

Audit Report

# City Coordination in the Right of Way

December 2018



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. In addition, there is limited coordination and communication between City departments when processing permits, which restricts information sharing, creates citywide inefficiencies, and affects the City's ability to effectively serve the public. Despite these issues, we noted that the ATD Right of Way Division staff provide good customer service, and that enforcement activities, though limited, appear to improve traffic flow.

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Cover: Permittees working in the right of way on Burnet Road in Austin, Texas, July 2018.

## Objective

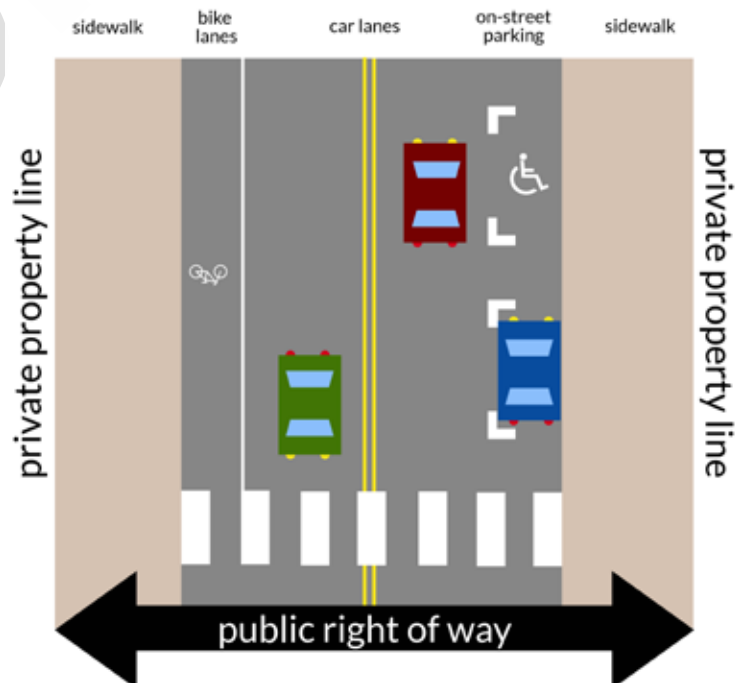
The objective of this audit was to determine if the City is effectively coordinating in the right of way to minimize traffic disruptions and maximize traffic flow.

## Background

Right of way is an area owned or controlled by the City and includes street surface, sidewalks, and grassy areas between the pavement and property lines. See depiction of right of way in Exhibit 1.

Traffic slowdowns and congestion are some of the top complaints from Austin residents. In recent years, Austin has experienced tremendous growth and development which has placed increased demands on City departments, particularly the Austin Transportation Department (ATD). A key function of the ATD is right of way management, which plans and coordinates all activities in the right of way to ensure public safety by protecting existing infrastructure and minimizing public inconvenience. If the right of way falls under the City of Austin jurisdiction, a permit is required for persons who work in or temporarily occupy that area.

Exhibit 1: Example Right of Way



SOURCE: OCA drawing of the right of way, September 2018

The term “permittees” is used in this report to refer to any person or organization who should be permitted to do work in the right of way. A permittee could be a City of Austin department, a private company, a subcontractor, a franchise utility company, or an Austin resident.

There are nine different types of right of way permits (see Appendix A). Each application is processed by a permit analyst. Permit analysts work with multiple city departments, systems, and spreadsheets to review a permit application. This review process could take less than an hour or several days depending on the size of the project and the number of approvals needed from other city departments. Right of way permit information is maintained in the City’s permitting system and is used by several city departments. This system supports the City’s review, permitting, inspections, and enforcement processes. After the permit analyst approves a permit application, the City’s permitting system generates an invoice. The City issues a permit once the invoice has been paid. In Fiscal Year 2017, ATD issued over 17,000 right of way permits in the Austin city limits.

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# What We Found

## Summary

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. In addition, there is limited coordination and communication between City departments when processing permits, which restricts information sharing, creates citywide inefficiencies, and affects the City's ability to effectively serve the public. Despite these issues, we noted that the ATD Right of Way Division staff provide good customer service, and that enforcement activities, though limited, appear to improve traffic flow.

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## Finding 1

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.

An essential element of managing the right of way is ensuring the City has complete information on work being done in the right of way, the purpose of that work, and its expected duration. However, there are several problems that hinder the City's ability to obtain this information.

ATD does not have complete information on all right of way activities. First, unpermitted work is often unknown and undetected, therefore it cannot be coordinated with other projects. Second, the City's permitting tool is the primary tool used to manage and coordinate activities in the right of way but this tool contains information on permitted projects with approved windows of when work may occur. It does not have the ability to show exactly when work begins within the approved window. Rather than defining a specific work start date and time, ATD grants windows for work in the right of way to allow permittees lead time to manage projects (e.g., to schedule crane arrival, hire subcontractors, adjust for weather delays, etc.).

