

DEPARTMENT OF TRANSPORTATION & INFRASTRUCTURE

RULES & REGULATION

OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION & INFRASTRUCTURE,
CITY & COUNTY OF DENVER

PERTAINING TO THE ISSUANCE OF PERMITS BY THE CITY TRAFFIC ENGINEER

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APPROVED AS TO FORM:



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APPROVED & ADOPTED:



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Executive Director of the Department of
Transportation & Infrastructure

Adopted Pursuant to Chapter
2, Article VI of the Charter of
the City & County of Denver
and Section 2-91 et seq. and
12-18 of the Revised
Municipal Code

May 31, 2022

Effective Date

RULES AND REGULATIONS PERTAINING TO THE ISSUANCE OF PERMITS BY THE CITY TRAFFIC ENGINEER

I. DEFINITIONS

Truck – A truck shall be defined as any motor vehicle, which is used for the transportation or delivery of goods with a body built and designed for that purpose. Section 54-1 (76) Denver Revised Municipal Code (D.R.M.C.)

Street or Highway – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state. Section 54-1 (68) D.R.M.C.

Arterial Street – A through street whose primary function is carrying traffic beyond local neighborhoods while still maintaining access to abutting properties. Section 54-1 (4) D.R.M.C.

Collector Street – A through street whose primary function is providing for the distribution of traffic within neighborhoods while still maintaining access to abutting properties. Section 54-1 (14) D.R.M.C.

Local Street – A minor street whose primary function is providing access to abutting properties while not normally carrying traffic beyond the local neighborhood. Section 54-1 (31) D.R.M.C.

Lane – The portion of a roadway for the movement of a single line of vehicles. Section 54-1 (26) D.R.M.C.

Bicycle Facility – As defined herein, the portion of a roadway reserved for the exclusive movement of bicycles and electric mobility scooters.

Sidewalk – The portion of the Sidewalk Area which is paved. Section 54-1 (63) D.R.M.C.

Sidewalk Area – As defined herein, the portion of a street between the curb lines or the lateral lines of a roadway, and the lateral property lines intended for the use of pedestrians. Section 54-1 (64) D.R.M.C.

Sensitive Non-Motorized Facilities – Existing elements within the Sidewalk Area of high value to pedestrians and bicyclists, including, but not limited to, curb ramps, public transit stops, pedestrian pushbuttons, bike share stations, building fire exits, building fire connections, and fire hydrants.

Central Business District (CBD) – As defined herein, the boundaries outlining the CBD are Interstate 25, Speer Boulevard, 13th Avenue, Lincoln Street, 20th Street, Broadway, and Park Avenue West.

Premium High-Use Area – Public roadways with existing or projected high non-motorized use or safety concerns, as delineated in the *Blueprint Denver “Pedestrian Enhanced Areas”* or *Denver Vision Zero Action Plan “High Injury Network”*.

Charitable Organization – Includes charitable organizations, corporations and other entities meeting the requirements set out in Internal Revenue Code Section 501(c), Colorado Revised Statutes Section 39-26-102 (2.5), or Section 53-24 (1) D.R.M.C.

Revocable Street Occupancy Permit (RSOP) – A written permit authorizing its holder to occupy a street or alley while engaged in providing services. D.R.M.C. 54-652.

Special Event – As defined herein, any planned extraordinary, temporary use of the public right-of-way or public premises of 25 people or more including, but not limited to, bicycle or foot races, concerts, festivals, parades, processions, demonstrations, block parties, or other events that delay or interfere with pedestrian, bicycle, or vehicular traffic.

Emergency Services – Maintenance services of such a necessity that undue hardship or hazard could occur if immediate service were not provided. Evidence of undue hardship or hazard needs to be documented to the City Traffic Engineer's satisfaction. Emergency services permits cannot be used to circumvent an RSOP. Section 54-654 D.R.M.C.

