Above Ground Utility Structures (AGUS)

Quality of Life Committee

October 24, 2005

Purpose

- To brief Council on the recommendations for an ordinance amendment that would regulate the placement of above ground utility structures (AGUS) in the public right-of-way or utility easements

Definition

- AGUS (Above Ground Utility Structure) means:
  - any structure cabinet, electric meter or any other appurtenance, other than a pole or device attached to a pole, and;
  - owned or used by a utility company, cable company, or telecommunications provider to provide service, and;
  - extends above the ground upon which it is placed or built
- AGUS does not include:
  - Traffic control devices
  - Infrastructure that provides water for fire suppression

AGUS Example

Gas Meter

Telephone Service Pedestal

AGUS Example

Telephone Switching Box

Goals

- To ensure that AGUS will not impede the public's use of the right-of-way
- To minimize the inconvenience to residential property owners
- To minimize the impact that AGUS may have on the aesthetic character of the streetscape
- To achieve the goals while recognizing the need for the AGUS owners to provide the services requested

Background

- Formed Inter-department staff committee in May 2004 to develop rules regarding placement of AGUS in response to Council's concern
  - Public Works and Transportation lead Department
  - Development Services
  - Office of Financial Services
  - Dallas Water Utilities
  - City Attorney's Office

Background

- Staff Committee met individually with TXU Electric Delivery, Atmos Energy, SBC, Verizon, and Comcast Cable
- Briefed Council Transportation and Telecommunications Committee August 2004 on progress and recommended approach
- Established of an Advisory Committee to work with staff during draft ordinance (see Appendix B for Advisory Committee make-up)
- Held additional individual meetings with TXU Electric Delivery, Atmos Energy, SBC, Verizon, and Comcast Cable for review and comment on draft ordinance

Background

- Briefed Council Transportation and Telecommunications Committee May 2005 on recommended approach
- Council Committee had several concerns and asked staff to consider the following:
  - Minimize additional cost to developer or service provider that would be passed to the citizen
  - Do not discourage service providers to underground facilities
  - Additional involvement with service providers and developer/builders in the process
  - Address the placement of the large service structures in or near residential areas, parks, or trails

Background

- Following the briefing additional meetings were held with utility/service providers from September 2005 to October 2005
  - Staff Committee met collectively with TXU Electric Delivery, Atmos Energy, SBC, Verizon, and Comcast Cable at four additional meetings to review and receive comment on the draft ordinance and guidelines
- Recommended approach discussed and draft ordinance and guidelines provided to Homebuilders Association of Greater Dallas. No comments received to date.

Recommended Approach

- Amend the code to require a permit to place AGUS
- Require AGUS owner to comply with staff recommended guidelines when:
  - Placing AGUS in residentially zoned property
  - Placing AGUS for new facilities and upgrades
- Require developers to coordinate the planning of utility and other services during the platting process
  - Require developer to offer and conduct a utility/service provider coordination meeting
  - Require an acknowledgement from utility/service provider that coordination has taken place before final engineering plans are approved
  - Development code has rule in place now that can be enforced administratively
  - Can be implemented by staff separately from AGUS amendment
- Address the large service structures in a separate code amendment

Major AGUS Ordinance Provisions

- All AGUS require a permit from the Director of Public Works and Transportation
- Ordinance applies to new structures and structure upgrades
- Permit required when upgrading a facility previously below ground to above ground
- Permit applicants must place the AGUS in accordance with the *AGUS Placement Guidelines* (see slide 14-15)
- Written notification must be provided to the property occupant
- AGUS owner must maintain the structure free of graffiti and other defacements. Also, AGUS must be maintained upright
- AGUS must be clearly marked with owner's name and telephone #

Major AGUS Ordinance Provisions

- Public Works and Transportation Director may or may not grant a waiver for good cause shown and in consideration of the following
  - The availability of other sites and the Public Service Provider's effort to secure those sites
  - The impact of the structure in the right-of-way at the proposed site
  - The public service provider's need to provide services
  - The need for the size of the structure to provide the services
  - The public health, safety, welfare, and convenience
  - The impact on the surrounding property
- AGUS owner may appeal waiver decision to City Manager or designated representative

AGUS Placement Guidelines

- In general, applicant will identify appropriate locations so that:
  - Pedestrian travel is not unreasonably impeded, paying particular attention to the needs of persons with disabilities
  - Access to city or other service provider facilities is not obstructed
  - Travel on public streets or alleys is not impeded
  - Property owners are not unreasonably inconvenienced
- Effort should be made to place proposed AGUS underground where technologically and economically feasible and practical
- AGUS should be placed in alley where economically and practically feasible

