



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 190251

Introduced April 4, 2019

Councilmember Blackwell

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Title 11 of The Philadelphia Code, entitled "Streets," by amending Chapter 11-700, entitled "Right-of-Way Management," by amending Section 11-701, entitled "General," and Section 11-705, entitled "Construction," all to provide for the creation of a University City Aerial Utility Restriction Area and to require that any new conduits, pipes, cables, wires, lines, optic fiber, associated equipment and appurtenances and other facilities located in or on the right-of-way therein be located underground, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 11 of The Philadelphia Code is hereby amended to read as follows:

TITLE 11. STREETS.

CHAPTER 11-700. RIGHT-OF-WAY MANAGEMENT.

§ 11-701. General.

(1) Definitions. Terms used in this Chapter shall have the following meanings, whether or not the terms are capitalized. Unless otherwise expressly stated, terms not defined in this Chapter shall be construed consistent with Title 47 of the United States Code, and, if not defined therein, with their common and ordinary meaning.

* * *

(pp) University City Aerial Utility Restriction Area. The area consisting of Warren Street from 37th Street to 38th Street, Cuthbert Street from 37th Street to 38th Street, Filbert Street from 36th Street to 38th Street, and 37th Street from Market Street to Warren Street.

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[pp] (qq) * * *

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§ 11-705. Construction.

(1) Construction Permits. No Person shall construct, install, operate, repair or maintain any Facilities or End-User Device in the Right-of-Way without first obtaining a Construction Permit(s) therefor; provided, however, that, in the event of an Emergency Condition, a Person may apply for a Construction permit within the time determined by the Commissioner by regulation. No Construction Permit shall be issued to any Person for such purpose unless:

* * *

(c) the owner of such Facilities belongs to the Pennsylvania One Call System as provided in the Act of December 10, 1974, P.L. 852, No. 287, as amended, 73 P.S. §§ 176 et seq., and is in compliance with its requirements; [and]

(d) the application for the Construction Permit is accompanied by plans and specifications for the work in form and content determined by the Commissioner by regulation[.]; *and*

(e) *with respect to proposed Facilities located in the University City Aerial Utility Restriction Area, the proposed Facilities are Underground Facilities and are not Aerial Facilities.*

SECTION 2. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate matter added.