AASHTO – American Association of State Highway and Transportation Officials *Policy on Geometric Design of Highways and Streets*, current edition

MUTCD – Federal Highway Administration *Manual on Uniform Traffic Control Devices for Streets and Highways*, current edition Colorado Supplement

PROWAG – United States Access Board *Guidelines for Pedestrian Facilities in the Public Right-of-Way*, current draft

ADAAG – *Americans with Disabilities Act Accessibility Guidelines*, current edition

II. AUTHORITY

1. The City Traffic Engineer (CTE) shall exercise the powers granted in Chapter 54 D.R.M.C., consistent with the charter relating to the Manager of the Department of Transportation and Infrastructure (DOTI). Sections 54-41, and 54-652 D.R.M.C.
2. DOTI Right of Way Services (ROWS), under the authority of the CTE or designee, is solely responsible for the issuance of all permits for the occupancy of the public right-of-way and collection of all appropriate fees.
3. Any vehicle or equipment may occupy any street or alley when engaged in providing required services in said street or alley, or to adjacent property, providing said vehicle or equipment is properly authorized. Vehicles or equipment which occupy the travel lanes,

sidewalk, Sidewalk Area, or in any way interfere with the movement of traffic on the travel lanes of any local, arterial, or collector street must have a written RSOP from the CTE or designee, except for those operating under the following conditions (Section 54-652 D.R.M.C.):

- a. Those operating under an excavation permit issued by the Manager of DOTI
 - b. Those operating under an emergency service truck permit issued by the CTE
 - c. Those owned or operated by the City or the Colorado Department of Transportation (CDOT)
 - d. Those operating under a contract to the City or to the CDOT
4. An RSOP issued under Chapter 54 D.R.M.C. is valid only according to the conditions and limitations described on said permit and any violations of such conditions and limitations is a violation of these rules and regulations and Section 54-652 (b) D.R.M.C. If the public right-of-way is occupied illegally, the CTE or designee and/or the Denver Police Department (DPD) have the authority to order the immediate removal of all encumbrances from the public right-of-way.

III. PRIORITIZATION OF STREET OCCUPANCY IMPACTS

1. The blockage of a sidewalk, Sidewalk Area, Bicycle Facility, or other public pedestrian path shall be treated the same as the closure of a motor vehicle traffic lane by applying similar temporary traffic control practices for each permit issued.
2. The method for providing safe accommodations for pedestrians when closing a sidewalk, Sidewalk Area, or other public path in conformance with MUTCD Section 6D.01 Pedestrian Considerations should be prioritized as follows:
 - a. Protect the existing pedestrian route from the worksite and associated construction activities
 - b. Provide a temporary pedestrian route in place of an existing parking lane and protect it from adjacent motor vehicle traffic
 - c. Provide a multi-use path in place of an existing Bicycle Facility and protect it from adjacent motor vehicle traffic
 - d. Provide a pedestrian route in place of an existing Bicycle Facility, protect it from motor vehicle traffic, and merge bicyclists with motor vehicle traffic
 - e. Provide a temporary pedestrian route in place of an existing motor vehicle traffic lane and protect it from adjacent motor vehicle traffic
 - f. Provide a pedestrian detour route that maintains equal or better levels of safety and amenity as the closed pedestrian route

3. The method for providing safe accommodations for bicyclists when closing a Bicycle Facility should be prioritized as follows:
 - a. Provide a Bicycle Facility on the same roadway by shifting and narrowing the adjacent motor vehicle traffic lane(s)
 - b. Provide a Bicycle Facility in place of an existing motor vehicle traffic lane or parking lane
 - c. Merge bicyclists and adjacent motor vehicle traffic into a shared travel lane
 - d. Provide a bicycle detour route that maintains equal or better levels of safety and amenity as the closed Bicycle Facility

IV. STREET OCCUPANCY PERMIT REQUIREMENTS

1. Time Requirements

- a. Request for an RSOP that is not listed below must be submitted no later than **five (5) days** prior to the requested occupancy date.
- b. Requests for an RSOP that involves any type of construction or demolition (including street cuts) must be submitted no later than **ten (10) days** prior to the requested occupancy date.
- c. Requests for an RSOP that involves Special Events must be submitted no later than **sixty (60) days** prior to the requested occupancy date.
- d. Requests for block parties and filming requests must be submitted no later than **five (5) days** prior to the requested occupancy date.
- e. Permittees are strongly encouraged to contact ROWS prior to submitting an RSOP request, so that they fully understand adjacent projects, potentially impacted sidewalks, Sidewalk Areas and Bicycle Facilities, and notification requirements.

2. Project Coordination

- a. The Permittee must coordinate permit work zone signage, dates, days, and hours of use with previously-approved permits to ensure compatibility of temporary traffic control systems and avoid duplicate signage or impacts to permitted detours or public transit.
- b. The CTE may require the Permittee to revise the RSOP request and coordinate with other permits that have already been issued. Abutting, overlapping, or conflicting permits are reviewed on a first-submitted, first-served basis.

