MAYOR'S EXECUTIVE ORDER NUMBER 1, 1976

CO-ORDINATION OF EFFORTS OF THE CONSOLIDATED CITY IN REGARD TO PROBLEMS OF SURFACE WATER DRAINAGE

From and after the First day of May, 1976, I hereby direct that the Directors and Staffs of the Department of Public Works (DPW) and the Department of Transportation (DOT) establish and follow, within their respective departments, standard operating procedures which will implement the following:

I. DPW Approval of DOT Projects. Before Final Engineering Design Plans are accepted for any street improvement project of DOT, such plans shall be submitted to DPW for determination of whether such project will, when completed, be likely to create, or significantly aggravate, any problem in regard to surface water run-off.

Upon receipt of such plan, DPW staff shall investigate and check on the likelihood of such problems and report their findings to DOT, within one (1) month of receipt of such plans by DPW unless an extension is granted by my office. If, in the opinion of DPW staff, no drainage problem will be created or significantly aggravated by any such project, DPW shall certify its approval of such plans in writing to DOT; a simple rubber stamp showing "Approved for Drainage," or a message of similar import, and signed and dated by an authorized employee of DPW, should be sufficient to certify such approval.

In the event that the staff of DPW is of the opinion that a drainage problem will be created or significantly aggravated by any such DOT project, if constructed according to the plans as submitted to DPW, the staff of DPW shall, in its first report to DOT, describe such potential problem; and the staffs of both departments will thereafter attempt to work out a solution acceptable to both departments. Beginning two (2) months after the first report by DPW to DOT of such a potential drainage problem, if a solution satisfactory to both departments has not been reached, either department may, if it wishes, through its Director, submit the problem to my office for final resolution.

DOT shall henceforth notify all Consulting Engineers who are retained for design of a Street Improvement Project of the above requirements. And such notification shall also be given to all Consulting Engineers who currently have such plans in progress, as soon as possible after receipt of this directive. Upon request by any engineering firm retained by DOT for advance consultation with DPW in regard to potential drainage problems, DPW shall give its prompt attention to such request and shall make any of its requirements, and the reasons therefor, known as soon as may reasonably be done.

At the time of granting its approval to any DOT project pursuant to this directive, or at the time that any disagreement in regard thereto may be resolved by my office, DPW may, upon written request, retain the right to have its own inspectors, either staff or contractual, inspect the actual construction of the DOT project in so far as such construction relates to drainage. On such a project, progress payments to the contractor shall be made only upon certification of acceptance of work by inspectors of both departments.

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II. Use of Roadside Ditches and Surplus Right-of-Way. In any location within the jurisdiction of the Consolidated City of Indianapolis where the dedicated right-of-way for a street or roadway is greater than needed for the actual street or roadway, whether or not a roadside ditch, tile or other drainage facility is now in place in such right-of-way, such surplus right-of-way shall be available to the DPW for digging, installation, construction and maintenance of drainage facilities, without regard to the area to be drained by such facilities. In the event such surplus right-of-way can be utilized for a legal drain, there shall be no charge for such use of the land, and I hereby encourage such use of land already owned by the consolidated city.

Before making such use of surplus right-of-way as above described, DPW shall notify DOT in writing of the locations involved and the nature of the work to be done at each location.

Upon receipt of such notice, DOT staff shall investigate and check on the possibility and likelihood of such work causing any impairment of the roadway, or the use thereof, other than during the actual performance of such work. The results of such investigation shall be certified to the DPW by the DOT within one (1) month of receipt of such notice, unless an extension is granted by my office. If, in the opinion of DOT staff, no impairment of the roadway or the use thereof is likely, DOT shall certify its approval of such proposed work in writing to DPW; a simple rubber stamp showing "Approved for Work Within Right-of-Way," or a message of similar import, and signed and dated by an authorized employee of DOT, shall be sufficient to certify such approval.

In the event that the staff of DOT is of the opinion that such work proposed by DPW within DOT right-of-way might cause an impairment of the roadway or the use thereof, the staff of DOT shall, in its first report to DPW, describe the potential impairment and give a general description of such modification or additions as might prevent such impairment, if any seem feasible; and the staffs of both departments will thereafter attempt to work out a solution acceptable to both departments. Beginning two (2) months after the first report by DOT to DPW of such potential impairment of a street or roadway, if a solution satisfactory to both departments has not been reached, either department may, if it wishes, through its Director, submit the problem to my office for final resolution.

At the time of granting its approval for any proposed work by DPW within a DOT right-of-way, pursuant to this directive, or at the time that any disagreement in regard thereto may be resolved by my office, DOT may, upon written request, retain the right to have its own inspectors, either staff or contractual, inspect the actual performance of the work within its right-of-way, in so far as such work relates to the preservation of the roadway or the use thereof, whether such work is done by DPW employees or under contract let by DPW pursuant to any proper procedure. In the event such work is done by contract with DPW, progress payments to the contractor shall be made only upon certification of acceptance of work by inspectors of both departments.

III Maintenance of Roadside Ditches and Other Drainage Facilities Within Street and Road Right-of-Way

After the effective date of this Order, the maintenance, repair and cleaning of all roadside ditches, pipes and other facilities for the purpose of carrying surface water run-off shall be deemed the responsibility of the DPW. The DOT shall, as soon as feasible, transfer to DPW all plans and records now in its possession in regard to such drainage facilities, or copies of such plans and records.

Until the additional drainage duties and responsibilities herein placed upon DPW can be adequately funded within the budget of the DPW, the DOT is hereby instructed to continue its efforts in this regard as it has done in the past, and is now doing, except that drainage efforts of DOT shall be subject to such direction by DPW as the DPW shall believe itself capable of exercising effectively, and subject to any limitations imposed by law upon earmarked funds of DOT. The DOT is further instructed to lend such reasonable assistance as may be requested by DPW in regard to compelling removal of obstacles placed in ditches by abutting landowners, scheduling of work by DOT employees and contractors, and in such other ways as may be reasonably feasible.

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IV. Plans for Allocation of Resources to Drainage Problems.

The DPW is hereby instructed, on or before July 1, 1976, to prepare written plans for allocation of manpower, equipment and other resources to the solution of drainage problems. Such plans shall, in regard to 1977 and subsequent years, correlate with budget requests submitted by DPW. Such plans shall include an estimate of the total of each such resource needed by DPW, together with information as to what portions of such resources are presently in the DPW, what portions may be transferred to DPW from any other city department, and what portions may require additional funding.

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The above procedures should be implemented by DPW and DOT as soon as possible, as a first step in resolving the surface-water drainage problems which presently plague the citizens of Indianapolis and Marion County. Besides the directly beneficial effects that such procedures will have, I believe they will also serve as a foundation for later additional efforts toward further reductions in these problems. The full co-operation of all city employees involved will be very much appreciated by myself and by all the citizens who are concerned with these problems.

William H. Hudnut III
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Mayor of Indianapolis

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