

# SPROW

## Sustainable Public Rights Of Way Subcommittee

October 12, 2021



# Welcome & Introductions



# Approve Summary from August 17, 2021 Meeting

- ▶ Discussion to see if the subcommittee would be interested in adding a BMP to the Guidebook that new projects should add extra conduit for future development. This could help future utility development by having a place ready for them. Cities could lease it out or put it in escrow to recover the costs.
- ▶ Example city ordinances were shared that require utilities to go underground. These have been legally reviewed and are shared as a resource if the subcommittee would be interested in providing general language in the Guidebook.
- ▶ Suggestion for the group to come up with a common plan view was made. NCTCOG staff will followup with cities who may have a utility plan view or cross section.
- ▶ Summary posted at:  
[https://www.nctcog.org/nctcog/media/Environment-and-Development/Committee%20Documents/SPROW/FY2021/SPROW\\_Draft-Summary\\_08-17-21.pdf?ext=.pdf](https://www.nctcog.org/nctcog/media/Environment-and-Development/Committee%20Documents/SPROW/FY2021/SPROW_Draft-Summary_08-17-21.pdf?ext=.pdf)



# Public Works Roundup SPROW Tract Discussion

- 22<sup>nd</sup> Annual Public Works Roundup was held Sept. 2, 2021, at Grapevine Convention Center.
- Presentations Included:
  - North Texas Water Providers Regional Landscape Initiative
  - Trail Oriented Development (TOD2)
  - EV Charging Stations
  - Midway Road and Importance of Stakeholder Coordination
- Presentations posted at: <https://www.nctcog.org/envir/public-works/annual-public-works-roundup/2021-public-works-roundup>

# Utility Planning Chapter Intent

## Topic ideas:

- Coordination
- Existing ROW
- ROW expansion
- Relocation
- Streetlights/existing poles
- Equipment infrastructure
- Line of sight issues
- Above ground infrastructure

# Utility Planning BMP Ideas

- Placement utility lines in conduit
- Overhead utilities must go underground
- Placement of street fixtures



# Utility Planning Discussion

- ▶ Vertical and horizontal separation (from August meeting)
- ▶ Minimum depth for all utilities (from August meeting)

## Duct Bank Discussion – Continued from Last Meeting

- ▶ Invited Addison, Burleson, and Euless to meeting
  - ▶ Understand good approaches and lessons learned from those installations from the persons who experienced them.
  - ▶ Can continue to see if the cities can attend to share experiences

## Ordinance Examples

For last meeting ordinance examples were forwarded to the group to consider content to include in the Utility Chapter.

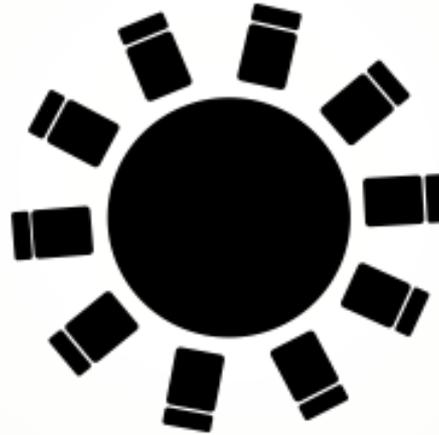
- ROW/Street construction planning
- Rehabilitation and replacement ROW/street construction projects

### **Don Knight, City of Dallas – Utility codes that could be examples**

- NCTCOG will review Dallas ROW Management webpage, including their street cut manual.

**Others?**

# Member Roundtable



# Next Meeting

**Tuesday, December 14, 2021, 1:30pm**

**Microsoft Teams:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MGU4ZDJiNmUtYTQ0MS00NjkLTlhODAtODg0ZDMwYjEzNzU1%40thread.v2/0?context=%7b%22Tid%22%3a%222f5e7ebc-22b0-4fbe-934c-aabddb4e29b1%22%2c%22Oid%22%3a%22cab28b78-d671-4384-9c8e-6035f7c46b7d%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGU4ZDJiNmUtYTQ0MS00NjkLTlhODAtODg0ZDMwYjEzNzU1%40thread.v2/0?context=%7b%22Tid%22%3a%222f5e7ebc-22b0-4fbe-934c-aabddb4e29b1%22%2c%22Oid%22%3a%22cab28b78-d671-4384-9c8e-6035f7c46b7d%22%7d)

**SPROW Website:**

<https://www.nctcog.org/envir/committees/public-works-council/sustainable-public-rights-of-way-subcommittee>

# Contact

## **Olivia Kale**

Environment and Development Planner

[okale@nctcog.org](mailto:okale@nctcog.org)