3. Notification

- a. In the event of a motor vehicle traffic lane, sidewalk, Sidewalk Area, or Bicycle Facility closure, the Permittee must notify adjacent property owners, business

owners, residents, and any other parties identified by ROWS at least 48 hours in advance of the closure. In the event of a full street closure, a minimum **two (2) week** notice is required. For Emergency Services work, the Permittee should provide notification as soon as possible to impacted property owners, business owners, and residents.

- b. If schools, health care facilities, senior centers, or community centers are within 500 feet of a closure, they must be included in notification requirements.
- c. At a minimum, identified parties must be notified using a door hanger that outlines important information related to the closure, including the area impacted, the expected start and end dates for the closure, and a contact number for the responsible contractor. Any posted detours and emergency closures within the Central Business District (CBD) requires a press release. The Permittee is responsible for issuing their press.
- d. The Permittee must clearly post and maintain a legible and weather-resistant sign at or near any closure, indicating the RSOP number, the duration of the closure, and the contact information of the Permittee.

4. Closures

- a. All work zones and closures shall meet the requirements of PWPT-116.0 *General Traffic Control Procedures for Street/Public Occupancy Permits*, as amended.
- b. It is the intent of this Rule that all sidewalks, Sidewalk Areas, and Bicycle Facilities remain open during adjacent construction. When this is not possible, the prioritization of safe accommodations in Section III shall be followed. When determining whether it is practical to require either the protection of the existing path of travel, or to permit a diversion or detour, the CTE may evaluate:
 - i. The inconvenience and hazard to the public
 - ii. Other permitted construction activity with pedestrian or bicycle mobility impacts within a reasonable distance of the affected facility, as determined by the CTE
 - iii. Whether the requested closure will adversely impact a major public transit stop, freight route, or bicycle route
 - iv. The impact of a diversion or closure on adjoining properties, schools, health care facilities, and businesses
 - v. The expense of keeping the existing facility open
 - vi. The duration of the proposed closure
 - vii. Whether the Permittee can demonstrate to the CTE's satisfaction that the closure will not adversely impact public safety, health and welfare, or the provision of public services, including transportation services
 - viii. impacts to pedestrians with disabilities as required by ADA

- c. Any work zone that will result in the closure of a sidewalk, Sidewalk Area, Bicycle Facility, parking lane, motor vehicle traffic lane, public transit stop, or other public pedestrian path shall apply for an RSOP and submit a Method of Handling Traffic (MHT) or Traffic Control Plan (TCP) prepared by a certified traffic control company to Transportation Operations for review and approval.
- d. Weekday motor vehicle traffic lane or Bicycle Facility closures on arterials or collectors will only be approved during off-peak times (8:30am to 3:30pm or 8:00pm to 5:00am) to alleviate the traffic impacts as much as possible.
- e. Public right-of-way closures for greater than 72 hours and within the Premium High-Use Area are not permitted to detour pedestrians or bicyclists outside of the existing Sidewalk Area or adjacent parking or traffic lane. Special requests in unique situations for temporary detours of sidewalks or Bicycle Facilities within the Premium High-Use Area may be reviewed on a case-by-case basis by the CTE and shall only be used as a last resort.
- f. In all other areas, maintaining and protecting five (5) feet of unobstructed width on existing sidewalks, Sidewalk Areas, and Bicycle Facilities is the highest priority. For Bicycle Facilities directly adjacent to curb and gutter, six (6) feet of unobstructed width (inclusive of the gutter pan width) is the highest priority. If a temporary pedestrian accessible route or Bicycle Facility can be maintained in the adjacent parking or motor vehicle traffic lane, the Permittee will not be charged the normal closure fee for the adjacent parking or traffic lane. If five (5) feet of unobstructed width cannot be maintained, the Permittee will be charged the full length of a block for a sidewalk, Sidewalk Area, or Bicycle Facility closure.
- g. Requests for a permit to fully close the sidewalk or Sidewalk Area in the middle of the block for greater than 72 hours without a temporary pedestrian accessible route in the adjacent parking or motor vehicle traffic lane are not permitted. If a temporary pedestrian accessible route is not provided, pedestrians are forced to walk around the work site, usually into the street with vehicular traffic.

