



Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: June 17, 2019

Re: Update of Chapter 24 Article X pertaining to Public Utility Rights-of-Way Management

Executive Summary

Council requested staff provide an update to the new Article X in Chapter 24 pertaining to public utility rights-of-way management passed on November 20, 2017 per Ordinance 23373. This ordinance became effective May 1, 2018 so the report includes one full year of data.

Discussion

The total number of right of way permits issued between 5/1/2018 and 5/2/2019 was 627. Permits are \$50 each; therefore, the program has generated \$31,350 in the first year, which is less than the additional revenue originally anticipated of \$84,000. Staff is of the opinion that its due in part to some of the issues identified below, less development overall during this time frame, and the possibility that the City missed a significant portion of the boom in fiber optic installation. However, staff does anticipate some of this to be balanced by small cell wireless installations discussed below.

A breakdown of the permits by utility is as follows:

Ameren – 287

Boone Electric – 0

CenturyLink – 36

Chariton Valley – 1

Charter - 0

*Mediacom - 292

Socket - 11

*Mediacom initially was applying for permits for all service work, including those in the utility easement but outside of the right of way. Per the Law Department, only work in the right of way requires a permit. Therefore, their totals will typically be lower going forward.

What works well:

1. Staff believes, for the most part, we are now receiving permits for the majority of the larger infrastructure, main line, type projects within the City right of way.
2. Utility companies have become more responsive to correcting issues and addressing citizen concerns. Most utility companies have provided a contact for City staff use and can be provided to citizens.



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3. For the most part, applying and issuing permits online via the City's Citizen Self Service (CSS) portal has worked well. This began October 1, 2018.
4. Working with the Utility Department's utility locate crews to make sure contractors requesting locates have City of Columbia business licenses has gone very well. Without this coordination, projects would continue to be completed without permits.
5. Utility companies or their contractors are required to provide their certificate of insurance to apply for permits, so insurance information is easily kept up to date.

What needs improvement:

- 1) City staff has concerns that some of the utility companies may not be applying for permits at all and have not been as responsive as City staff would have originally hoped. To correct this, City staff may need to begin checking Missouri one-call tickets in an effort to identify contractors performing work without a permit.
- 2) Some utilities do not provide citizens good notification prior to a project starting (i.e. door hangers). The ordinance does not specifically require this, but City staff recommends that they do so. A large number of citizen concerns originate from the citizen just not being aware of what is taking place in their neighborhood. Note: several utility companies ARE doing a really good job of this notification, and it greatly helps reduce the number of concerns/complaints.
- 3) Possibly create an account billing or escrow system in the future. Some of the larger utility companies have some trouble paying for each permit as they go, due to their corporate procedures to have checks cut, or their credit card type is not accepted by the City currently.
- 4) Staff believes that many companies are not applying for permits properly while performing service connections. Many of these are within the utility easement only, and do not require a permit, but not all. Services are typically hand dug or done using low impact equipment. These will also require checking Missouri One-Call tickets and catching them in the act. However, these are much more difficult to catch because the contractor may only be on the site for thirty minutes to an hour.
- 5) There was one location that was excavated three times in the past year by different utilities. It would be nice to have a way to encourage them all to work together. However, since many are competitors, staff is not sure there is an easy solution to this issue.
- 6) Still working with the Law Department to establish the franchise documents as called out in the ordinance. To date Ameren, Mediacom, and Socket have inquired about this process with a main goal of pursuing an annual maintenance permit.
- 7) The City of Columbia anticipates receiving permits for small cell wireless facilities in the near future. Many of these will be located in the City right of way. Based upon information from other municipalities, they will likely be a challenge. Community



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Development and the Utility Department are currently working on a work flow/online permitting process based on the small cell wireless ordinance (023793) City Council passed on 2/16/2019.

As part of the passage of the public utility rights-of-way users ordinance, Community Development/Building and Site Development was authorized to hire an additional site inspector, and one existing Engineering Technician position was changed a Right of Way Technician. Both of those positions have been filled. The additional site inspector splits field inspection duties with the three other site inspectors. Each has a quadrant of the City that they oversee. The Right of Way Technician position handles the same job duties that the Engineering Technician position did, with the added task of running point on the right of way ordinance. Both positions will also have responsibilities relating to the revised sidewalk café and small cell wireless ordinances passed earlier this year by City Council.

Boone Electric Cooperative hosted their annual joint utility meeting on May 17, 2019 where many local utilities and other governmental entities had representatives present. City staff touched upon some of the main issues and successes listed above. Staff also requested feedback from any of the utilities, be it positive or negative. However, to date, no feedback has been received.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Strategic & Comprehensive Plan Impacts

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
02/18/2019	Ordinance 23793 – Chapter 24, Article XI, Construction and deployment of small wireless facilities
11/20/2017	Ordinance 23373 – Chapter 24, Article X, Public Utility Rights-of-Way Users

Suggested Council Action

For information only.