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City regulations require permittees to notify the City before they start work by contacting Austin 3-1-1. These notifications help the City provide information to roadway users so they can make the needed preparations and adjustments to ease traffic disruption.

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ATD implemented a 3-1-1 notification process so that the department knows when a contractor actually starts occupying the right of way. However, this notification does not always occur. As a result, ATD lacks a complete picture of who is working in the right of way. Based on observations from an inspection ride along and a review of 3-1-1 call data, 6 out of 8 (or 75%) of sites visited did not call 3-1-1 prior to beginning work in the right of way. In addition, the City does not notify permittees when permits are about to expire. Without this notification, permittees may continue to work in the right of way beyond their permitted period. ATD management states they are in the process of developing an automated email to notify permittees of upcoming permit expiration dates.

ATD management has recognized the challenge with knowing actual start times and is currently brainstorming additional mechanisms on how to address these issues.

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According to City Code, a person must not work in the right of way without an approved permit. Further, a person must agree to adhere to the permit terms and conditions when applying for a right of way permit.

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According to ATD, Lavaca Street is a critical arterial roadway – a roadway that carries the most commuter and vehicular traffic and provides essential connections to other streets.

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A map by council district depicting 3-1-1 complaints related to right of way concerns is contained in Appendix B.

**ATD indicated that some entities work in the right of way without obtaining a permit.** Although we did not observe any instances where City departments did not have a valid permit, ATD management reported that City departments and utility franchises are the biggest violators of working in the right of way without a permit.<sup>1</sup> According to ATD management even in urgent situations, such as emergency work by utility franchises, permits are required and must be obtained the following business day. However, these franchises often do not obtain the required permits.

**Permittees sometimes work in the right of way outside of their approved hours.** Select work is approved only for certain hours or days (generally to mitigate traffic disruptions to critical roads during peak commuting hours). However, permittees do not always adhere to these restrictions. For example, during a ride along with ATD Enforcement staff, two permittees were observed working in the right of way creating traffic slowdowns on Lavaca Street. Notably, neither entity had authorization to work in the right of way at that time. One was working outside of approved hours and the other had failed to call 3-1-1 to notify the City that they intended to begin work. One permittee had closed the left lane while the other

#### Exhibit 2: Work on Both Sides of Lavaca Street



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

permittee had closed the right lane causing slowdowns resulting in all traffic having to move to the middle lane, as shown in Exhibit 2 below.

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 does not seem willing to pursue enforcement actions.** ATD has five full-time inspectors, one code enforcement officer, and one supervisor to enforce

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<sup>1</sup> In 1990, the City Manager approved an Administrative Bulletin requiring all departments to adhere to the same permitting requirements expected of the public (see Appendix C for Administrative Bulletin).

permits across the city. These employees generally do not work nights or weekends, so any issues during these times are not detected or corrected. Despite these resource limitations, ATD management does not deploy inspectors following any strategic method, such as focusing on critical arterial streets or areas that have not been inspected recently. Instead, inspectors are assigned to large regions (see Appendix D) that they patrol throughout the day by self-selecting sites to review.<sup>2</sup> Auditors observed inspectors patrol the same areas repeatedly – for example, driving down the same street and reviewing the same projects multiple times a week – rather than inspecting new areas.

**Inspectors are inconsistent in how they enforce similar right of way violations.** We observed similar situations where workers did not have a physical permit on site. Two inspectors allowed work to continue while one inspector suspended construction work until a physical permit was presented.

**Despite ATD management providing written guidelines on how to document inspections in the City's permitting system, inspectors are inconsistent in how they record right of way inspections.** ATD management stated they also provided in-person training and reinforced expectations through annual performance reviews, but we observed inconsistent use of the City's permitting system by inspectors. We found that some inspectors did not record all enforcement activities in the City's permitting system. For example, the inspections noted above pertaining to the Lavaca Street conflicts were not documented in the City's permitting system. As a result, neither permittee was penalized for their non-compliance with City regulations. Beyond that, escalating enforcement (such as increasing the fines or citations for continued noncompliance) cannot be taken if a future inspector cannot see record of prior enforcement actions.

In addition, when ATD transitioned to using the City's permitting system to track enforcement actions last year, they were unable to transfer old enforcement records, which were maintained in another system. As a result, historical data for enforcement activity is not available, limiting the City's ability to assess penalties for repeated violations.

