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Rights of Way Management: City of Tacoma Case Study

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City of Tacoma – why revise the ROW code?

- About to commence 2 cable franchise renewals (2008)

- City code had:
  - One chapter on rights-of-way
  - One chapter on cable systems
  - One chapter on telecom systems

- Two cable franchises with ROW provisions
City of Tacoma – why revise the ROW code?

- Code provisions were not consistent

- Code provisions in cable and telecom chapters should’ve been in ROW chapters

- Cable franchises ROW provisions were not always consistent with the Code
City of Tacoma – outside counsel role

- Help organize the staff team
  - Public works
  - Cable office
  - IT
  - Outside counsel for franchise negotiations
  - Coordinate with others (city attorney, risk management) as needed

- Review all code and franchise provisions – make initial recommendations for consolidation
City of Tacoma – challenges

- Prioritize which chapters need to be rewritten first
- Coordinate with timing of franchise negotiations
- Identify all interested parties – both inside and outside of the municipal organization
- Assist City Staff in working through the politics (more on this later)
City of Tacoma – challenges

- Ensure consistency with state and federal laws
- Determine what ROW management provisions the City wants in the franchise versus in the Code
  - What worked in Tacoma may not work in your community
  - Are pros and cons for each
City of Tacoma – process

- Once draft of each chapter completed, share with interested parties
  - Periodic meetings to obtain feedback, understand concerns and negotiate changes
City of Tacoma – process

Feedback necessitated periodically communicating one-on-one with interested parties and addressing legal issues

◦ “state law/federal law/our franchise [insert as appropriate] says you can’t do that!”
When do you go to City Council?
- Study session?
- Executive session to address legal issues?
- Are there Council committees involved before full Council consideration?

Is Council hearing from any interested parties (and is staff at risk for being thrown under the bus)?
City of Tacoma
Case Study–Stakeholders

- Click!
- Public Works
  - Storm and Sanitary
- Tacoma Power
- Tacoma Rail
- Tacoma Water
City of Tacoma Case Study–Challenges

- Out Dated Code
- Lack of Consistent Enforcement
- Recent Public Work’s Initiatives
  - ADA Transition Plan and Curb Matrix
  - ROW Restoration Policy
- Schedule
City of Tacoma Case Study–Challenges

- **New Code Provisions**
  - Required Permits for all Public Utilities
  - Annual Permit
  - Traffic Control Plans
  - Community Outreach
  - Encouraged Joint Planning of Projects
  - Joint Trenches
  - Created a GIS Mapping System—“Capital Improvement Projects”

- **Bureaucracy**
City of Tacoma 
Case Study—Today

- Code has been in place for 4 years
- Has improved City’s ability to enforce work in the ROW
- Code clearly sets expectations for permitting and bonding requirements.

Current Issues
- Bonding Requirements
- Annual Permit
- Public Outreach
A few suggestions for working with consultants:

- Agree to a budget in advance (make it part of your written contract)
- Consultant: keep track of budget and give City a head’s up if new issues arise that would impact it
- Staff: Monitor the budget and be prepared to modify scope of project or seek additional appropriation if necessary
Thank you!