

## ORDINANCE 2025-O-37

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***FINAL READING ORDINANCE AMENDING CHAPTER 28, ARTICLE IX PUBLIC RIGHT-OF-WAY MANAGEMENT, DIVISION 1. – GENERAL PROVISIONS, SECTIONS 28-165 DEFINITIONS AND SECTION 28-167 FIELD UTILITY COORDINATION; 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. CLARIFYING HYDRO-EXCAVATION BY DEFINING.***

**WHEREAS,** IT IS DESIRABLE TO DEFINING 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 PROCESS TO VERIFY EXISTING UTILITIES TO ALLOW CONSTRUCTION TO BEGIN ON THE CITY OF LAREDO PUBLIC RIGHT OF WAY; AND

### **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.

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## 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 located 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 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.

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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 2.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**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.

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

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR  
ON THIS 3rd DAY OF March 2025.**


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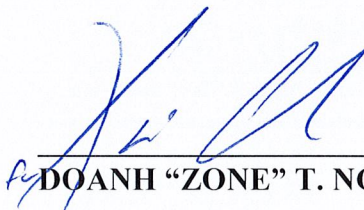
**DR. VICTOR D. TREVINO**  
**MAYOR**

**ATTESTED:**

  
**MARIO I. MALDONADO, JR.**  
**CITY SECRETARY**



**APPROVED AS TO FORM:**

  
**DOANH "ZONE" T. NGUYEN**  
**CITY ATTORNEY**

***PUBLIC HEARING AND DISCUSSION ON AMENDING CHAPTER 28, ARTICLE IX PUBLIC RIGHT-OF-WAY MANAGEMENT, SECTIONS 28-165 DEFINITIONS AND SECTION 28-167 FIELD UTILITY COORDINATION; 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. CLARIFYING HYDROEXCAVATION BY DEFINING.***

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**SECTION I.**

Amending Chapter 28, Streets, Sidewalks and Public Places, Article IX, Public Right-of-Way Management, Division 2. – 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 2. – 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**

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PART II - CODE OF ORDINANCES  
Chapter 28 - STREETS, SIDEWALKS AND PUBLIC PLACES  
ARTICLE IX. PUBLIC RIGHT-OF-WAY MANAGEMENT

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

# City of Laredo

## Legislation Details (With Text)

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**File #:** 2025-O-37    **Version:** 1  
**Type:** Final Readings    **Status:** Agenda Ready  
**File created:** 1/2/2025    **In control:** City Council  
**On agenda:** 3/3/2025    **Final action:**  
**Title:** Final Reading 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.

**Sponsors:**

**Code sections:**

**Attachments:** 1. AMENDING CHAPTER 28 TO MANDATE HYDRO EXCAVATION 2025, 2. AMENDING CHAPTER 28 TO MANDATE HYDRO EXCAVATION 2025, 3. AMENDING CHAPTER 28 TO MANDATE HYDRO EXCAVATION

Date	Ver.	Action By	Action	Result
1/28/2025	1	City Council	close and introduce	Pass

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### SUBJECT

Final Reading 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.

### PREVIOUS COUNCIL ACTION

On January 28, 2025, the Council approved Introductory Ordinance to amend Code of Ordinances Chapter 28, Article IX Public Right-of-Way Management. Ordinance 2025-O-162, Mandating Hydro Excavation to help mitigate damages of city infrastructure on the City of Laredo Right-of-Way. .

### BACKGROUND

The City of Laredo City Council directed staff to help mitigate damage on the Public Right-of-Way on September 3, 2024 as per Agenda Item: 24-1479. Staff discussed internally different options. The option of mandating hydro-excavation was deemed the best option. The need to identify existing infrastructure by means of hydro excavating within the City of Laredo's Right-of-Way will mitigate damages to City's infrastructure. This will help guide the orderly growth of installing fiber optic line to enhance the conductivity of services to citizens.

### COMMITTEE RECOMMENDATION

N/A

### STAFF RECOMMENDATION

Staff recommends that the City Council approve this ordinance.

**Fiscal Impact**

Fiscal Year: 2025  
Budgeted Y/N?: N  
Source of Funds: N  
Account #: N  
Change Order: Exceeds 25% Y/N: N

**FINANCIAL IMPACT:**  
Click or tap here to enter text.