**Right of way inspectors can issue a notice of violation and recommend assessing investigative fees, but fees are rarely assessed.** Specifically, right of way inspectors can send violations to ATD management who then determine whether to assess a fee. Some inspectors stated that they felt more fees should be issued, and that the fees currently charged were not severe enough to deter future violations. For example, at the time of our audit, the fee for work without a permit in the right of way was limited to the cost of obtaining a permit<sup>3</sup>. Our comparison of investigative fees assessed and documented violations showed that only 16 of 221 (or

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According to ATD mobility guidelines, fees will be assessed upon third inspection if deficiencies are not corrected.

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<sup>2</sup> The Division's only code enforcement officer uses the Permit Lapsed and About to Expire (PLATE) report to guide his inspections.

<sup>3</sup> On October 1, 2018, this fee amount was changed from a calculation method based on the number of days the permittee was out of compliance to a flat fee of \$500.

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Guidelines also state that the Code Enforcement Officer may issue Class C misdemeanor citations for violations of City Code. It further states that this is typically done as last resort.

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7%) projects with at least one documented violation were assessed an investigative fee.

**ATD is not using all available enforcement options.** As a result, permittees are not incentivized to comply with regulations. Code enforcement officers can issue a citation for a Class C Misdemeanor but citations are rarely given. Only nine citations were issued for right of way violations during the three year scope period.

**Because utility franchises are issued and regulated by the State, ATD asserts they do not have enforcement authority for utility franchises, which conflicts with guidance from the City Law Department.** We consulted with the City's Law Department and they stated ATD does have enforcement authority over these entities if they are working in the City's right of way. This enforcement may include assessing fines and citations (similar to enforcement actions that can be taken against other users of the right of way).

Factors contributing to the above issues include: missing procedural guidance for staff, misinformation about ATD's enforcement authority, and a lack of management oversight.

The issues noted are partially caused by out of date or missing policies and procedures. For example, there is no procedure defining terms such as violation, citation, fee, or fine. Also, there was not a procedure detailing how to assess investigation fees at the time of our ride alongs, however this guidance has since been established. Inconsistent enforcement and tracking may also be due to limited supervisory review of inspection activities.

Further, ATD management was unclear or misinformed about ATD's enforcement authority over franchises working in the right of way. Limited direction from ATD management concerning inspectors' enforcement authority and how best to deploy inspection resources may also contribute to the issues noted.

Enforcement action is likely the quickest and most effective means of correcting traffic flow and safety hazards, and therefore it is critical that this function is deployed in a manner that concentrates resources on the highest priorities for the City. Furthermore, if ATD does not take full advantage of its enforcement authority, the City may miss out on opportunities to deter future noncompliance with City regulations. Finally, having a complete picture of right of way activities is critical to coordinating the many projects throughout the City, mitigating disruptions, and improving traffic flow.

## 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 the public.

Although ATD and DSD have similar job titles and functions, there is limited coordination and communication between the departments when processing permits. Both ATD and the Development Services Department (DSD) are involved in the processing of permit applications. Generally, ATD is responsible for right of way permits and DSD is responsible for many other types of permits (such as building, demolition, and business-related permits). Both departments have employees that perform similar functions relating to cashiering, inspecting work sites, and taking enforcement actions to ensure permittees comply with City Code and regulations (see Exhibit 3).

Exhibit 3: Similar Job Titles and Functions in ATD and DSD



SOURCE: OCA review of job titles types that process permits in ATD and DSD, November 2018

The National Governors Association Center for Best Practices highlights the importance of effective coordination and communication in transportation activities and refers to three key aspects of leadership to achieve success:

1. Advocating and implementing systems to coordinate;
2. Bringing together all interested parties and keeping them engaged; and
3. Ensuring communication and coordination remains focused on goals and responds to changing needs.

However, these departments do not coordinate resources. Efforts have been made at the Department Director-level to reach agreement on lines of authority, but it does not appear these efforts have been successful in clarifying the roles and responsibilities of each City department in the permitting process. For example, permit fees assessed by ATD are charged by manually entering the fee amount into the City's permitting system, while DSD fees are automatically populated in the system. Over a year ago, ATD, DSD, and CTM discussed having the ATD fees added to the system to automate the way ATD charges fees. However, this automation has not yet occurred.

Further, 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.

Specific to ATD, a memorandum of understanding was drafted between ATD and DSD in June 2016 with the intention of clarifying department roles and responsibilities, but this memorandum had not be finalized or communicated to staff as of December 2018. ATD asserts they are working on a similar agreement with other 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.** Additionally, this convoluted arrangement makes it difficult for permittees to navigate the permit approval process, likely extends the time it takes to get a permit approved, and may require permittees to travel to several City locations to get issues resolved. Overall, this diminishes the customer service the City provides to the public and may slow development further, resulting in more requests for permit extensions and longer periods when work disrupts traffic.