817.695.9213

## **Tamara Cook, AICP**

Senior Program Manager, Environment  
& Development

[tcook@nctcog.org](mailto:tcook@nctcog.org)

817.695.9221

## **Edith Marvin, P.E.**

Director, Environment & Development

[emarvin@nctcog.org](mailto:emarvin@nctcog.org)

817.695.9211

# Connect



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EandD@nctcog.org

www

nctcog.org/envir

# Utility BMP Resources

- ▶ [American Public Works Association \(APWA\) Model Franchise and License Agreement](#)
  - ▶ Relocation of Facilities

The municipal corporation should protect itself by requiring the franchise to relocate facilities whenever the municipality requires such relocation. It may also be necessary that some facilities be moved because a third party wishes to gain entrance to the right of way. Under those circumstances, it should be clear that the third party should pay for the relocation of the occupants. The best way to prevent the need to relocate is to have proper planning of the initial location of all occupants. Try to keep all private companies at the extreme edges of the right of way so that it allows the municipality the clear use of the right of way for road, sewer, water, and drainage facilities.

We are fast approaching situations where ROW's are full. No law exists mandating access when such approval will affect system reliability or increase the potential for catastrophic failures or repair costs. Simply put, if the only space available is over top of the sewer main, just say no.

Most utilities will push to have old facilities abandoned in place. This is happening in the natural gas industry because of the environmental restrictions on disposing of old mains. Often times these facilities are not mapped nor are they marked during stake out requests. A municipality needs to determine whether an abandoned facility should be removed as part of this franchise agreement

# Utility BMP Resources

Example of City Franchise Utility Policy: language that has been approved by a city attorney for putting all new utilities underground.

- (1) The City may require easements for poles, wires, conduits, gas, telephone, cable TV or other utility lines if necessary.
- (2) From and after the effective date of the Ordinance from which this chapter is derived, all subdivision and development plats, site plans and construction plans filed and submitted to the City for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires including, but not limited to, street lighting, to be placed underground. Existing feeder and other major transmission lines that could not practically be placed underground, as determined by the City, may remain overhead. However, an owner shall endeavor, and whenever practical, the City may require that feeder lines are placed away from traffic arteries (Thoroughfare Types A6D, A4D, and C2U) and/or be placed underground. Overhead feeder lines shall not be placed along both sides of the street rights-of-way. The owner shall be responsible for obtaining verification from the utility companies for easement locations and widths prior to the final approval of construction plans by the City. Any changes during construction shall be approved by the utility companies and the City.
- (3) Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the owner is responsible for relocation and placement of the lines underground.
- (4) All new service lines shall be placed underground.
- (5) In special or unique circumstances or to avoid severe non-financial hardships, the City Council may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat or site plan with such approved exceptions.
- (6) Where electrical service is to be placed underground, all other utilities, including circuits for street and site lighting, except street lighting fixtures, shall be placed underground.

# Utility BMP Resources Continued

## Example City Franchise Utility Policy

- ▶ (7) All ground-mounted equipment shall not be placed in visibility, access or maintenance easements.
  - a. All ground-mounted equipment within view of a public street right-of-way shall be screened from the adjacent street by minimum five (5) gallon evergreen shrubs, or larger, on three-foot the side facing the right-of-way, as well as along both sides of the equipment such that it will be fully screened from view from the street.
  - b. Planting materials selected shall be materials that will grow at least to the height of the equipment height, and will provide a continuous and solid/opaque living screen, within two (2) growing seasons from the date planted. The planting material must be selected from the list of materials set forth in this Ordinance.
  - c. The proposed planting shall be included on the Landscape Plan as required by this Ordinance.
  - d. Installation, irrigation and maintenance of the screening of electrical pad transformers and switching equipment shall be the responsibility and at the cost of the owner.
  - e. Public-owned ground-mounted equipment (such as City traffic controller boxes, etc.) shall be exempt from the screening requirements in this Section.
- ▶ (8) Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of its underground utilities. Each utility company shall have the right to charge or recover costs associated with installing underground utilities in accordance with the respective utility's tariff for service and/or line extension policy. No utility company shall be required to begin construction of underground facilities unless and until the owner of the subdivision has made arrangements with the respective utility company for payment in accordance with that respective utility's tariff for service and/or line extension policy governing utility installations and its cost.
- ▶ (9) Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines, and facilities are removed within 30 calendar days.
- ▶ (10) Utility easements may be located as follows.
  - a. Utilities shall be located in the alley rights-of-way along the rear property lines of lots or tracts when an alley is provided.
  - b. Utilities shall be located in easements provided adjacent to the street rights-of-way along the front or side of lots or tracts whenever an alley is not provided.
  - c. Any damage made to the City's infrastructure during installation or work on utilities shall be repaired by the utility company at their cost.

