

**MEMORANDUM**

July 25, 2013

**TO:** Transportation, Infrastructure, Energy & Environment Committee

**FROM:** AT Aron Trombka, Senior Legislative Analyst  
LJR Leslie Rubin, Legislative Analyst  
Office of Legislative Oversight

**SUBJECT:** **Office of Legislative Oversight Report 2013-5: *Coordinating Utility and Transportation Work in County Rights-of-Way***

The Council released Office of Legislative Oversight (OLO) Report 2013-5: *Coordinating Utility and Transportation Work in County Rights-of-Way* on June 11, 2013. The report responds to the Council's request for a report that describes how the County Government and utilities exchange information about planned and on-going construction projects in County rights-of-way. The report also identifies opportunities to improve coordination of right-of-way projects between the County Government and utilities. The Executive Summary for Report 2013-5 appears on © 1-4.

The purpose of this worksession is for the Transportation, Infrastructure, Energy & Environment (T&E) Committee to consider the findings and recommendations of Report 2013-5. At the worksession, OLO will present an overview of the report. Representatives of the County Government and local utilities will be available at the worksession to provide comments and answer questions.

**SUMMARY FINDINGS**

This section summarizes the key findings of Report 2013-5. OLO's complete findings appear on © 5-7.

A large portion of public infrastructure in Montgomery County – including roads and underground utility lines – was constructed in the 1950s and 1960s. After half a century of use, much of this infrastructure is now in need of repair and replacement. With increasing frequency, Montgomery County roadway resurfacing needs coincide geographically with local utilities' efforts to replace underground infrastructure located in County Government rights-of-way. Without proper information sharing and coordination, conflicts might arise between concurrent right-of-way construction programs. With well-developed information sharing and interagency coordination, roadway pavement cutting can be minimized, reducing both costs and impact on neighborhoods.

In recent years, the Department of Transportation (DOT), the Department of Permitting Services (DPS), the Washington Suburban Sanitary Commission (WSSC), and other local utilities have made significant progress in improving interagency communication regarding planned right-of-way construction programs. In several cases in recent years, DOT and utilities have been able to coordinate their scheduling of right-of-way work to minimize pavement cuts and disruption to the community and to jointly share repaving costs.

The County Government and local utilities have established multiple channels of communication to share information about right-of-way pavement work. As a result of this communication, in many cases, DOT and the utilities have been able to coordinate their scheduling of right-of-way work to minimize pavement cuts and disruption to the community and to jointly share some repaving costs.

At the same time, the current practices employed by DOT, DPS, and the utilities have not yet been fully developed into an integrated information sharing system. Without such a system, optimal right-of-way program coordination will be difficult to achieve. Current limitations include:

- Absence of central information repository. No single, central repository exists to house and connect project level information such as maps, permits, design plans, construction status, contact information, or schedules.
- Non-standardized data. No set of standards exists for data shared among DOT, DPS, and the utilities.
- Uneven processes for updating project status. While the County Government and the utilities periodically transmit to one another revised fiscal year schedules, a mechanism does not yet exist for routine and timely mid-year updating of project schedules.
- Uncertainty regarding road moratorium status. Current practices may leave utilities and the public uncertain about the start and end dates of a pavement cut moratorium.
- Inability to present consolidated information to the public. No platform currently exists for members of the public to view consolidated information about all planned County and utility right-of-way work.

An opportunity exists to address the above limitations through development of a standardized interagency GIS-based data repository and application to access and view real-time information about all planned right-of-way construction and maintenance activities. The GIS-based data and application would allow for mapping of recently-completed, current, and planned projects. In addition, the data set and application could provide agency staff with direct links to up-to-date information such as project location, scope, design plans, permit status, schedule, cost, moratorium status, and points of contact.

## OLO RECOMMENDATIONS

This section summarizes OLO's recommendations. OLO's full recommendations appear on ©8-9.

### **Recommendation #1: Request that the Executive report to the Council about the feasibility, implementation requirements, and cost of creating an interagency right-of-way project tracking system.**

OLO recommends that the County Government work with local utilities to develop a more systemized approach to the sharing of information and coordination of infrastructure improvements in County rights-of-way. Specifically, DOT, DPS, and the Department of Technology Services (DTS) should evaluate the feasibility and cost of creating a GIS-based standard data set for sharing information about right-of-way projects from the County Government and the utilities. The data should be stored in a single repository with an integrated application that would allow access to the data by DOT, DPS, and participating utilities.

The purpose of this standardized, consolidated data set and application would be to provide agency staff with direct links to project information including location, design plans, permit status, schedule, cost, moratorium status, and points of contact. The standardized data-set and application could be developed using in-house agency resources or a commercial application could be purchased through a private vendor.

OLO also recommends that the County Government (including the Public Information Office) evaluate the possibility of using data from a shared project tracking system to develop an online tool to provide the public with consolidated, up-to-date information about right-of-way construction projects.

OLO recommends that the Council request that the Executive report back to the Council by November 1, 2013, about implementation of an interagency right-of-way project tracking system. The report should:

- Describe the detailed functional requirements of the application;
- Estimate development and maintenance costs for the standardized data set and application using in-house resources and/or a commercial product; estimate the staff time savings resulting from data standardization and automated inter-agency project tracking;
- Describe interagency agreements (e.g., memoranda of understanding, service level agreements) needed to standardize, integrate, and share data sets;
- Present a plan to develop an online tool to provide the public with consolidated information about right-of-way construction projects;
- Identify the relative priority of a right-of-way infrastructure data set compared to other items on the dataMontgomery implementation plan; and
- Include a recommendation from the Executive of whether the benefits of the system justify the estimated costs.

**Recommendation #2: Request that the Executive refine and provide more specificity regarding the implementation requirements of pavement cutting moratoriums.**

OLO recommends that the Council request that the Executive further define the implementation requirements for pavement cutting moratoriums. Specifically, OLO recommends that the County Government:

- a. Develop a protocol to routinely share GIS-coded moratorium data with utilities. This could be achieved either as part of the project tracking system described in Recommendation #1 or as a separate practice.
- b. Establish a mechanism to notify permit holders when a roadway goes into moratorium. In addition, DPS could add a condition to utility permits stating that the authorization to cut pavement under the permit automatically terminates when a road goes into moratorium (unless a waiver is granted).
- c. Refine the definition of the moratorium period for resurfaced and reconstructed roads. For example, DPS could amend the *Specifications for Utility Construction Permit* to stipulate that a road goes under moratorium once the resurfacing of a specific road is complete and that the moratorium continues for three years after completion of the entire project.

**COMMITTEE ACTION ITEM**

OLO recommends that the T&E Committee forward these recommendations to the full Council. If the Committee decides to make recommendations regarding the report, OLO will prepare a packet for inclusion on the consent calendar at tomorrow's July 30, 2013 Council meeting. A draft memo from the T&E Committee to the full Council endorsing the recommendations included in OLO Report 2013-5 appears on ©10-11.

# Coordinating Utility and Transportation Work in County Rights-of-Way

OLO Report Number 2013-5

June 11, 2013

Rights-of-way are public land dedicated for roadways and for other transportation, electricity, natural gas, water, sewer, and telecommunication infrastructure. Both the County's Department of Transportation (DOT) and utility companies build and maintain infrastructure in County rights-of-way.

Utilities often cut through existing roadway pavement to install, repair, or improve underground lines. The County Government's Department of Permitting Services (DPS) regulates construction work in rights-of-way by issuing utility work permits. The vast majority of utility work in County rights-of-way involves water and sewer lines, followed second by gas lines. Major pavement cutting is less common for electricity and telecommunications lines.

## County Roadway Maintenance

DOT maintains County roads through systematic maintenance and rehabilitation. DOT periodically rates the condition of pavement of all County maintained roads based on criteria that include the level of (1) pavement distress, (2) pavement patching and utility cuts, (3) depressions and rutting, (4) pavement weathering, and (5) the volume and type of traffic using the road. DOT last rated the roadway pavement conditions in 2010 and plans to conduct a new survey beginning in the Spring of 2013. The table below summarizes the 2010 ratings.

**Pavement Condition of County-Maintained Roads – 2010**

Condition	Lane Miles	Percent of Total Lane Miles	Condition	Lane Miles	Percent of Total Lane Miles
<b>Residential/Rural Roads</b>			<b>Primary/Arterial Roads</b>		
Very Good	414 miles	10%	Very Good	174 miles	18%
Good	663 miles	16%	Good	232 miles	24%
Fair	2,486 miles	60%	Fair	454 miles	47%
Poor	414 miles	10%	Poor	58 miles	6%
Very Poor	166 miles	4%	Very Poor	48 miles	5%

The annual schedule for roadway preventative maintenance, repair, resurfacing, and rehabilitation projects is subject to funding availability – funding roadway maintenance through the annual operating budget and roadway resurfacing projects through the capital improvements program. Annual funding for Fiscal Years 2008 through 2013 is summarized in the table below.

**Pavement Management Program Funding History (\$ in millions)**

	FY08	FY09	FY10	FY11	FY12	FY13
Resurfacing (CIP)	\$8.2	\$11.0	\$25.7	\$23.7	\$8.0	19.3
Rehabilitation (CIP)	--	\$1.0	\$1.7	\$4.1	\$5.4	\$6.6
Permanent Patching (CIP)	--	--	--	\$3.0	\$3.0	\$6.5
Resurfacing (Operating Budget)	\$2.5	\$2.7	\$2.7	\$0.3	\$0.9	\$1.8
<b>TOTAL</b>	<b>\$10.7</b>	<b>\$14.7</b>	<b>\$30.1</b>	<b>\$31.1</b>	<b>\$17.3</b>	<b>\$34.2</b>

## Permitting

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Utilities must obtain a permit for construction projects in County rights-of-way. DPS issues permits only to utilities that register with "Miss Utility," have a franchise agreement with the County, and that submit an application for each work location (applications identify whether a project will include pavement cuts). DPS issued the following number of permits to utilities between 2010 and 2012:

2010: 1,181 permits	2011: 1,596 permits	2012: 2,181 permits
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DPS permits require all utility right-of way construction to comply with the standards in DPS' *Montgomery County Specifications for Utility Construction Permit*. DPS permits are valid for 18 months with the option of a 12-month extension. Utilities must meet with DPS inspectors at least 48 hours before the start of work to review permit requirements for a project and DPS staff inspect a site during and after construction to ensure compliance with permit and regulatory requirements.

DPS does not routinely transmit utility permit information to DOT or the utilities. While DOT and WSSC both have access to DPS' database of permit data, WSSC representatives report that the system does not allow users to search the status of their own projects and others projects in a user friendly manner. WSSC staff primarily receive and exchange information with DPS staff about pending and/or existing permits via telephone communications.

## Effects of Pavement Cutting on County Roadways

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A review of research literature finds universal agreement that cutting roads has a measurable negative impact on road performance and maintenance costs. For example, a 2003 research report submitted to the Transportation Research Board of the National Academy of Sciences found that pavement cuts lead to structural deterioration (relating to pavement condition affecting load-carrying capacity) and functional deterioration (relating to the smoothness of the riding surface) of roads. The study found that cutting roads reduces the life of roads and increases repair and remediation costs.

In 1995, a San Francisco State University research team found that utility cuts accelerate the pavement aging process and estimated that cuts reduce the service life of pavement by 30% to 50%. A subsequent study commissioned by the City of San Francisco confirmed these findings.

## Road Moratoriums

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DPS' *Specifications for Utility Construction Permit* prohibits cutting a newly built road for five years or a newly reconstructed road for three years (except in emergency situations and new service connections). A road goes under moratorium once resurfacing is complete, and if a project includes multiple roads, DOT will restart the three-year moratorium period for all roads in the project when the entire project is complete. DOT sends a list of roads under moratorium to utilities quarterly, but does not GIS-code the information.

DPS reviews whether a road is under moratorium when issuing a permit, but does not routinely check the moratorium status of roads or DOT's project schedules before renewing permits. Currently, DPS does not notify utilities that hold valid permits to work on a road when a road goes into moratorium.

## Interagency Coordination

When DOT and a utility learn through exchanged information that both agencies have pavement work planned for the same road segment, the agencies attempt to sequence and time the projects to minimize the construction impact on the neighborhood and to assure that utility pavement cuts occur before DOT begins any roadway reconstruction or pavement resurfacing.

**Information Sharing.** To identify potential project conflicts, DOT shares information about right-of-way work with utilities that operate in the County. Although the Department has no written policies or standards for information sharing, DOT staff routinely exchange project information with utilities, including:

Exchange	Period	Description
Annual Project Schedules	Annually in May	A spreadsheet of County road rehabilitation, resurfacing, and patching projects planned for the next four fiscal years.
GIS Information	Quarterly	Electronically map-able current and planned road projects (County) and current and planned water and sewer projects (WSSC).
Electronic Documents	Ongoing	Project files, drawings, photographs, and other data shared through "e-Builder" – an electronic construction document management product.
Quarterly Project Status Meetings	Quarterly – in person	Roadway (County), water and sewer (WSSC), and gas (Washington Gas) project-specific status meetings to identify and resolve potential project conflicts. DOT meets separately with WSSC and Washington Gas staff.
Pavement Cut Moratorium Report	Quarterly	A list of newly built or reconstructed streets that utilities are prohibited from cutting for 3-5 years.
Bi-Weekly Project Status Reports	Updated every two weeks	A spreadsheet of current fiscal year pavement projects that includes: project location; the type of work; estimates of project costs; start and completion dates; the contractor performing the work; and a DOT inspector's contact information. Send to WSSC and Washington Gas.

Current information sharing practices help identify potential conflicts between County Government and utility construction plans. Nonetheless, utility representatives report that information currently received from the County Government is not in optimal form because much of the data is not GIS-coded, the County provides infrequent status updates, and data is not standardized.

**MOUs.** When possible, DOT will schedule a resurfacing project immediately following completion of a utility project on the same road segment, allowing the utility to put in a temporary patch over its work in anticipation of the imminent County resurfacing. In these instances, DOT and the utility enter into a memorandum of understanding (MOU) to share the cost of the pavement restoration – with the County's contractor performing road repair and the utility paying the County an amount equal to the cost of pavement restoration work that would have been required absent the DOT project.

**Case Studies.** DOT and utilities have developed practices to share information about current and planned project work that promote project coordination. In multiple cases, DOT and WSSC have identified potential conflicts in advance and adjusted project schedules to minimize both pavement degradation and community disruption (see Middlebrook Road case study in Chapter IV). Some limitations of current practices, however, came to light in the fall of 2012 when a WSSC contractor nearly trench cut a newly reconstructed road in the Forest Glen area of Silver Spring (see Chapter IV).

## **Assessment of Current Practices and Opportunities for Improvement**

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In the past five years, the Department of Transportation (DOT), the Department of Permitting Services (DPS), the Washington Suburban Sanitary Commission (WSSC), and others have improved interagency communication about right-of-way construction programs in order to minimize pavement cuts, reduce community disruption, and share costs. The system for sharing information, however, still has limitations, which include:

Absence of central information repository. No single, central repository exists to house and connect County Government and utility project level information such as maps, permits, design plans, construction status, contact information, or schedules – leading to gaps in information. For example, shared GIS data does not include data about project start dates or road moratoriums, and utilities have no way to learn of right-of-way permits issued by the County for other utilities.

Non-standardized data. No standards exist for data shared among DOT, DPS, and the utilities. For example, some agency data give non-standardized names to different sections of a road preventing other systems from identifying or mapping the location of the section.

Uneven processes for updating project status. Project schedules for road and utility work are unavoidably subject to change (e.g., funding changes, weather), affecting the timing and sequencing of pavement work. The County Government and the utilities do not have a practice for frequent mid-year updating of project schedules, leading to potential project delay and leaving staff unaware of important status changes, such as new road moratoriums.

Uncertainty regarding road moratorium status. DOT does not provide GIS-coded data with the location of roads under moratorium and utilities cannot easily integrate moratorium data into their GIS-based project management systems. Additionally, no mechanism exists to notify utilities with existing permits that a road has gone into moratorium status.

Inability to present consolidated information to the public. The County Government and some utility websites provide the public with information about planned right-of-way work. However, no website or other source currently exists for members of the public to view consolidated information about all planned County and utility right-of-way work.

## **Office of Legislative Oversight Recommendations**

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### **#1: Interagency Right-of-Way Project Tracking System**

The County Government DOT, DPS and Department of Technology Services (DTS) should evaluate the feasibility and cost of creating a GIS-based standard data set stored in a single repository with an integrated application – for sharing right-of-way project data among DOT, DPS, and utilities. The Executive should report back to the Council by November 1, 2013 about the feasibility of developing a system, which should also include ways to provide the public with up-to-date information about pending rights-of-way construction projects.

### **#2: Pavement Cutting Moratoriums**

The effectiveness of the pavement cut moratorium policy is limited by several current conditions, such as the lack of GIS-coded data, lack of notification to permit holders when roads go under moratorium, and changing moratorium end dates. To address each of these conditions, OLO recommends that the County Government:

- a. Develop a protocol to routinely share GIS-coded moratorium data with utilities.
- b. Establish a mechanism to notify permit holders when a roadway goes into moratorium and include a permit condition that authorization to cut pavement automatically terminates (absent a waiver) when a road goes into moratorium.
- c. Refine the definition of the moratorium period for resurfaced and reconstructed roads.

## CHAPTER VI. FINDINGS

A large portion of public infrastructure in Montgomery County – including roads and underground utility lines – were constructed in the 1950s and 1960s. After half a century of use, much of this infrastructure is now in need of repair and replacement. With increasing frequency, Montgomery County roadway resurfacing needs coincide geographically with local utilities' underground line replacement programs. Without proper information sharing and coordination, conflicts might arise between concurrent right-of-way construction programs. With well-developed information sharing and interagency coordination, roadway pavement cutting can be minimized, reducing both costs and impact on neighborhoods.

### 1. Assessment of Current Practices

During the past five years, the Department of Transportation (DOT), the Department of Permitting Services (DPS), the Washington Suburban Sanitary Commission (WSSC), and other local utilities have made significant progress in improving interagency communication regarding planned right-of-way construction programs. In several cases in recent years, DOT and utilities have been able to coordinate their scheduling of right-of-way work to minimize pavement cuts and disruption to the community and to jointly share repaving costs.

As detailed in Chapter III, the County Government and local utilities have established multiple channels of communication to share information about right-of-way pavement work. As a result of this communication, in many cases, DOT and the utilities have been able to coordinate their scheduling of right-of-way work to minimize pavement cuts and disruption to the community and to jointly share some repaving costs.

At the same time, the current practices employed by DOT, DPS, and the utilities have not yet been fully developed into an integrated information sharing system. Without such a system, optimal right-of-way program coordination will be difficult to achieve. Current limitations include:

*Absence of central information repository.* The County Government and utilities share much pertinent information about right-of-way pavement work. This information is contained in different formats (including GIS data, spreadsheets, plan drawings, and memoranda). However, no single, central repository exists to house and connect project level information such as maps, permits, design plans, construction status, contact information, or schedules. As a result, links do not always exist to connect different types of information for the same project or for the same right-of-way. For example, GIS data shared between agencies does not link with information about project start dates or roadway moratorium status. In addition, no means currently exists for utilities to learn of right-of-way permits issued by the County for other utilities.

*Non-standardized data.* No set of standards exists for data shared among DOT, DPS, and the utilities. For example, in some cases, agency data give non-standardized names to different sections of a roadway (e.g., "East Franklin Avenue, Section 03"). When this data is shared, the receiving agency's technology systems may be unable to identify the location of the roadway section. Another example of non-standardized data involves the future year timeframe for planned projects. Different agency data sets show scheduled projects, one, two, three, or more years into the future.

*Uneven processes for updating project status.* Given the nature of right-of-way work, project schedules are unavoidably subject to change. Agencies must adjust the timing and sequencing of pavement work as a result of fluctuations in program funding as well as changes in weather and operational conditions. While the County Government and the utilities periodically transmit to one another revised fiscal year schedules, a mechanism does not yet exist for routine and timely mid-year updating of project schedules. Without access to up-to-date schedules of all planned right-of-way

work, an agency may unknowingly invest resources in a project that may be subject to imminent delay. In addition, the lack of timely updates (accessed through a common data repository) may leave field personnel and other project staff unaware of important status changes, such as a newly imposed pavement cut moratorium on a particular roadway.

Uncertainty regarding road moratorium status. Current practices may leave utilities and the public uncertain about the start and end dates of a pavement cut moratorium. First, as DOT does not yet provide GIS-coded data specifying the location of roads under moratorium, utilities cannot easily integrate moratorium information into their GIS-based project management systems. Second, no mechanism exists to notify utilities with existing permits that a road has gone into moratorium status. Third, while DOT may include a road on its moratorium list once resurfacing of a specific road is complete, the Department will restart the three-year moratorium period upon completion of all roads in a project.

Inability to present consolidated information to the public. The County Government and some utility websites provide the public with information about planned right-of-way work. However, no platform currently exists for members of the public to view consolidated information about all planned County and utility right-of-way work.

## **2. Opportunity for Improvement: Interagency Project Tracking System**

An opportunity exists to address the above limitations through development of a standardized interagency GIS-based data repository and application to access and view real-time information about all planned right-of-way construction and maintenance activities. The GIS-based data and application would allow for mapping of recently-completed, current, and planned projects. In addition, the data set and application could provide agency staff with direct links to up-to-date information such as project location, scope, design plans, permit status, schedule, cost, moratorium status, and points of contact.

Under this approach, each agency would continue to control, manage, and update its own data and would continue to use its existing in-house technology systems. The agencies would collaborate to identify which data sets to input into the shared technology system. A shared multi-agency GIS based application based on a shared repository would provide integrated access to designated data sets from existing agency systems for shared use by all participants. This approach also provides flexibility as to how the repository is constructed and linked to each participant's data sources.

A shared interagency repository and application would provide staff with a refined communication tool, but would not replace the need for human interaction among agencies. Nonetheless, development of such a system would offer multiple advantages. These advantages include:

- Access to a single repository of complete, up-to-date project information would provide agency staff timely and complete project information, and thereby promote improved and more efficient coordination and sequencing of pavement work.
- Shared data that include pending and approved right-of-way permits would create a channel of inter-utility communication that could create opportunities for utilities to replace or repair underground infrastructure at the same time to reduce cost and community impact.
- A standardized shared data set would enhance data quality and would relieve agency staff of the burden of transmitting updated project data to other agencies.

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- Interagency coordination of right-of-way work would allow DOT and the utilities to develop improved traffic management plans during construction periods.
- The data set and application could serve as the platform for an online tool to provide the public with consolidated, up-to-date information about right-of-way construction projects.

Creating an integrated, interagency data set and application could be achieved using in-house agency resources or could be procured through a private vendor. To pursue this strategy, further work is required to develop a detailed program of requirements and to estimate system development and maintenance costs. The complexity of this undertaking may warrant incremental system development and phased implementation.

## **CHAPTER VII. RECOMMENDATIONS**

Based on the findings of this report, OLO offers the following two recommendations for Council consideration.

**Recommendation #1: Request that the Executive report to the Council about the feasibility, implementation requirements, and cost of creating an interagency right-of-way project tracking system.**

OLO recommends that the County Government work with local utilities to develop a more systemized approach to the sharing of information and coordination of infrastructure improvements in County rights-of-way. Specifically, DOT, DPS, and the Department of Technology Services (DTS) should evaluate the feasibility and cost of creating a GIS-based standard data set for sharing information about right-of-way projects from the County Government and the utilities. The data should be stored in a single repository with an integrated application that would allow access to the data by DOT, DPS, and participating utilities.

The purpose of this standardized, consolidated data set and application would be to provide agency staff with direct links to project information including location, design plans, permit status, schedule, cost, moratorium status, and points of contact. The standardized data-set and application could be developed using in-house agency resources or a commercial application could be purchased through a private vendor. For example, the County Government should evaluate the feasibility of incorporating the data set and application into the dataMontgomery digital government initiative using the Socrata software platform.

Furthermore, OLO does not recommend agencies abandon their existing in-house systems. Rather, the shared data set and application system should draw designated data sets from existing agency systems and integrate this information through a single multi-agency GIS application.

OLO also recommends that the County Government (including the Public Information Office) evaluate the possibility of using data from a shared project tracking system to develop an online tool to provide the public with consolidated, up-to-date information about right-of-way construction projects.

OLO recommends that the Council request that the Executive report back to the Council by November 1, 2013, about implementation of an interagency right-of-way project tracking system. The report should:

- Describe the detailed functional requirements of the application;
- Estimate development and maintenance costs for the standardized data set and application using in-house resources and/or a commercial product; estimate the staff time savings resulting from data standardization and automated inter-agency project tracking;
- Describe interagency agreements (e.g., memoranda of understanding, service level agreements) needed to standardize, integrate, and share data sets;
- Present a plan to develop an online tool to provide the public with consolidated information about right-of-way construction projects;
- Identify the relative priority of a right-of-way infrastructure data set compared to other items on the dataMontgomery implementation plan; and
- Include a recommendation from the Executive of whether the benefits of the system justify the estimated costs.

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Should the Executive not recommend the creation of an interagency tracking system (or should the Executive indicate that system implementation would take several years), then OLO suggests that the Council request that the Executive develop an alternative method for providing the public with up-to-date, interagency information about pending rights-of-way construction projects.

**Recommendation #2: Request that the Executive refine and provide more specificity regarding the implementation requirements of pavement cutting moratoriums.**

OLO recommends that the Executive further define the implementation requirements for pavement cutting moratoriums. As specified in the DPS document, *Specifications for Utility Construction Permit*, no pavement cutting may occur for five years following the completion of a newly constructed road and for three years following the completion of a reconstruction or resurfacing project. The moratorium applies to planned (non-emergency) installation, replacement, and repair of utility lines. As detailed in Chapters III, IV and VI, the effectiveness of the moratorium policy is limited by several current conditions, including:

- DOT does not yet provide utilities with GIS-coded data specifying the location of roads in pavement cut moratorium. As a result, utilities cannot easily integrate moratorium information into their GIS-based project management systems.
- Once DPS issues a right-of-way construction permit to a utility, the status of the permit does not change when DOT begins a resurfacing or reconstruction project triggering a moratorium. Moreover, no process exists to notify utility permit-holders when a road goes into moratorium. As a result, a utility may hold a valid permit to cut pavement for a road that is in moratorium.
- Moratorium end dates for resurfaced or reconstructed roads are subject to change. DOT may include a road on its moratorium list once the resurfacing of a specific road in a project is complete. Upon completion of the project, DOT will restart the three-year moratorium period for the entire project, extending the moratorium end date.

To address each of these conditions, OLO recommends that the County Government:

- a. Develop a protocol to routinely share GIS-coded moratorium data with utilities. This could be achieved either as part of the project tracking system described in Recommendation #1 or as a separate practice.
- b. Establish a mechanism to notify permit holders when a roadway goes into moratorium. In addition, DPS could add a condition to utility permits stating that the authorization to cut pavement under the permit automatically terminates when a road goes into moratorium (unless a waiver is granted).
- c. Refine the definition of the moratorium period for resurfaced and reconstructed roads. For example, DPS could amend the *Specifications for Utility Construction Permit* to stipulate that a road goes under moratorium once the resurfacing of a specific road is complete and that the moratorium continues for three years after completion of the entire project.

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**MEMORANDUM**

July 29, 2013

**TO:** County Council

**FROM:** Aron Trombka, Senior Legislative Analyst  
Leslie Rubin, Legislative Analyst  
Office of Legislative Oversight

**SUBJECT:** **T&E Committee Recommendations – Office of Legislative Oversight Report 2013-5:  
*Coordinating Utility and Transportation Work in County Rights-of-Way***

On July 29, 2013, the Transportation, Infrastructure, Energy & Environment (T&E) Committee held a worksession to review Office of Legislative Oversight (OLO) Report 2013-5: *Coordinating Utility and Transportation Work in County Rights-of-Way*. The Council requested that OLO prepare a report that describes how the County Government and utilities exchange information about planned and on-going construction projects in County rights-of-way. The report also identifies opportunities to improve coordination of right-of-way projects between the County Government and utilities. The Executive Summary for Report 2013-5 appears on © 1-4.

**The T&E Committee recommends the following items for Council approval.**

**Recommendation #1: Request that the Executive report to the Council about the feasibility, implementation requirements, and cost of creating an interagency right-of-way project tracking system.**

The T&E Committee recommends that the County Government work with local utilities to develop a more systemized approach to the sharing of information and coordination of infrastructure improvements in County rights-of-way. Specifically, DOT, DPS, and the Department of Technology Services (DTS) should evaluate the feasibility and cost of creating a GIS-based standard data set for sharing information about right-of-way projects from the County Government and the utilities. The data should be stored in a single repository with an integrated application that would allow access to the data by DOT, DPS, and participating utilities.

The purpose of this standardized, consolidated data set and application would be to provide agency staff with direct links to project information including location, design plans, permit status, schedule, cost, moratorium status, and points of contact. The standardized data-set and application could be developed using in-house agency resources or a commercial application could be purchased through a private vendor.

The T&E Committee also recommends that the County Government (including the Public Information Office) evaluate the possibility of using data from a shared project tracking system to develop an online tool to provide the public with consolidated, up-to-date information about right-of-way construction projects.

The T&E Committee recommends that the Council request that the Executive report back to the Council by November 1, 2013, about implementation of an interagency right-of-way project tracking system. The report should:

- Describe the detailed functional requirements of the application;
- Estimate development and maintenance costs for the standardized data set and application using in-house resources and/or a commercial product; estimate the staff time savings resulting from data standardization and automated inter-agency project tracking;
- Describe interagency agreements (e.g., memoranda of understanding, service level agreements) needed to standardize, integrate, and share data sets;
- Present a plan to develop an online tool to provide the public with consolidated information about right-of-way construction projects;
- Identify the relative priority of a right-of-way infrastructure data set compared to other items on the dataMontgomery implementation plan; and
- Include a recommendation from the Executive of whether the benefits of the system justify the estimated costs.

**Recommendation #2: Request that the Executive refine and provide more specificity regarding the implementation requirements of pavement cutting moratoriums.**

The T&E Committee recommends that the Council request that the Executive further define the implementation requirements for pavement cutting moratoriums. Specifically, the T&E Committee recommends that the County Government:

- a. Develop a protocol to routinely share GIS-coded moratorium data with utilities. This could be achieved either as part of the project tracking system described in Recommendation #1 or as a separate practice.
- b. Establish a mechanism to notify permit holders when a roadway goes into moratorium. In addition, DPS could add a condition to utility permits stating that the authorization to cut pavement under the permit automatically terminates when a road goes into moratorium (unless a waiver is granted).
- c. Refine the definition of the moratorium period for resurfaced and reconstructed roads. For example, DPS could amend the *Specifications for Utility Construction Permit* to stipulate that a road goes under moratorium once the resurfacing of a specific road is complete and that the moratorium continues for three years after completion of the entire project.