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## Additional Observation

ATD cash handling practices do not safeguard City funds.

ATD has one cashier that performs all key cash handling functions for the department including those related to right of way permits. We found that critical cash handling functions are not appropriately divided and do not comply with City policy. We have issued a separate report on this issue. See ATD Cash Handling Audit for details.

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# Recommendations and Management Response

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In order to improve traffic flow and safety, the Director of the Austin Transportation Department should:

- Refine existing procedures/processes to ensure the City's permitting system has complete information on entities working in the right of way.
- Develop a tool to coordinate work start approvals.
- Finalize and communicate department procedures that include methodologies for reviewing the accuracy and completeness of information relating to right of way permits.

**Management Response:** Agree

**Proposed Implementation Plan:**

The City's permitting system has comprehensive information on entities working in the ROW with a few exceptions: (1) entities working without a permit; (2) actual work start times (a permit duration is included on the permit to provide flexibility for the permittee to schedule project resources); and (3) emergency permits.

Entities working without a permit: Enforcement is the appropriate tool to address entities working in the ROW without a permit. ATD will develop an Inspection SOP that further formalizes enforcement steps to ensure entities working without a permit consistently receive investigative fees and are required to vacate the ROW immediately as long as vacating the ROW does not create a greater risk to the traveling public (e.g., open trench). Investigative reports and fees charged for working without a permit are tracked in AMANDA.

Work start times: ATD recognizes that receiving information about actual work start times is a challenge throughout the permitting industry. Given project lead times and the uncertainty with the availability of resources, contractors need a larger permit window of time to have flexibility to schedule actual work. ATD implemented a 3-1-1 notification process in 2017 where permittees are required to notify 3-1-1 prior to closing a lane on a critical arterial. This information is then automatically distributed to ATD to make traffic flow improvements (e.g., signal timing changes) and to emergency responders and others that may be impacted by the lane closure. As noted in the Audit Report, compliance with these notifications is poor. ATD will revise its procedures to ensure entities not notifying 3-1-1 receive an investigative fee and are required to notify 3-1-1 immediately while an ATD Inspector is on-site or work will be stopped. These procedures will be documented in the Inspection SOP. Increasing enforcement should lead to increased compliance. ATD will continue to explore improvements to gain accurate information on start times.

Emergency permits: Although many emergency permits are entered in AMANDA, ATD will meet with City Departments (e.g., Austin Water, Public Works, Austin Energy, Watershed) and franchises (e.g., Texas Gas, AT&T, Verizon, T-Mobile, Sprint, Google Fiber, Spectrum) working in the ROW to review emergency permit requirements. These meetings will also be used to review requirements for non-emergency permits.

ATD continues to develop materials and conduct training to support staff with preparing accurate and complete ROW permits. These materials include standard operating procedures (SOPs), checklists (e.g., parking, excavation, driveway / sidewalk), permit packets, and templates (standard permit wording). In addition to ongoing process of developing SOPs, the following seven permitting SOPs will be developed by FY19: film, vendor, driveway / sidewalk, excavation, temporary use of ROW, sidewalk cafe, and ROW contractor license.

**Proposed Implementation Date:**

- March 2019: Finalize Inspection SOP and conduct training
- May 2019: Conduct meetings with Departments and franchises regarding emergency permit requirements.
- September 2019:
  - Develop and implement seven SOPs for preparing permits, as mentioned above
  - Implement automated email process to notify permit holders of approaching permit expiration dates. In the meantime, the expiration date is currently printed on the permit that permit holders receive, as well as online at the Austin Build + Connect Portal for all permits.

In order to minimize traffic disruptions, the Director of the Austin Transportation Department should:

2

- Require inspectors and the code enforcement officer to record enforcement activities in the City's permitting system.
- Strategically deploy inspectors to enforce right of way permit terms and issues consistently using a prioritized approach.
- Enhance enforcement efforts when noncompliance with permit conditions or work without a permit is noted.

Management Response: Agree

**Proposed Implementation Plan:**

ATD agrees that Inspectors have not been consistent with recording inspection and enforcement activities in the City's permitting system - AMANDA - even after receiving training. ATD recently filled two long-term management team vacancies in the ROW Management Division for the Division Manager (starting December 2018) and for the Traffic Control Supervisor (June 2018) who oversees the Inspectors and Code Enforcement Officer, as well as Traffic Control Plan Review and Utility Coordination. Fully staffing the Division's management team allows more oversight of inspection and enforcement activities to ensure established guidelines are followed including recording inspections and enforcement activities in AMANDA. The Traffic Control Supervisor will establish review procedures to ensure inspection and enforcement activity reports are completed and entered in AMANDA. The Supervisor will also follow-up with staff to address any reporting deficiencies including progressive disciplinary action if needed.

There are typically more than 3,000 active permits on any given day in Austin. ATD has five Inspectors and one Code Enforcement Officer to enforce these permits across the city. Given the volume of activity and these limited resources, Inspectors tend to focus inspection activities on projects along busier streets. ATD will review its patrol practices to prioritize available resources. Practices will be formalized in a Patrol Practices SOP and staff will be trained in the new SOP.

Compliance has been ATD's goal when pursuing enforcement action. If compliance can be gained without stopping work, the project duration is shorter and so is the impact on the traveling public because multiple shutdowns and restarts of activities are avoided. Many permittees comply with permit conditions when notified of the deficiencies. Although ATD may take enforcement action when a violation is first discovered depending on the egregiousness (e.g., no permit), typically a "3-strike rule" is employed where the permittee has two opportunities to correct specific non-life threatening violations. If a third violation is discovered, the permittee is issued investigative fees and all work in the ROW is required to stop until the fees are paid. Additional enforcement actions are taken if further violations occur. ATD recommends maintaining this current approach to minimize extending project durations, but seek greater consistency when taking enforcement actions by further formalizing enforcement action steps in the Inspection SOP and entering enforcement actions in AMANDA.

### Proposed Implementation Plan Continued:

ATD has also sought clarification from the Law Department regarding ATD's enforcement authority over franchises working in the ROW. ATD does have enforcement authority and this authority has been shared with ATD's enforcement staff and will be documented in the Inspection Standards SOP.

### Proposed Implementation Date:

- January 2019: Traffic Control Supervisor formalizes and implements review procedures to ensure inspection and enforcement activity reports are completed and entered in AMANDA.
- March 2019: Finalize Inspection SOP and conduct training
- May 2019: Finalize Patrol Practices SOP and conduct training

3

The City Manager should ensure that the Director of the Austin Transportation Department and the Director of the Development Services Department work together to determine how to use existing city staffing and technology resources to better coordinate the permitting process, including but not limited to:

- Enhancing interdepartmental communication;
- Clarifying roles and responsibilities; and
- Eliminating duplicate functions and cashier locations.

Management Response: Agree

### Proposed Implementation Plan:

The Development Services Department (DSD) and ATD's ROW Management Division, along with several other city departments involved in the permitting process, are planned to relocate to a new One Stop Shop near ACC Highland in May / June 2020. Collocating permitting activities in one location will enhance interdepartmental communication, clarify roles and responsibilities among our customers, and eliminate duplicate functions (e.g., cashiering).

ATD and DSD are in the final stages of approving an interdepartmental agreement regarding development review as highlighted in the audit. The agreement solidifies the roles and responsibilities of each department. This is anticipated to be completed by early 2019.

Once signed, ATD will work with DSD to explore opportunities to improve coordination across similar job functions within permitting (i.e., inspectors, enforcement officers) and technology resources. Any opportunities will be documented in a Coordination Opportunities Memorandum including next steps to realize the value of these opportunities.

### Proposed Implementation Date:

- October 2019: Finalize Coordination Opportunities Memorandum
- May / June 2020: Collocate at new One Stop Shop (schedule dependent on construction completion)

# Management Response



## MEMORANDUM

**TO:** Corrie Stokes, City Auditor, Office of the City Auditor  
**FROM:** Robert Spillar, P.E., Director, Austin Transportation Department  
**DATE:** November 30, 2018  
**SUBJECT:** Action Plan – City Coordination in the Right of Way Audit

A handwritten signature in blue ink, appearing to read "Robert Spillar".

In accordance with the City Coordination in the Right of Way Audit, attached is the action plan with three recommendations. The following three pages outline management's response to recommendations, proposed strategy for implementation, and proposed implementation dates.

While this audit does not compare Austin to peer cities that permit and coordinate the use of the right of way (ROW), the Austin Transportation Department's (ATD) experience is that Austin is somewhat unique in its thoroughness and level of effort to coordinate, permit, and inspect work in the ROW. As this audit report describes, there are opportunities for improvement, and my team will implement the action plan to address these opportunities.

By way of background, in addition to providing travel space for many modes of transportation, the ROW is used for the placement of public and franchised utility infrastructure, to facilitate site construction, and to accommodate special events. Each of these activities requires a permit. In fiscal year 2018 (October 1, 2017 to September 30, 2018), ATD processed over 15,000 permits. On any given day, more than 3,000 permits are active throughout the City of Austin. The permitting and inspection processes primarily exist to protect and promote safety and mobility while protecting infrastructure.

Should there be any questions, please feel free to contact me at (512) 974-2488.

Thank you.

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## Appendix A: List of Right of Way Permits

**Driveway/Sidewalk (DS)** – Required for the removal, repair, modification, and installation of sidewalks, driveway approaches, and curbs/gutters.

**Excavation (EX)** – Required for removing or otherwise disturbing soil or pavement in the ROW.

**Film** – Required for various types of filming activities in the ROW, including b-roll footage, still photography, and blocking, directing, impeding, or rerouting of any/all traffic modes.

**Parking** – Required when using a City parking space for temporary loading and unloading purposes. Placement of a Temporary Storage Device falls under this permit. (Construction related parking must be requested as a Temporary Use of the Right of Way Permit.) Click [here](#) to view a current map of the City's pay stations, meters, and zones.

**Street Event** - Special Event permitting is managed by the Office of Special Events.

**Temporary Sidewalk Cafés** – Required for placement of tables, chairs, planters, and other appurtenances in the ROW, when serving a restaurant or food sales use business.

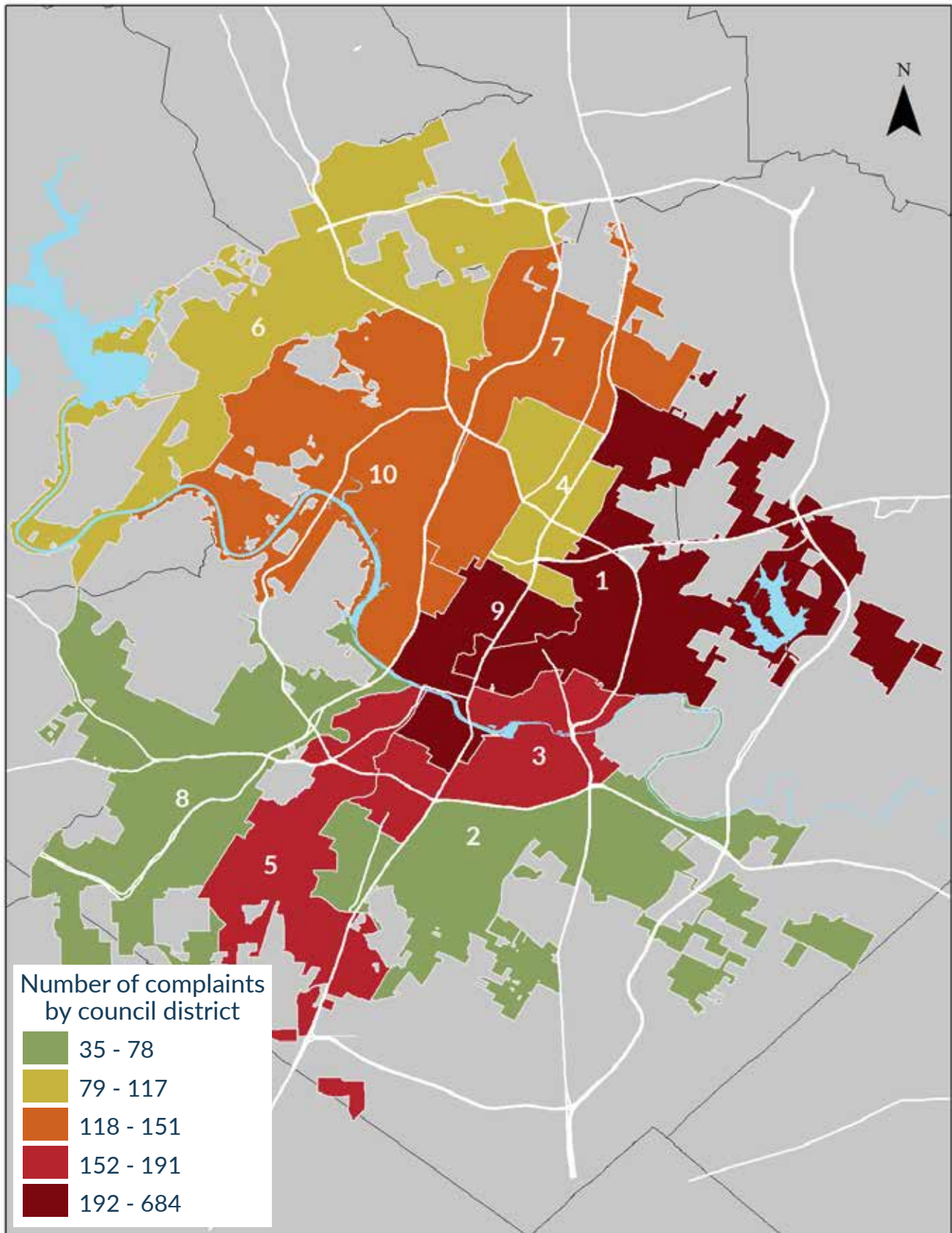
**Temporary Use of the Right of Way (TURP)** – Required when the ROW is obstructed by work-related vehicles, equipment, or material.