AGUS Placement Guidelines

- AGUS should be located as close as practical to the common lot line
- AGUS should be placed on a common side of the building
- The AGUS supporting pad should extend no more than 1 foot from the structure unless required for structural stability or for safe access
- AGUS should be no taller than 2.5 feet within a driver visibility triangle
- AGUS should be no larger than necessary to contain and protect the required equipment
- AGUS should not obstruct the view of traffic signs and signals
- AGUS should not front the boundaries of a park

Recommended Actions

- For residential subdivisions, staff to implement requirements that developers offer a utility coordination meeting and obtain utility/service provider acknowledgements prior to engineering plan approval

- Bring code amendment action to City Council for approval January 25, 2006, that would incorporate the recommended AGUS rules.

- Bring proposed code amendment to City Plan Commission for approval January 26, 2006 that would require utility/service provider buildings be screened from the view of the passing public built in or adjacent to residentially zoned property, a park, or trail

Appendix A

Common Above Ground Utility Structures

Appendix A - Common Above Ground Utility Structures

- TXU Gas
  - Individual meters
    - Thousands in Dallas existing – generally one per residential customer
    - Mostly behind house in alley or in front next to the house
  - District regulators
    - Approximately 154 locations existing in Dallas
    - Typically along road near development
    - 3’ X 7’ footprint – 5.0’ to 6.0’ tall
    - Color - gray, white or blue

Approx. 30” tall residential gas meter in rear yard next to alley

Approx. 7’L x 3’W x 5’T district regulator station & traffic barrier located between sidewalk and street curb

Appendix A - Common Above Ground Utility Structures

- TXU Electric Delivery
  - Transformers
    - Thousands in Dallas existing
    - Can serve 9-11 houses off each transformer
    - Most pad mounted equipment in alleys
    - 4’X5’ footprint – 3’ to 3.5’ tall

Approx. 30” tall electric transformer cabinet in rear yard next to alley

Appendix A - Common Above Ground Utility Structures

- Comcast Cable
  - Service and amplifier pedestals
    - Approximately 40,000 in Dallas existing
    - 5 – 7% front yard placements
    - 5 types ranging from 15” to 32” tall
  - Power Supplies
    - Old design - pole mounted
    - New design - pad mounted
    - Approximately 5000 existing in Dallas
    - 2’X2’ footprint – 44” tall

Approx. 15” tall service pedestal co-located with electric transformer in front yard next to sidewalk

44” tall cable TV power supply with protection bollards located on the side yard between the sidewalk and street curb

Appendix A - Common Above Ground Utility Structures

- SBC/Verizion
  - Service Pedestals
    - Thousands in Dallas existing – 2 to 4 customers per pedestal
    - 30” tall
    - Factors affecting placement include development plan, power supply location, and main line feed direction
  - Service Area Interface (SAI)
    - Thousands in Dallas existing
    - 4’ to 5.5’ tall
    - For distribution of phone and DSL service to a large area such as a new subdivision

Approx. 30” tall telephone service pedestals in front yard next to sidewalk

Approx. 5’L x 1.5’W x 4’T telephone service area interface cabinet next to sidewalk located adjacent to the landscaping at a subdivision entrance

Appendix B

Advisory Committee

Appendix B – Advisory Committee

Citizen Representatives

- Glee Pitney – Estates West HOA
- Cynthia Jeboda – Fox Hollow HOA
- Gilfort Coleman – Buckner Terrace neighborhood
- Ernest Holcomb - University Meadows Neighborhood Association

Utility and Telecom Experience

- Tony Boyd – Cable TV installation contractor, former AT&T Cable executive
- Don Williams – Irving Chamber of Commerce, retired Verizon executive
- Ernest Holcomb – retired TXU executive

Landscape Experience

- John Reynolds – COD Park Dept.

Developer/Builder

- Tony Cornett – Vista del Cielo Ltd.