5. Detours

- a. All detours shall meet the requirements of PWPT-116.0 *General Traffic Control Procedures for Street/Public Occupancy Permits*, as amended.
- b. When a sidewalk or Bicycle Facility is required to be diverted from its existing alignment, the resulting detour shall be maintained at equal or better levels of safety and amenity as that found on the existing facility.
- c. The Permittee is required to maintain pedestrian and bicycle detours for the approved duration of any closure.
- d. If a detour requires any crossing of active traffic lanes, such crossing shall only be allowed at a controlled crossing. A controlled crossing must include a permanent or

temporary traffic signal, signage with rectangular rapid-flashing beacon, flagger, or uniformed traffic control, as approved by the CTE.

6. Covered Walkways

- a. All covered pedestrian walkways shall meet the requirements of PWPT-117.0 *Pedestrian Walkway Entrance Requirements*, as amended.
- b. If a covered walkway is used as a detour adjacent to the closed sidewalk without any additional street crossings, a reduced closure fee will be charged for the sidewalk that is closed to pedestrians (minus the area that is open to pedestrians within the covered walkway).

7. Parking Lanes

- a. Any impacts to paid parking shall meet the requirements of PWPT-203.1 *Parking Meter Entrance Requirements*, as amended.
- b. A parking meter permit is required if a parking lane with paid parking (including parking meters or kiosks) will be closed or removed for a project. The Permittee must obtain the meter permit as part of an RSOP, prior to or at the same time as issuance of the RSOP.
- c. Paid parking that is temporarily removed for a project will be charged at the rates specified in the DOTI Schedule of Fees (see Section V) from the time the meter is removed until the meter is re-installed. Meter head removal can only be performed by Transportation Operations.
- d. Any permanent removal of a parking meter for a project shall be supported by both the City Traffic Engineer and Development Engineering Services in the form of an approved Transportation Engineering Plan.
- e. If a parking meter is permanently removed for a project without the support of Traffic Engineering Services and Development Engineering Services, the Permittee will be assessed a fee of the total yearly meter revenue and citation revenue multiplied by 15.

8. Containers and Dumpsters

- a. All containers and dumpsters shall require an RSOP prior to placement in the public right-of-way and shall meet the requirements of PWPT-104.1 *Dumpsters, Roll-offs and other Containers*, as amended.
- b. The container or dumpster must be placed adjacent to the property associated with the permit, either in a parking lane or adjacent to the Sidewalk Area. At no time can a container or dumpster encroach on an open sidewalk, Sidewalk Area, Bicycle Facility, or motor vehicle traffic lane.

9. Special Events

- a. Special Events that occupy public streets including parking lanes, Bicycle Facilities, alleys, sidewalks, Sidewalk Areas, and public plazas shall require an RSOP and/or parking meter permit. This includes the placement of structures, stages, tents, tables, equipment, or anything that is not mobile in the public right-of-way.
- b. Special Events that take place within public right-of-way must coordinate with the Office of Special Events. Note that there may be multiple departments and agencies that require permits and approvals in addition to the RSOP.
- c. An MHT or TCP shall be generated and maintained by a certified Traffic Control Supervisor (TCS).
- d. A detour plan shall be required when a Special Event closes a collector or arterial roadway, Bicycle Facility, sidewalk, or Sidewalk Area.

10. Emergency Services

- a. Emergency service trucks may use and occupy a street or alley while engaged in providing emergency maintenance or repair service as defined as service of such a necessity that undue hardship or hazard could occur if immediate services were not provided. The CTE or designee may issue an annual permit for emergency service authority if the possibility of hardship or hazard can be demonstrated to their satisfaction.
- b. Emergency service trucks may not park at any one location in violation of parking regulations longer than four (4) hours without obtaining an RSOP from the CTE. While occupying a street or alley in an emergency, the RSOP must be displayed, proper traffic control must be set up, and the CTE or designee notified. Emergency service permits cannot be used to circumvent an RSOP.

11. Contractor Parking

- a. The CTE may require Permittee to document existing parking occupancy, demonstrate existing parking capacity for contractor parking, or establish a designated construction truck zone prior to any construction. Section 54-651 D.R.M.C.
- b. Any large project (improvements estimated at \$100,000 or more and lasting longer than a week) shall include a parking plan covering all contractor staff and subcontractors who will access the work zone. The parking plan should minimize impacts to surrounding businesses and residences. The CTE may require the Permittee to provide off-site parking if there is not sufficient parking in the work zone and in existing parking lanes adjacent to the project site.