**Valet** – Required for the operation of valet zones, either **temporary** or **permanent** in nature. Valet zones are areas designated for the receiving and returning of vehicles in the ROW. Service to zones must be provided by a **Licensed Valet Operator**.

**Vendor** – Required for the selling, offering to sell, exchanging, and ordering of merchandise on or over a sidewalk.

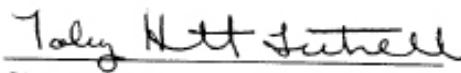
SOURCE: Austin Transportation Department's list of right of way permits, August 2018


# Appendix B: Austin 311 Service Requests for Right of Way Complaints by Council District



SOURCE: OCA analysis of 311 service requests related to ROW concerns, May 2018

# Appendix C: Excerpt of City Administrative Bulletin

CITY of AUSTIN Administrative Bulletin	
<b>Title:</b>	Policies and procedures for coordination of City construction projects, excavation and activities in the public right-of-way
<b>Administrative Bulletin Number</b>	99-01
<b>Effective Date</b>	October 1, 1999
<b>Revised</b>	___ Annually ___X_ As Needed
<b>Prepared by</b>	Watershed Protection and Development Review Department
<b>Original Date</b>	Oct. 1, 1999
<b>Revised</b>	
<b>Manager's Approval</b>	 City Manager



## PURPOSE

To authorize the Watershed Protection and Development Review Department to manage activities in the public right-of-way by permitting, inspecting, and coordinating construction, excavation and all other right-of-way activities by City of Austin Departments in the public right-of-way and require City Departments to follow the procedures established by City Code Chapter 14-11, Article 2, Divisions 2 and 3, Transportation Criteria Manual Section 8 and the Utility Criteria Manual Sections 3, 4, and 5.

## POLICY

- The Watershed Protection and Development Review Department, through the Right-of-Way Management Division, is authorized to coordinate and manage construction activities in public right-of-way.
- City Departments performing work in the public right-of-way shall follow the coordination and excavation procedures established by City Code Chapter 14-11, Article 2, Divisions 2 and 3, Transportation Criteria Manual Section 8 and the Utility Criteria Manual Sections 3, 4, and 5.

## ROLES AND RESPONSIBILITIES

### Right-of-Way Management Division:

- Establish and provide Departments with Right-of-Way Coordination Guidelines.
- Establish dates, times, duration and locations that Right-of-Way requestors may operate.
- Enforce the above-mentioned Criteria Manuals and applicable City Code.

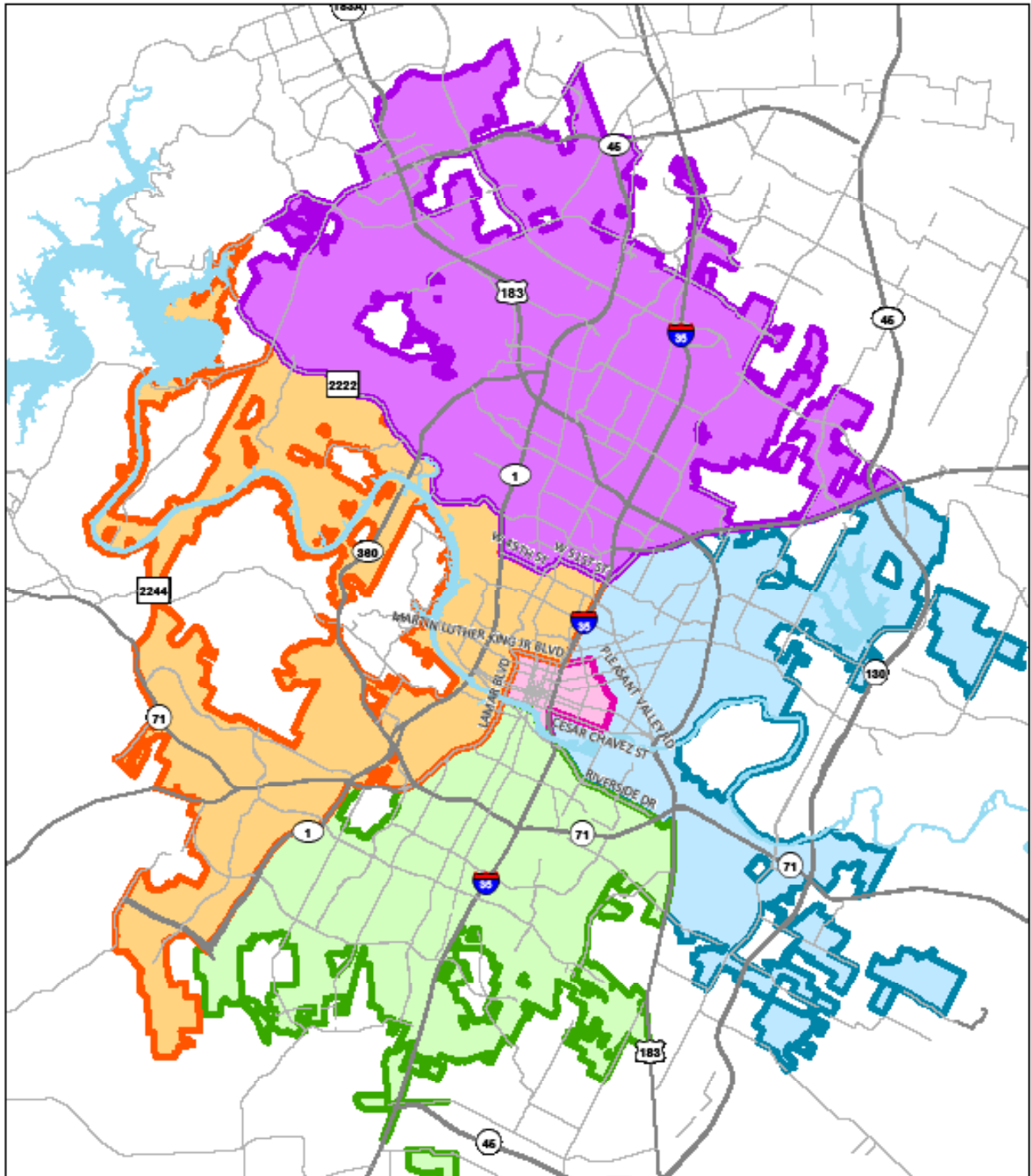
### Departments:

