



Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: July 17, 2017

Re: Amending Chapter 24 of the City Code Relating to Rights-of-Way Management

Executive Summary

Staff is requesting 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 utility work cannot be completed within the public rights-of-way without proper notification, required permits and a city approved traffic control plan.

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. 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 (attached).

On April 3, 2017, staff prepared a report for council with a draft of the proposed ordinance amending Chapter 24, which provides staff the ability to properly regulate and enforce work being done within the public rights-of-way. After Council discussion, staff was directed to bring forward legislation for Council consideration and approval. This proposed ordinance follows the current standards as identified in the Manual on Uniform Traffic Control Devices (MUTCD), providing for better oversight and accountability for work completed within the public rights-of-way and to ensure that any damaged infrastructure would be required to be repaired to City specifications in order to maintain a safe right-of-way for the public.

Right of way management is delegated by the Director of Public Works to the Building and Site Development (BSD) division of the Community Development Department. This delegation dates back to when BSD was a division of the Public Works Department. In order for staff to fully implement and enforce this ordinance as written, BSD is requesting an additional Engineering Technician (site inspector) position and a reclassification of an



City of Columbia

701 East Broadway, Columbia, Missouri 65201

existing Engineering Technician position to a Right of Way Technician. This reclassification request has been reviewed by the Human Resources department consultant, resulting in a recommendation to reclassify the position to Right of Way Technician, and change the pay grade from an A10 to A12. These two positions are essential to manage the requirements of this new ordinance as well as the previously adopted legislation commonly referred to as the “public inconvenience fee”. The additional Engineering Technician will also allow BSD to divide work within the City into four quadrants to include the construction of privately funded public infrastructure, site work associated with residential and commercial building construction, and right of way permits.

BSD has used the Missouri One Call website to study the number of calls completed by contractors working for utility companies between April 1 and September 30, 2016 (last construction season), and that study resulted in 3,358 calls within the City limits.

Conservatively, assuming that 50% of these calls impact the right of way permits at fifty (\$50) dollars each, this would result in an estimated \$84,000 in additional revenue that would cover the personnel costs for the additional position. Staff has prepared for council consideration an ordinance, with the additional Engineering Technician position and the reclassification of an existing Engineering Technician position to a Right of Way Technician, which follows this legislation on the council agenda.

If Council passes the ordinance to amend Chapter 24 of the City Code to include a new Article X, “Public Utility Rights-of-Way Users”, Sections 160 through 172, staff estimates a minimum of \$84,000 in additional revenue related to permit fees; and approximately \$68,097 in added personnel costs so there would be no negative impact to the budget

Fiscal Impact

Short-Term Impact: There would be no fiscal impact in FY2017 due to the current Engineering Technician position has been vacant for several months this fiscal year. For FY2018, staff estimates a minimum of \$84,000 in additional revenue related to permit fees, and approximately \$68,097 in added personnel costs. There would be no negative impact to the budget.

Long-Term Impact: Additional revenue for permit fees would offset personnel costs.

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



City of Columbia

701 East Broadway, Columbia, Missouri 65201

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
04/03/2017	REP23-17 Proposed Amendment to Chapter 24 (Rights-of-Way Management).

Suggested Council Action

Pass the ordinance amending Chapter 24 of the City Code to include a new Article X, "Public Utility Rights-of-Way Users", Sections 160 through 172.