

# City Coordination in the Right of Way



## Objective

Is the City effectively coordinating the right of way to minimize traffic disruptions and maximize traffic flow?

## Background

A key function of the Austin Transportation Department (ATD) is right of way management, which coordinates all activities to ensure public safety, protect infrastructure, and minimize traffic. If the right of way is in the City's jurisdiction, a permit is required to work in or temporarily occupy that area. A permittee could be a City department, a private company, or an Austin resident. In Fiscal Year 2017, ATD issued over 17,000 right of way permits.

## What We Recommend

The Director of ATD should:

- Refine existing processes to ensure the permitting system is complete.
- Develop a tool to coordinate work start approvals.
- Require enforcement activities be recorded in the permitting system.
- Strategically deploy inspectors to enforce right of way permit terms.
- Enhance enforcement efforts when noncompliance is noted.

We also recommend the City Manager ensure ATD and DSD enhance communication and clarify roles and responsibilities.

## What We Found

**FINDING 1: The Austin Transportation Department (ATD) does not have complete information on permitted and unpermitted work hindering their ability to coordinate activities in the right of way. Also, enforcement efforts are not sufficient to minimize traffic disruptions and safety risks.**

- ATD indicated that some entities work in the right of way without obtaining a permit.
- Permittees do not always notify the City when they begin work in the right of way.
- Permittees sometimes work in the right of way outside of approved hours.

**Many of these issues could be addressed through enforcement, but current enforcement efforts do not effectively resolve problems in the right of way, and may not deter future violations.**

- ATD does not effectively use limited enforcement resources and is not strategic in deploying enforcement resources.
- Inspectors are inconsistent in how they enforce similar right of way violations.
- Despite ATD management providing written guidance, inspectors are inconsistent in how they record right of way inspections.
- Right of way inspectors can recommend assessing investigative fees and the Code officer can issue citations, but fees and citations are rarely assessed.
- ATD asserted they did not have enforcement authority for utility franchises, which conflicts with guidance from the City Law Department.
- Factors contributing to the above issues include: missing procedural guidance for staff, misinformation about ATD's enforcement authority, and a lack of management oversight.

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## What We Found, Continued

### Work on both sides of Lavaca Street



Source: OCA photo of Lavaca Street right of way conflict, June 2018

**FINDING 2: There is limited coordination and communication between City departments when processing permits, which restricts information sharing, creates citywide inefficiencies, and affects the customer service the City provides to the public.**

- Although ATD and DSD have similar job titles and functions, there is limited coordination and communication between the departments when processing permits.
- A survey of developers found that two of five (or 40%) permittees said they did not understand which department they needed to contact if right of way permitting issues arise. Only one of five (or 20%) surveyed permittees believed that information about developments was well coordinated between City departments.
- The involvement of, and overlap between, multiple City departments creates confusion throughout the city on which entity has authority for various aspects of the permitting process.