

CITY OF TUCSON, ARIZONA  
DEPARTMENT OF TRANSPORTATION

ENGINEERING DIVISION  
ACTIVE PRACTICE GUIDELINES

PREPARED BY: Bruce G. Hunt EFFECTIVE: July 12, 2000

APPROVED BY: [Signature] DATE: 7/17/2000  
CITY ENGINEER

SUBJECT: PRIVATE IMPROVEMENT AGREEMENTS

*RELEASE TO ASSURANCES  
IS IN PROGRESS BY  
ASSURANCE  
LOT  
USP  
IN AZ (100)  
TO DEP. STAFFS  
MRS*

A. PURPOSE:

To develop a policy for assuring timely completion and acceptance of Private Improvement Agreement (P.I.A.) Projects. This policy applies only to improvements in public rights-of-way.

B. BACKGROUND:

The P.I.A. procedure was adopted to allow the building of roadway and drainage improvements in new or existing City rights-of way. These right-of-way improvements, required either by state law or rezoning/development conditions, are required to be installed or suitable assurances posted, before new homes can be sold in new subdivisions, or before new businesses can be allowed to operate from new or improved business sites. The Engineering Division lacks the manpower to perform construction surveillance and material testing to insure quality control on these projects and therefore relies on this separate procedure for privately funded improvements.

After improvement plan approval, the owner and/or developer, engineer-of-record, surveyor-of-record (if applicable), general contractor and the City of Tucson enter into a contractual agreement to allow the construction of the required right-of way improvements. This contract establishes the engineer of record (in many cases, an engineering consulting firm) as the party responsible for construction surveillance, materials testing and other quality control. These are professional services and can only be performed under the responsible charge of a duly registered civil engineer. If a surveyor-of-record is included, this registrant can be in responsible charge of construction layout for line and grade per the approved engineering plan. The general contractor is responsible to construct the project and must warrant materials and workmanship for one year from the date of acceptance.

### C. POLICY:

P.I.A. contracts will be entered into between the owner/developer and the City of Tucson only. An Exhibit "A" will be attached to each set of contract documents listing the general contractor, the engineer-of-record, and surveyor-of record (if applicable). Other contractors/sub-contractors could be listed at the developer/owner option, but the City of Tucson will deal directly with the developer/owner after plan approval. The engineer-of-record and surveyor-of-record shall be responsible for certifying the completeness and correctness of the project construction. The owner/developer shall supply the Permits and Codes Unit with a project construction schedule to be approved at the pre-construction conference.

#### 1. SUBDIVISIONS:

In each subdivision phase, all drainage improvements, offsite/adjacent roadway improvements, and lot specific interior roadway improvements must be completed (i.e. all released lots must have all-weather access and roadway improvements out to existing infrastructure), must be certified, in writing, by the Engineer-of-Record as complete, and accepted by the City prior to the release of any lots in that phase from assurances (except for models and common areas). A letter of certification from the engineer-of-record shall accompany the request for release of any lots. There shall be no release of (or substitute assurances for) any lots above 75% of the number of lots, until the right-of-way improvements are complete and accepted by Transportation Engineering. Should the improvements in a subdivision be phased, each individual phase will be treated as a separate, stand-alone project (See Engineering Division's *Active Practice Guidelines*, governing Subdivision Phasing). In all cases, P.I.A. projects are to be completed within two years of the contract date. If project has not been completed at the end of the two-year period from the date of the first issuance of the permit, no lots shall be released until right-of-way improvements are complete and accepted by the Engineering Division for maintenance and operation by the City of Tucson. All sidewalks shall be completed prior to inspection and final acceptance of any improvements unless a cash escrow account or a performance bond, in an amount equal to 150% of the cost of installation of the remainder of the sidewalk within the project, is established. All sidewalks must be completed within one year of the date of the initial acceptance of the PIA.

#### 2. COMMERCIAL PROJECTS:

All drainage improvements shall be completed and accepted by the City of Tucson and right-of-way improvements shall be substantially completed before the Engineering Division will consider authorizing a release for a temporary Certificate of Occupancy. All improvements shall be fully completed and accepted by the Engineering Division for City of Tucson maintenance and operation before release of the permanent Certificate of Occupancy.

### 3. PUBLIC SCHOOL DISTRICT PROJECTS:

On all public school projects requiring a P.I.A. for work in the right-of-way, the Engineering Division will require the school district to post a completion bond (for the full construction costs) to remain in the Engineering Division's control until the project is completed and accepted. If the project has not been completed and accepted within one year, the Engineering Division will use the bond monies to hire a contractor and engineering firm to complete the project.

### 4. RIGHT-OF-WAY EXCAVATION PERMITS:

The owner/developer will be responsible for obtaining the permit for the work in the public right-of-way. The permit charge will be based upon lineal footage per Chapter 25 of the *Tucson Code* plus the renewal fee for each 60 days or part 60 day increment over the initial 60 days the permit is in effect. The P.I.A. permit will be renewable for a period of time identified on the project schedule provided by the owner/developer and to be approved by the City of Tucson at the pre-construction conference. The permit will automatically be "renewable" every 60 days, contingent upon receipt of a project progress report indicative of continued progress for each 60 day increment, through the Permits and Codes Unit of the Engineering Division for a period of up to one year. After a period of one year, a new permit will be required at the full permit fee cost unless the Permits and Codes Unit has approved an extension. As stated in Section C.1, all projects are to be completed within a two-year period. If the owner/developer fails to submit the progress report or the report does not indicate any construction activity in the public right-of-way for a subsequent period of 60 days, the permit will expire. Subsequent to this, a new permit, at full cost, will be required when project construction is re-started. The permit shall be kept current until the project is inspected and accepted by the City of Tucson for maintenance and operation. Partial release of lot assurances will be held in abeyance on any incomplete project not maintaining a current P.I.A. permit. The owner/developer must warrant workmanship and materials for a one-year period from the date of acceptance.

### D. CONCLUSION:

Once completed and accepted with a one-year warranty period, the improvements in the public right-of-way, become part of the City of Tucson's overall responsibility for maintenance and operation of public streets and drainageways by the Transportation Department's Street Division.