V. PERMIT FEES

1. Fees for revocable street occupancy and parking meter permits shall be required and administered according to the Department of Transportation and Infrastructure Schedule of Fees. Fees, with the exception of inspection fees, shall be applied daily for each day of use.
2. Charitable Organizations seeking permits for Special Events that are open to the general public will pay a reduced permit fees as noted in the Department of Transportation and Infrastructure Schedule of Fees.
3. Charitable Organizations seeking reduced permit fees will be required to provide documentary proof of tax-exempt status at the time of permit application. Documentary proof may include:
 - a. A current copy of a 501(c)(3) tax exemption form;
 - b. A current State of Colorado Tax Exemption Certificate; or
 - c. A current City and County of Denver Tax Exemption Letter
4. Private, invitation-only events, or events closed to the general public are not eligible for reduced fees.
5. All fees for use of the public right-of-way will be assessed for the entire period and collected at time of permit issuance or at a time agreed to by the CTE or designee.

VI. RESPONSIBILITIES OF THE PERMITTEE

1. The Permittee shall adhere to all conditions of the permit. The Permittee shall also be responsible for ensuring that all subcontractors adhere to all conditions of the permit.
2. The location of all signs, pavement markings, and barricades as specified on the permit shall be strictly adhered to at all times by the Permittee. When a lane is being utilized as the permit specifies, all barricades and signage shall be in place. Where the CTE or designee deems it necessary to modify a permit for the improvement of traffic flow, the Permittee shall comply with the modification.
3. When any right-of-way-closure is temporarily reopened during non-working hours, the Permittee shall remove all barricades and signage from the roadway and sidewalk. All barricades and signage shall be covered, removed, or laid flat so they are not visible to traffic when not in use, no longer applicable, or as directed by the CTE or designee.
4. All barricades and signage as specified on any permit will be the responsibility of the applicant and will be in accordance with the following standards:
 - a. DOTI standards and details, current editions

- b. MUTCD, as revised by the Colorado Supplement, current edition
 - c. ADAAG, current edition
5. The Permittee shall maintain all areas specified on all permits in a neat and orderly manner.
 6. The Permittee is responsible for the removal of all refuse deposited on State Highways, city streets, or the sidewalk prior to reopening for vehicular, bicycle, or pedestrian traffic. The Permittee shall ensure that all areas are returned to equal or better condition prior to construction or closure.
 7. Nothing in any permit issued by the CTE nor in any statement made by them, or personnel of this office, shall relieve the Permittee from liability for all injury or damage to persons and property, nor may such a permit relieve the Permittee from complying with all other applicable requirements of the D.R.M.C., or those of any affected agency. Further, in the event that any claim is made against the City and County of Denver or any department, officer, or employee thereof, through by reason of, or in connection with any act or omissions of the Permittee, the Permittee shall defend, indemnify, and hold each of them harmless from any claim. RSOPs will be required on new street sections after initial acceptance and deeding is final.

VII. PENALTIES

1. Where any utility companies, private contractors, or other entities obstructing or conducting construction activities in the public right-of-way fail to comply with these Rules and Regulations, the procedures incorporated by reference herein, and/or the terms or conditions of any permit issued by the CTE, the following sanctions, remedies, and penalties may be applied:
 - a. Any failure to comply by the Permittee is cause for the immediate revocation of the permit and removal of right-of-way obstructions and/or work zone. The CTE or designee and the DPD have the authority to issue a stop-work order or cancel or revoke any permit without cause. Section 49-246 D.R.M.C.
 - b. Any failure to comply or failure to obtain a permit prior to obstructing public right-of-way is cause for application of an administrative citation by the CTE or ROWS staff pursuant to Section 2-283 D.R.M.C.
 - c. Any failure to fulfill permit requirements and restrictions is cause for imposing a non-compliance fee by the DOTI staff. Citable offenses include, but are not limited to:
 - i. Unpermitted closure of a sidewalk, Sidewalk Area, alley, Bicycle Facility, parking lane, or traffic lane

- ii. Closure of right-of-way outside of permitted times
 - iii. Failure to maintain a closure and/or detour in compliance with permit conditions
 - iv. Unpermitted dumpster in public right-of-way
 - v. Unauthorized parking meter removal
- d. Unpermitted dumpsters that are not properly permitted within 24 hours of notification may be removed from the right-of-way by DOTI pursuant to Section 49-246 D.R.M.C. Dumpster owners will be assessed the full permit fee, non-compliance fee, and all other fees associated with the removal of the dumpster.
- e. Three (3) or more citations or permit revocations within a 365-day period are cause for denial of future permits by the CTE.