



Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: April 3, 2017

Re: Report – Proposed Amendment to Chapter 24 (Rights-of-Way Management)

Executive Summary

Staff is proposing to amend Chapter 24 of the City Code to include a new Article X, “Public Utility Rights-of-Way Users”, Sections 160 through 172. This proposed ordinance will ensure that work cannot be completed within the public rights-of-way without proper notification, required permits and a city approved traffic control plan. A draft of the proposed Article X is attached for council consideration.

Discussion

At the October 3, 2016 pre-council meeting, staff prepared a presentation for Council concerning a proposed addition to Chapter 24 of the City Code as it relates to management of the City’s public utility rights-of-way. The current ordinance lacks the ability for staff to properly regulate and enforce work being done in the public rights-of-way. Many of the local utility companies believe they are working under Franchise agreements that allow them to work and perform closures within the rights-of-way without proper notification, required permits, and city approved traffic control plans. These Franchise agreements, in most cases, have expired. Council directed staff to work with local utility companies and bring back a draft ordinance for Council consideration.

On November 30, 2016, staff met with representatives from Ameren, Boone Electric, CenturyLink, Charter, Mediacom, Socket, Water District 9, and Water District 1, to discuss staff concerns. Staff also provided the company representatives with a copy of the proposed draft ordinance and requested feedback. On March 13, 2017, after review and consideration of the feedback received, staff provided a response to the utility company representatives (see attached).

Considering the feedback received from the utility companies, while also ensuring the safety and welfare of the public, staff has prepared the attached proposed ordinance for council consideration, which creates better oversight and accountability for work completed within the public rights-of-way. The ordinance also follows the current standards as identified in the Manual on Uniform Traffic Control Devices (MUTCD) and ensures that any damaged infrastructure would be required to be repaired to City specifications.

Fiscal Impact

Short-Term Impact: None with this report.

Long-Term Impact: None with this report.



Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Development, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Public Safety, Tertiary Impact: Tertiary

Comprehensive Plan Impacts:

Primary Impact: Inter-Governmental Cooperation, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Legislative History

Date	Action
10/03/2016	Staff presentation to Council concerning issues related to utility companies working within public rights-of-way
11/30/2016	Staff met with representatives from local utility companies

Suggested Council Action

After Council review and discussion of the proposed amendment to Chapter 24, direct staff to bring forth an ordinance to include Article X, "Public Utility Rights-of-Way Users"