



# City of Homer

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## Memorandum 20-104

TO: City Council  
THROUGH: Rick Abboud, Acting, City Manager  
FROM: Jan Keiser, PE, JD, Director of Public Works  
DATE: July 9, 2020  
SUBJECT: Policy Regarding Private Driveway Culverts

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**Issue:** Many aging private driveway culverts in the City are compromised due to corrosion, frost jacking or other natural causes. The City needs a consistent policy that authorizes City staff to replace the culverts at City expense.

**Background:** Homer City Code Chapter 11.08 governs the design, construction and maintenance of private driveways that exit onto dedicated City rights-of-way. This regulation requires that property owners who desire access to a City right-of-way obtain a permit and comply with City standards. *"...[C]ontrol of the location, construction and maintenance of driveways is under the supervision of the City at all times and that in granting such permit the City waives none of its powers or rights to direct the removal, relocation and/or property maintenance in the future of any driveway..."* HCC 11.08.040(b).

One such standard is that the driveway may not *"impair the drainage within the street right of way...or materially alter drainage of the adjacent areas..."* HCC 11.08.050(a)(4). This usually means a culvert must be installed where the private driveway intersects with the public road. City Code specifies that *"...driveways...constructed under permit within any road rights-of-way shall be the property of the City, but all cost and liability in connection [with the original installation] therewith, [and] in connection with the maintenance thereof, shall be at the sole expense of the owner of the property served..."* HCC 11.08.090. This language is ambiguous. On one hand it says the driveways/culverts in the ROW are City property but on the other hand, it says maintenance is the property owner's responsibility.

As a practical matter, there are times when the City assists in the maintenance of private driveways, in the interests of the overall system. For example, in the winter, we steam-thaw frozen private driveway culverts open to keep the drainage system flowing, throughout the broader neighborhood. In the summer, in the course of our regular ditch maintenance program, we encounter culverts that have been compromised by corrosion, frost jacking, and other factors. These culverts can be out of alignment, broken apart, or crushed in. Either way, they are obstructions in the City's overall drainage system.

When we encounter a privately-owned culvert that needs to be replaced, we usually ask the property owners to make arrangements with Spenard Builders Supply to pay for the cost of a replacement culvert. Then, we use City crews to pick up and install the new culvert as part of our normal ditch maintenance work. In some cases, we are able to dig out the private culvert and re-install it at the proper alignment. In a few cases, the City has provided the replacement culvert.

We propose to amend City Code so it gives the City authority to participate in private driveway maintenance where it is necessary for a broader benefit. Here's an example to illustrate the potential cost impact of this. Assume a private driveway culvert is a 20 foot long piece of 18-inch diameter corrugated, galvanized steel pipe, which costs approximately \$65 per foot, or \$1,300. We encounter, in the course of normal ditch maintenance work over a typical year, between 2-10 private driveway culverts that need to be repaired or replaced. If the City provided the culverts for ten driveways, the expense for the culvert materials would be \$13,000. We propose to pay for these culverts from the Small Works Drainage Improvement Program, the City Council recently created from the HART-Roads Fund.

This is one way the City can provide (1) financial relief to property owners during these difficult times and (1) demonstrate tangible benefits for the tax contributions property owners make to the HART funds.

**Action Needed:** That the City Council amend HCC 11.08.090 to read:

*All cost and liability in connection with the construction or maintenance of any private driveway or road approach constructed within any road right-of-way shall be at the sole expense of the owner of the property served thereby, unless the City, at its sole discretion, determines a private driveway or road approach impairs the broader road/drainage system, in which case the City may undertake remedial efforts, at City expense.*