approved by ordinance, or as otherwise may be provided in Part Three (the Traffic Code) of Municipal Code. Fees shall be charged for the following services and/or permits:

(a) For surveys or preparation of plans or checking, inspecting or approving construction drawings and estimates or checking, inspecting or approving the construction or installation of any sewers, pavements or other improvements constructed or installed by private contract.

(b) For tests by the Department of Transportation of any road building material, brick, cement, asphalt, sand or fill material.

(c) For the checking, examination and approval of plats.

(d) For each permit to open or break into any paved street, lane, alley or public ground.

(e) For a permit to run, draw or haul any vehicle requiring a permit as specified under Section 339.02.

(f) A fee for a permit to move a house, building, modular unit or any permanent structure over, upon, through or across any dedicated public right-of-way or public lands shall be charged. In the event the house, building, modular unit or permanent structure is of the dimension of ten feet high, twelve feet wide and sixty feet long, or less, the permit required by this section shall be waived provided, in the opinion of the Director, no special police service, signing of streets or any other special municipal service is required in order to facilitate the movement of such house, building, permanent structure or modular unit over, upon, through or across any dedicated public right-of-way, or public lands. Any house, building, permanent structure or modular unit which exceeds any one of the dimensions set forth herein shall require a permit to move the same as set forth herein.

(h) All fees charges under this section shall bear a reasonable approximation and shall not exceed the actual costs (including overhead) incurred by Department of Transportation related to issuing the respective permits or conducting the required reviews or services under the above subsections, or shall be otherwise related to the potential impact on the City's transportation system, including wear and tear on roads.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary to ensure the efficient ongoing delivery of coordinated city transportation services and to effectively and timely engage in planning and implementation of transportation programming to address critical community needs.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor