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DEPARTMENT OF
PUBLIC WORKS

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October 27, 1999

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: MANAGING OUR PUBLIC RIGHT-OF-WAYS

LOCATION AND COUNCIL DISTRICT:

All districts.

RECOMMENDATION:

This report is for information only and no action is required. At the request of Council, staff is responding to Council's concerns about Sacramento's building construction and street work activities and their subsequent impacts on the city's public right-of-ways. The report provides Council with an overview of the current situation and strategies to improve how the city currently manages its right-of-ways.

CONTACT PERSON: Dave Cullivan, Senior Engineer, 264-7303

FOR COUNCIL MEETING OF: November 9, 1999

SUMMARY:

Several factors affect public accessibility and mobility throughout Sacramento's roadway system. These factors include increased building and construction activities primarily in the Central City, the growth in utility and telecommunications service demands, and the aging infrastructure. This report describes the current situation and impacts, the process undertaken to identify areas for improvement, and presents an approach to improve how the city manages

its right-of-way activities. The initial approach will cover a transition period from now through March 2000, which is the beginning of the next construction season. A comprehensive program could be in place by March 2001.

Upon approval from Council, staff will begin reviewing and implementing improvements that can be made now. Some examples include incorporating traffic plans into the contracting process, improving planning and scheduling of work by geographic area, and strengthening administrative penalties. Staff will also begin developing a comprehensive program to coordinate and schedule all public and private work in the city's right-of-way in the Central City, and return in February to request approval for a position to manage the program.

BACKGROUND INFORMATION:

Overview

There are seven major uses that compete for space in the public right-of-way throughout the city:

- Building and street construction
- Utility and cable work
- Public transit
- Commuter traffic
- Pedestrians and bicyclists
- Special events
- Special services (traffic control repair, tree maintenance, etc.)

All of these uses have one common element — competing for space and significantly impacting the Central City area. The competition among these uses, especially the increase in construction activities, has magnified two specific problems associated with right-of-way use: (1) construction traffic impacts caused by the cumulative and ongoing effect of construction projects, and (2) the assignment of priority to use the right-of-way to various users.

Sacramento's strong economy is a major factor in contributing to the building boom in and around the city. Consumer demand for service adds to the volume of private utility and telecommunications permits for work on city streets. The city's aggressive building construction, street overlay and maintenance projects, as well as utility department improvement programs have also contributed to the increase in the city's right-of-way activities.

The cumulative effect of these activities impacts the vitality of the city and the health of our economy. Multiple projects working on the same street or in the same area can create cumulative impacts even though each individual project may be properly addressing its own construction activities.



The initiative to coordinate underground work before street overlays, seals, and reconstruction activities is also creating new perceptions. Completing the underground work to avoid future cuts has a major positive impact on the quality of the street. However, residents, businesses, and others that use the street don't distinguish among the various separate projects. Their perception is one large project where the street is continuously dug up, patched, and then dug up again with all the associated traffic and parking impacts of continuous construction.

Another issue that has surfaced as a result of the large number of users and the increased construction activity is the assignment of priority to use the right-of-way. More and more the cumulative effect of two or more projects on the same street is too much for the roadway system to handle. Or, the situation occurs where two contractors and/or maintenance groups show up to work at the same location on the same day.

Current Conditions

Currently, conflicting right-of-way use issues are handled on a part-time, ad hoc, and reactive basis with no comprehensive coordination effort. Construction traffic control plans and priority for right-of-way use are negotiated on a project by project basis when the contractor is ready to begin, or has already begun, work and options are limited. There is no one person who has the "big picture" and can negotiate modifications to traffic control plans and project schedules at an earlier time when many more solutions are available.

Project managers can plan, design, bid, and send to construction their projects without even knowing of other projects or maintenance activity that will occur in the same geographic or neighborhood area. Project managers often discuss construction and traffic impacts of their projects with neighborhood and business groups.

However, no one has the responsibility to review the cumulative impacts of multiple projects on an area. There is no central coordination or scheduling of construction activities and traffic control plans at an early stage.

Currently, individual project managers address right-of-way use on a project by project basis. However, when multiple projects converge or overlap in the right-of-ways, there are no systems or tools to handle conflicting projects and schedule priorities among the competing entities. There is no current policy or procedure to identify who works and who comes back another day. Often the public suffers while the contractors begin their work and see if the system can handle the resulting traffic impacts.

Improving How We Manage Our Right-of-ways

In July 1999, a Public Works team representing street maintenance, inspectors, traffic and construction engineering, and Director's Office reviewed the most significant city activities:

- Frontage and building improvements
- Encroachment permits
- Utility and Public Works Departments' Capital Improvement Programs
- Utility and Public Works Departments' maintenance activities.

In October, the director and several team members met with the City Attorney's Office as well as the Utilities and Downtown Departments to review the issues and agree on the concepts proposed in this report. In addition, the team researched how other cities in California and elsewhere are grappling with similar kinds of issues occurring in Sacramento. This information is attached in Exhibit A.

After a detailed review of each activity, the team found the following:

- No coordination and/or comprehensive scheduling of activities
- Work often done in isolation and depends on individual personalities as to how things are managed
- No one contact person to go to for questions and/or problem resolution
- Inconsistent follow-up with stakeholders
- No clear processes established in some activities
- No systems in place to manage the activities
- Unclear roles and responsibilities of project managers
- Priority conflicts
- Little or no proactive communication and outreach to stakeholders
- Lack of advanced planning

Based on the team's findings, the department recommends the city take a comprehensive approach in the Central City area to gain better control of its current and anticipated future right-of-way projects and activities. This approach will mitigate public impacts, improve communications among stakeholders, and provide a more efficient and effective means of managing our resources. The three elements to this approach are:

- **Central Coordination**

Establish a right-of-way manager as the single point of contact. The manager would be knowledgeable on all right-of-way activities, forge partnerships with construction and utility companies, negotiate and resolve conflicts with key stakeholders, and develop coordination tools that will minimize public impacts. Better coordination gives the city the ability to do advance planning and increase the potential to combine projects to save time and money.

Furthermore, the manager will be able to identify potential impacts that will also minimize the cumulative effects on our city streets (e.g., separate projects tearing up and repaving the same street, multiple projects restricting access to nearby businesses, or affecting adjacent streets and neighborhood areas).

- **Coordination Tools**

The manager requires an array of tools and resources to manage the right-of-way activities. The principle tools of coordination may include a reservation system, master construction schedule, public outreach, and new ways of doing business (e.g., limit construction window, night work, weekend work, and project consolidation).

A master schedule would include every anticipated project. It would also identify project timelines, highlight anticipated public impacts such as street and sidewalk disruptions, and other potential impacts.

An effective public outreach system would be a critical tool for the manager. The manager would provide project proponents, business and community groups, as well as elected officials with critical and reliable information on project schedules and anticipated impacts so that those involved could plan for change.

- Compliance

Strengthening administrative penalties and contracting requirements for contractors would provide additional tools to ensure contract compliance and reduce impacts to the public.

This is an area that will require close work between the department and the City Attorney's Office.

Proposed Timeline

Upon approval of the improvement strategies outlined above, staff will:

- November – December 1999: Work with the City Attorney's Office to include compliance of approved traffic control plans in the administrative penalty process.
- November 1999 – March 2000: Work with internal stakeholders (Utility and Downtown Departments) to coordinate planning and developing a master construction calendar, which will map city construction and utility projects by geographic areas.
- January 2000: Begin meeting with external stakeholders (utility and telecommunications companies, Regional Transit, County of Sacramento) to discuss and agree on systems needed and proposed timeline to improve coordination of right-of-way activities.
- February 2000: Update Council on coordination efforts and request a position to manage right-of-way activities during the city's mid-year budget review.
- March 2000: Complete the master construction schedule and begin monitoring and updating the schedule as needed.
- March 2001: Implement a coordinated right-of-way management program.

FINANCIAL CONSIDERATIONS:

This report is for information only. The staff proposes to return to Council in February 2000 to request a position to manage right-of-way activities for the city. At that time staff will recommend that funding for the position and start up program costs be covered by current permit and private development fees and capital improvement projects. There is no impact to the General Fund.

ENVIRONMENTAL CONSIDERATIONS:

This report does not initiate a project, and therefore, the environmental considerations are not applicable at this time.

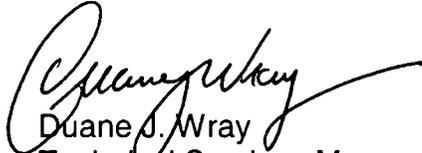
POLICY CONSIDERATIONS:

Managing activities in the public right-of-way makes good business and customer service sense. Implementing new and improved systems to better manage these activities will reduce public impact, improve efficiencies, enhance communications, and promote joint partnerships among key stakeholders.

ESBD CONSIDERATIONS:

This report does not involve the purchase of goods or services for the city, therefore ESBD efforts are not applicable.

Respectfully submitted,


Duane J. Wray
Technical Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director

Information from Other Cities Exhibit A

City	Las Vegas	San Francisco	Philadelphia	Denver
Coordination	City	City & County	City	City & County
Communication	Flyers, Web Page, Newspaper, Meetings	Notices Posted on Street, Mailables, Web Page	Door Notices, Letters, Meetings	Flyers, Newsletter Meetings, Web Page
Tools	Fees for loss of service, Restrictions on Work Schedule 5-year Moratorium	Street Damage Restoration Fee, 5-year Moratorium, Restrictions on Work, Reservation System	Proposing Fines & Fees 5-year Moratorium, Restrictions on Work, Proposed Reservation System	Must Restore Street 3-year Moratorium Restrictions on Work
Position	Engineering & Development Public Works Funded by Permit Fees	Street Construction Coordinator Public Works Dept. Funded by Permit Fees	Right of Way Unit Manager Streets Department Right of Way Unit Manager	Engineering Supervisor City Engineering, Right of Way 60% Funded by Fees
Contact	Edward Byrge, 702-229-6343 Wayne Dowdy, 702-229-4731	Cynthia Chono, 415-554-6196	John Cunningham, 215-686-5621	Randy Snicker, 303-640-5412

City	San Jose	Sac County	Seattle
Coordination	City	TBD	Central City
Communication	Mailables, Meetings	Mailables, Newspaper Ads Web Page	Newsletters, Web Page, Flyers, Meetings
Tools	Fees, Master Calendar Restrictions on Work Schedule 2-year Moratorium	Proposing Fees 5-year Moratorium	Fines/Penalties, Master Calendar 3-year Moratorium, Restrictions on Work Schedule
Position	Associate Civil Engineer Public Works Dept.	Senior Civil Engineer Right of Way Mgmt Group Funded by Fees	Construction Coordinator Strategic Planning Office Funded by City & Developers
Contact	John Cannon, 408-998-6064	Dave Franke, 916-874-7056	Jill Marilley, 206-684-5189