

## RESOLUTION NO. 200916

Directing the City Manager to review current City codes, laws, regulations, standards and policies pertaining to excavations and use of City right-of-way for the location, relocation, repair, maintenance and operation of facilities within City right-of-way; to review and devise procedures for the coordination of projects among City departments and between the City and right-of-way users in order to limit the number of necessary excavations; and to make recommendations to effectively manage the City's right-of-way.

WHEREAS, the City's right-of-way, which includes, but is not limited to, City streets and sidewalks, is vital to drivers, pedestrians, cyclists, the general public and the City; and

WHEREAS, excavations within City right-of-way hinder traffic flow and accessibility, contribute to the degradation of City right-of-way, and pose a safety risk to the public; and

WHEREAS, coordination of projects between the City and right-of-way users which serve our community is essential and will lessen the impacts to the right-of-way; and

WHEREAS, proper restoration of excavated City right-of-way is necessary to lessen the impact of degradation of City right-of-way; and

WHEREAS, the City incurs certain costs in managing City right-of-way including, but not limited to, processing permits, inspecting job sites and assessing restoration work, protecting or moving construction equipment after reasonable notice to the right-of-way user, restoring work inadequately performed by the right-of-way user and revoking permits; and

WHEREAS, in managing its right-of-way, the City may take actions to impose rights, duties and obligations on users of the right-of-way which include, but are not limited to, establishing coordination and timing requirements, permitting requirements for street excavations, standards for street restoration and imposing permit conditions; and

WHEREAS, the City may deny a permit in certain circumstances and may revoke a permit and impose an additional fee on the right-of-way user if there is a substantial breach of the terms and material conditions of the permit; and

WHEREAS, the Council desires for current City codes, laws, regulations, standards and policies to be examined to determine whether City standards are up-to-date and sufficiently address work within the right-of-way, whether the City is recouping its right-of-way management costs, whether the City is fully utilizing its authority to manage the right-of-way and whether the City is adequately enforcing its permitting and street

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restoration requirements in order to better manage excavations and limit disruptions to the right-of-way; and

WHEREAS, the Council further desires that there be enhanced coordination among City departments and between the City and right-of-way users to address these issues; NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to review current City codes, laws, regulations, standards, and policies pertaining to excavations and use of City right-of-way for the location, relocation, repair, maintenance and operation of facilities within City right-of-way, which will include right-of-way construction and restoration standards; recoupment of right-of-way management costs; and permit requirements and permit enforcement for right-of-way permits.

Section 2. That the City Manager is further directed to review current procedures and devise new procedures, if necessary, for the coordination of projects among City departments and between the City and right-of-way users in order to limit the number of necessary excavations and lessen impacts to the right-of-way.

Section 3. That the City Manager is to make recommendations to effectively manage the City's right-of-way and report back to Council with recommendations within 45 days of the date of adoption of this Resolution.

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