

Legislation Text

File #: BILL NO. 20-63, **Version:** 1

An Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, of the City Code of the City of Lee's Summit, Missouri, to provide consistent management of the Rights-of-Way with respect to standards of work, bonding, and permitting. (PWC 3/2/20)

(Note: First reading by City Council on March 17, 2020. Passed by unanimous vote.)

Issue/Request:

An Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, of the City Code of the City of Lee's Summit, Missouri, to provide consistent management of the Rights-of-Way with respect to standards of work, bonding, and permitting.

Key Issues:

- The City owns rights-of-ways and is responsible for the management and care of this finite resource. Chapter 26 of the City Code pertains to the City right-of-way (ROW) management.
- Excavation, street cuts, street closures, and temporary obstructions can cause significant damage or restrict access to the ROW or private property if not properly managed.
- The changes to the permitting process will standardize work requirements for ROW users, ensure liability protection for the City, and require proper restoration after the work is complete.

Proposed City Council Motion:

I move for adoption of an Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, of the City Code of the City of Lee's Summit, Missouri, to provide consistent management of the Rights-of-Way with respect to standards of work, bonding, and permitting.

Background:

The primary purpose of these changes is to promote better customer service to our residents, promote better quality of work in the ROW, and improve safety of both workers and the traveling public. The proposed amendments do not significantly change the current rules governing the right of way. The changes primarily incorporate lessons learned in recent years from projects in the ROW and monitoring customer service issues reported by residents.

Utility companies, property owners, builders, developers and all others wanting to perform work in the right-of-way are required to obtain consent from the City to install facilities and equipment within the rights-of-way. By ordinance, the City Engineer is designated with responsibility to manage and monitor use of the City's ROW. The ROW permitting process is necessary to manage the use of the public ROW and monitor the performance of those doing work in the

ROW.

Managing the ROW use allows review of proposed work beforehand to protect other improvements in the ROW, plan for access to private properties, ensure emergency access at all times, and develop traffic safety plans. Another key component of ROW management is to ensure those doing the work in the ROW are properly insured so that the City does not take on the liability for work by others. Bonding the work provides a way to ensure that areas disturbed during construction are restored to meet City standards in a timely manner.

After permits, are issued, the City's ROW inspectors need enforceable rules adopted by local ordinance or codified in state and federal law. For example, the current ordinance does not provide clear requirements for ROW users to successfully re-establish vegetation, nor does it limit temporary storage of fixed objects in the ROW. This proposed amendment will make changes that require the use of topsoil to re-establish vegetation, remove rocks from areas to be mowed, and not allow temporary obstructions in the ROW.

Typical ROW users obtaining permits may vary widely from individual homeowners replacing a driveway to large telecommunication companies installing infrastructure throughout the entire City. The current permitting structures treat all work the same. A driveway replacement is minimal work that can be covered by a single permit and usually has minimal follow-up to ensure restoration after the work is complete. However, a contractor needing to cut the street pavement, excavate large holes, and block lanes of traffic requires a much greater inspection effort. To address this disparity, this ordinance creates additional permitting fees for street cuts and excavation in the right of way. In accordance with the ordinance, all fees will be posted in the schedule of fees and charges approved by City Council and kept on file in the City Clerk's office.

The City "owns" the rights-of-way (ROW) and has the non-delegable duty to maintain the ROW in a safe condition for its intended use. The City is responsible too for the management of ROW use by others, the public improvements located within the ROW, and ensuring public safety for ROW users. As such, City staff recommends these amendments to better manage and monitor work in the ROW to ensure quality work and promote public safety.

Dena Mezger, Director of Public Works

Recommendation: Staff recommends approval

Committee Recommendation: The Public Works Committee voted unanimously 3-0 (Councilmember Edson "Absent"), to recommend to City Council approval of an Ordinance amending Chapter 26, Streets, Sidewalks and Other Public Places, of the City Code of the City of Lee's Summit, Missouri, to provide consistent management of the Rights-of-Way with respect to standards of work, bonding, and permitting.