



Legislation Details (With Text)

File #: 77808 **Version:** 1 **Name:** Public Utility ROW
Type: Ordinance **Status:** Passed
File created: 5/10/2023 **In control:** Attorney's Office
On agenda: 6/20/2023 **Final action:** 6/20/2023
Enactment date: 8/1/2023 **Enactment #:** ORD-23-00065
Title: Creating Sec. 10.055(9) and Renumbering Section 10.055(9) of the Madison General Ordinances to create a Public Utility Right-of-Way Occupancy Permit, and Amending Sec. 1.08(3)(a) to establish a bond schedule related to this Permit.
Sponsors: Satya V. Rhodes-Conway, Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. 77808 Body, 2. Traffic Control Policy (05.10.23)

Date	Ver.	Action By	Action	Result
6/20/2023	1	COMMON COUNCIL	Adopt	Pass
6/12/2023	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
6/7/2023	1	TRANSPORTATION COMMISSION	Return to Lead with the Recommendation for Approval	Pass
6/7/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/16/2023	1	BOARD OF PUBLIC WORKS	Refer	
5/16/2023	1	COMMON COUNCIL	Refer	Pass
5/16/2023	1	BOARD OF PUBLIC WORKS	Refer	
5/10/2023	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed ordinance creates an alternative annual right-of-way occupancy permit for registered public utilities. An annual permit fee will be established by the Board of Public Works to cover City costs to administer the permit. The proposed ordinance has a delayed effective date of August 1, 2023. The bond schedule is also updated to enforce compliance with the new permit with violations ranging from \$200 to \$1,000.

Title

Creating Sec. 10.055(9) and Renumbering Section 10.055(9) of the Madison General Ordinances to create a Public Utility Right-of-Way Occupancy Permit, and Amending Sec. 1.08(3)(a) to establish a bond schedule related to this Permit.

Body

DRAFTER'S ANALYSIS: This ordinance creates an alternative annual right-of-way occupancy permit for registered public utilities as an exception to the normal street occupancy permit requirements in MGO Sec. 10.055. Under the existing ordinance, any person seeking to temporarily occupy the right-of-way with material or machinery is required to get a street occupancy permit. Historically, the City did not routinely enforce these requirements upon public utilities and their contractors performing routine work in the right-of-way except for prolonged occupations or when coupled with an excavation permit. With increasing demand and conflicts over the shared right-of-way space, the City has worked with public utility representatives to come up with a

regulatory system that will allow the City and registered utilities to better coordinate and manage work in the right-of-way, while ensuring that the public's safety and convenience is protected. Under this new permit, a registered public utility can obtain an annual permit that would allow the utility and its contractors and subcontractors to temporarily occupy the public right-of-way provided that it meets certain conditions that differ based upon the length of the occupation, the nature of the right-of-way in question, the day of the week and time of the day, and other special considerations. Certain routine utility operations will be exempt from any further City oversight, while some activities may require prior notification to the City, and some activities will require additional City approvals. Some utility operations may end up needing a street occupation permit. These levels of oversight will be established by the City's approved Traffic Control Policy, which policy will be considered contemporaneously with this ordinance. The Traffic Engineer may also, over time, develop its own set of requirements for unique streets/situations. An annual permit fee will apply, which fee will be established an amount sufficient to recover the City's costs to administer the permit. Finally, the bond schedule is being updated to allow for enforcement of this new permit. This ordinance has a delayed effective date of August 1, 2023 in order to allow staff sufficient time to establish the associated permit infrastructure.

Please see Legistar File No. 77808 Body in Attachments.