Appendix C

Comparison With other Cities

Appendix C - Comparison With Other Cities

Ordinance Provision	City of Irving	City of Arlington	City of Farmers Branch	City of Dallas (Proposed)
Allow front yard placement	Yes, under certain conditions	Yes, under certain conditions	Yes, under certain conditions	Yes, in accordance with Guidelines
Require placement in rear utility or alley easement, if one exists	Not addressed	Yes	Yes	Yes, if economically feasible
Require screening or landscaping	For structures exceeding 360 cubic feet in volume or 6.5' in height	For structures exceeding 60 cubic feet in volume and less than 7' in height	May require landscape screening in front yard. Not required for 18"x18"x36" or smaller in rear lot	No
Require property owner notification	Yes	No	No	Yes
Allow for an appeal process	Yes	Yes	Yes	Yes

Appendix D

Street Cut Repair Update

Street Cut Permits

- Who's out there?
  - 34 registered Public Service Providers
    - Telecommunications – 30
    - Electric – 1
    - Gas – 2
    - Cable TV – 1
  - Non-registered (Must also apply for and obtain a permit)
    - Dallas Water Utilities – Water/Wastewater
    - Public Works & Transportation – Storm Sewer
    - Street Services – Storm Sewer Maintenance, Street Repair

Street Cut Permits

- Permits recorded by Service Provider type

	Date			
	10/1/2003 thru 9/30/2004		10/1/2004 thru 9/30/2005	
Service Type	# Permits	% of Total	# Permits	% of Total
Water/Wastewater	6,565	46%	6,688	50%
Gas	5,457	38%	4,465	33%
Telecom	223	2%	523	4%
Electric	190	1%	264	2%
Cable	245	2%	179	1%
Other*	1,644	11%	1,358	10%
Total	**14,324**	**100%**	**13,477**	**100%**

*Other includes City Departments other than DWU, DART, development activity and other miscellaneous cuts

Street Cut Permits

- Reason for work recorded on permits

	Date			
	10/1/2003 thru 9/30/2004		10/1/2004 thru 9/30/2005	
Reason for Work	# Reasons	% of Total	# Reasons	% of Total
Repair Existing Service	7,963	54%	6,962	49%
New Service	4,157	28%	4,649	32%
Repairs to Old Cuts	1,367	9%	1,151	8%
New Lines/Multiple Adj	800	5%	1,057	7%
Adjustments	318	2%	783	1%
Stop Service/Abandon Line	218	1%	237	2%
Exploration	41	1%	66	1%
Total	**14,864**	**100%**	**14,305**	**100%**

Reasons exceed #permits because some permits include multiple reasons for work

Street Cut Permits

- Location of the work recorded on permits

	Date			
	10/1/2003 thru 9/30/2004		10/1/2004 thru 9/30/2005	
Location of Work	# Locations	% of Total	# Locations	% of Total
Street	10,249	68%	9,375	65%
Sidewalk	2,381	15%	2,085	15%
Alley	1,632	11%	1,825	13%
Parkway	319	2%	440	3%
Driveway approach	272	2%	134	2%
Median	106	1%	254	1%
Other	161	1%	167	1%
Total	**15,120**	**100%**	**14,280**	**100%**

Street Cut Permits

- PWT Resources
  - Utility Coordination
    - Utility Coordinator
    - Clerk
  - Cut Control Inspection
    - Cut Control Supervisor
    - 9 Inspectors (8 for non-City projects, 1 for City projects)
    - Clerk
  - Computer Permit System

Street Cut Permits

- Cut Control inspectors use three methods to enforce compliance with the street cut repair rules
  - Voluntary Compliance – a verbal direction by an inspector to correct or resolve a rule violation
  - Notice of Violation – written notice of a rule violation(s)
  - Outside Complaint – written notice of a rule violation(s) that is referred to the City Attorney for prosecution
- A violator receiving an Outside Complaint may be cited $500 to $2000 for failure to clear debris from ROW and $500 for all other offenses

Street Cut Permit

- Enforcement actions from October 1, 2003 to September 30, 2004
  - Voluntary Compliance – approximately 480
  - Notice of Violation – 133 notices including 211 violations
  - Outside Complaint – 26 complaints including 42 violations
- Enforcement actions from October 1, 2004 to September 30, 2005
  - Voluntary Compliance – approximately 415
  - Notice of Violation – 41 notices including 63 violations
  - Outside Complaint – 2 complaints including 2 violations

Street Cut Permit

- "Slurry Seal" rule effective October 2003 to protect newly resurfaced asphalt streets
- Must slurry seal entire block where cut is made to an asphalt street resurfaced within the last 5 years
  - October 2003 thru May 2004
    - 73 permits impacted 46 newly resurfaced asphalt streets
    - Slurry Seal completed totaling 24 lane miles
  - June 2004 thru May 2005
    - 78 permits impacted 55 newly resurfaced asphalt streets
    - Slurry Seal to be completed this year totaling 27 lane miles