



## CITY OF KIRKLAND

### Department of Public Works

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Ray Steiger, PE, Public Works Director  
Rob Jammerman, Development Engineering Manager

**Date:** October 8, 2012

**Subject:** PROPOSED SERVICE PACKAGE FOR PUBLIC WORKS RIGHT-OF-WAY  
CONSTRUCTION INSPECTOR

The City Manager is recommending that the Public Works Department hire a permanent full-time ROW Construction Inspector to inspect franchise utility work occurring in the public ROW. Currently this franchise work is not being inspected, and it leaves a large void in the City's maintenance and oversight of the public right-of-way. The justifications for ROW Inspector and the proposed funding of the position are as follows:

1. ***Why do we need a ROW Construction Inspector?*** The Public Works Department is responsible for the maintenance and oversight of the public ROW. These responsibilities include the review and issuance of ROW Permits to all franchise companies working within the City ROW. Franchise companies include Puget Sound Energy (PSE), Comcast, Frontier Communications, Northshore Utility District (NUD), Woodinville Water District (WWD), and several fiber-optic companies. The Public Works Department assigns a Construction Inspector to large franchise projects such as utility main extensions, but does not have the staff to assign a Construction Inspector to small projects such as service installations and routine maintenance work by the franchise company. When there is no construction inspection on the small franchise projects, the contractors are left to their own devices to police themselves while setting up and maintaining traffic and pedestrian control, addressing conflicts with City utility lines, and restoring the ROW.
2. ***What problems have we encountered due to the lack of inspection services on these types of ROW Permits?*** The following is a list of the common problems that staff has encountered with small franchise utility projects when no City inspection has been provided:
  - The contractor does not adhere to the approved traffic and pedestrian control plan (signs and flaggers), and safety problems or traffic disruptions arise.
  - The contractor installs their utility adjacent to a City utility without maintaining required separation. When the City encounters this at a later date, time and money is lost while staff corrects the problem. There are cases where the contractor has

bored their utility through a City-owned utility, and it was only found years later when the City Maintenance crews video-inspected the utility line.

- The contractor does not restore the ROW to City standards. Without a City Inspector on-site, there is no one to verify that the subgrade was prepared and compacted correctly, the depth of the asphalt patch is correct, or if the concrete was placed correctly. Improper installation of asphalt or concrete is sometimes not evident based on the surface workmanship, and problems may not manifest themselves until years later, in which case it usually becomes the City's issue to correct.

3. **How many ROW Permits do we issue to franchise companies?** Public Works issues an average of over 400 small franchise utility project ROW Permits each year (approximately 8/week). The size and scope of each project varies, but most excavation and utility installation or maintenance is completed within a week. The final restoration of the ROW surface usually occurs within a few weeks thereafter.
4. **Why is a ROW Inspector needed now?** With annexation, the amount of ROW that Public Works is responsible for has increased by 59% (145 miles pre-annexation and 247 miles post-annexation). The City's ROW is too large and valuable to continue to allow franchise utility contractors to work in the ROW without any inspection oversight. In hindsight, a case could have been made to address this gap in Public Works inspection duties many years ago, but the increase in public ROW due to annexation has magnified the gap and should be addressed as soon as possible. Addressing this inspection void goes hand-in-hand with the City's other efforts to maintain dependable public street infrastructure.
5. **How will the ROW Inspector be funded?** The Public Works Department has two existing tiers of ROW Permit fees. The first tier ROW Permit fee of \$106.00 covers staff time to intake, review, and issue small franchise permits; none of this fee provides for inspection. The 400 (average/year) ROW Permits mentioned above currently pay this \$106 fee. The second tier ROW Permit Fee is \$372, and it covers staff time to intake, review, issue, and inspect the ROW Permit. This fee is typically assessed against development projects that will be working in the ROW. Staff is proposing to start charging all franchise utility ROW Permits that require inspection the existing second tier ROW Permit fee of \$372. By charging the second tier ROW Permit fee against the small franchise utility projects, an additional \$106,400 will be generated each year. This new revenue will be used to off-set the salary and benefits costs of the new inspector ( $\$372 - \$106 = \$266(\text{new revenue}) \times 400(\text{permits/yr.}) = \$106,400$ ).
6. **What impact will this have on the Franchise Companies?** The additional \$266 permit cost ( $\$372 - \$106 = \$266$ ) should have little impact on the franchise companies' permitting budgets when compared to the ROW Permit fees that they were paying to King County. Prior to annexation, each franchise company was paying a King County ROW Permit fee of approximately \$787 (\$340 for review plus \$447 for average inspection time). Under our proposed fee schedule, franchise companies will be paying approximately \$415 less for ROW Permits in the annexation area (when compared to King County ROW Permit charges). The franchise companies will pay \$266 more for ROW permits in areas that were not part of the annexation area, but Public Works staff

has calculated that the overall impact to each company is essentially a wash as each franchise company will actually realize a small saving (less than \$1,000) each year when compared to what they were paying in permit fees before annexation.

7. ***Do other public agencies provide ROW construction inspection for small franchise utility projects?*** We know that King County, Bellevue, Renton and Redmond all assign a ROW Construction Inspector to small franchise utility projects in the public ROW. We have researched their ROW Permit fees, and have found that each agency charges a fee to pay for the inspection costs. The table below outlines the fees that are collected to pay for construction inspection.

Agency	*Franchise ROW Permit Fee	Notes
Renton	\$350	Charge an additional \$60/hour for larger projects.
Redmond	\$470	\$117 per hour if project exceeds 4 hours inspection
Bellevue	\$298- \$447 (avg.)	Bellevue charges an hourly fee of \$149 and an avg. ROW Permit takes 2-3 hours for review and inspection.
King County	\$749*	\$340 for review and \$447 for inspection (avg.)
Kirkland - proposed	\$372	\$75 per hour if project exceeds 3 hours inspection

\*A straight-line comparison of permit fees between agencies is difficult because each agency has different fee components and recovery rates.

\*\*This King County ROW Inspection Fee was being paid by the franchise companies before we annexed.

In summary, given all of the information presented above, staff believes that it is prudent to move ahead and hire a ROW Construction Inspector to inspect the small franchise utility projects occurring in the public ROW. The position will be funded by fee revenue and will help to protect and preserve our street and ROW infrastructure.



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