- Comply with all Right-of-Way Management directives and Criteria Manuals listed above.

SOURCE: City of Austin's Human Resources Department policies and procedures website, September 2018

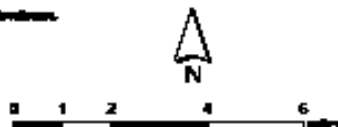


# Appendix D: Austin Transportation Department Inspector Zones



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City of Austin  
 Austin Transportation Department  
**Right of Way (ROW)  
 Management**  
 Inspector Coverage Map

Printed 12/20/18

SOURCE: Austin Transportation Department's map of inspector zones, August 2018

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## Scope

The audit scope included right of way activities from October 1, 2015 to September 30, 2018 and focused on projects with permits for excavation,<sup>4</sup> driveway/sidewalk work,<sup>5</sup> and temporary use of the right of way.<sup>6</sup>

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## Methodology

To accomplish our audit objectives, we performed the following steps:

- interviewed staff and management with ATD, DSD, and Austin 311;
- reviewed department policies, procedures, and mobility guidelines;
- reviewed the City's community survey results and the City's Zucker report;
- reviewed applicable City code and the transportation criteria manual related to right of way activities;
- evaluated internal controls related to the right of way permitting process;
- attended the downtown contractor meeting and interviewed contractors working in downtown Austin;
- observed right of way permit inspection process;
- analyzed 311 customer service requests;
- analyzed payroll data for Right of Way Division employees to determine turnover rate and staff tenure;
- evaluated IT controls and access rights to City's permitting system;
- observed the right of way permit application intake process in ATD; and
- evaluated the risk of fraud, waste, and abuse related to permit fee schedules and investigated fines to determine if fees and fines were properly billed.

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## Audit Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

<sup>4</sup> Excavation work includes the removal or disruption of soil, pavement, and/or concrete.

<sup>5</sup> Driveway/sidewalk work includes installing, repairing, and modifying driveways, sidewalks, curbs, and gutters.

<sup>6</sup> Temporary use of right of way work includes sidewalks, traffic lanes, parking lanes/meters, any remodeling or building repairs, and the need to close or barricade a portion of the right of way for a temporary amount of time.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. We conduct performance audits to review aspects of a City service or program and provide recommendations for improvement.

#### **Audit Team**

Katie Houston, Audit Manager  
Kathie Harrison, Auditor-in-Charge  
Sam Naik  
Bobak Reihani  
Karl Stephenson

#### **City Auditor**

Corrie Stokes

#### **Deputy City Auditor**

Jason Hadavi

#### **Office of the City Auditor**

**phone:** (512) 974-2805

**email:** [AustinAuditor@austintexas.gov](mailto:AustinAuditor@austintexas.gov)

**website:** <http://www.austintexas.gov/auditor>



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