

# Pima County Department of Transportation Staff Report Public Right-of-way Cost Recovery March 19, 2009

## INTRODUCTION

Utility providers are a major user of Pima County right-of-way. Approximately 95% of right-of-way permitted work is related to the maintenance or installation of utility facilities. In addition to the Department of Transportation's annual cost of just over \$1M for administration, management, and inspection of right-of-way permits, the presence of utilities are estimated to increase the Department's operating costs by as much as \$840,000 bringing the cost to the Department for administering and managing County rights-of-way to \$1.85M.

Annual revenue generated from public rights-of-way comes from two sources: right-of-way permits ( $\pm$ \$604,000) and encroachment license fees ( $\pm$ \$20,000). On average, Department right-of-way revenue falls short of expenditures by as much as \$1.2M.

In an effort to increase the Department's right-of-way revenue, Pima County, in July 2006, contracted with S.P. Consulting to investigate the legal authority and current practice of charging a right-of-way cost recover user fee to utility companies that occupy right-of-way. On November 17, 2007 the results of that investigation were presented in a report titled *Franchise Fee Study for Various Utilities Occupying Pima County Rights of Way*.

S.P. Consultant's report indicated that the County has the legal authority to recover costs from utility providers for operating costs incurred by the County that stem from the presence of utilities within public rights-of-way. The Department of Transportation with guidance from the Utility Policy Group headed by Nanette Slusser was directed to (1) review Department costs to administer right-of-way permits and recommend adjustments to the current right-of-way permit fee schedule to cover administrative costs and (2) develop an annual right-of-way cost recovery user fee for utilities that occupy County right-of-way.

## RIGHT-OF-WAY PERMIT FEE ADJUSTMENTS

All users of County right-of-way are required to obtain a right-of-way permit. The permit is administered through the Department of Transportation and is reviewed for conformance with County standards, regulations and policies by the Department of Transportation, Traffic Engineering, Cultural Resources, Field Engineering, Landscape Architect, Flood Control, Maintenance, Parks and Recreation, and Information Technology.

An evaluation of right-of-way permitting costs was conducted through interviews with staff involved in the right-of-way permitting process. Interviews were conducted either in person or over the phone and consisted of examining staff's role in the permitting process and estimating man hours for a 12 month period. The only exception to this approach was with the Field Engineering Division, Subdivision and Permits Section whose main responsibility is the inspection of permitted work. A percentage of the Subdivision and Permits Section's operating budget was determined to be the best method for assessing permitting costs rather than staff hours. Refer to Appendix A, Exhibit 1A for a cost breakdown.

The Department spends approximately \$1 million per year (Appendix A, Table 1A) to process right-of-way permits. To evaluate adjustments in the current right-of-way permit fee schedule, an analysis of current and projected right-of-way permit activities was performed. Permit data for 2007 was found to best reflect right-of-way activities over the course of a year and was used as the basis for evaluating fee revisions. Since the Board of Supervisor's adoption of the right-of-way permit fee schedule in 1998, the Department's overhead rate has increased approximately 33%. By applying an across the board fee increase of 33% and adjusting the cost of construction inspection for subdivision and utility work, approximately \$1 million in fees would be generated. Refer to Appendix A, Table 2A for projected right-of-way permit fee revenue.

Pavement degradation recovery fees are becoming more common among governmental agencies as the cost of pavement maintenance escalates. Studies from different areas of the country and Canada all conclude that the life expectancy of streets is degraded when cut into and reconstructed. The degradation reduces the pavement's lifecycle and requires more frequent maintenance and earlier replacement. Pavement lifecycle degradation has also been observed around utility features (manholes, valves and other similar type features) placed within pavement.

In addition to a fee increase, a new fee has been added to cover the loss in pavement life (degradation) caused by cutting of pavement and the placement of utility features in pavement. The degradation fee is based on the City of Chandler Fee Schedule, Section 8.5.1, effective June 8, 2008 and Table 1, 20-year design standard degradation cost, Public Right-of-Way Cost Recovery Plan Mid-American Regional Council, May 1998. Refer to Appendix B.

The revised Right-of-Way Permit Fee Schedule is shown in Appendix C. Both new and existing fees are shown for comparison purposes – existing fees are italicized and shown in parenthesis. Item 2 *Construction inspection fee* has been rewritten. Item 10 Pavement Degradation Fee (Cutting of Pavement) and 11 Pavement Degradation Fee (Manholes, valves, similar type features) have been added.

## ANNUAL RIGHT-OF-WAY COST RECOVERY FEE (Utility Providers Only)

The presence of utilities within County rights-of-way creates additional costs to the Department in its management of public rights-of-way. Most of the costs are attributed to the impact that utilities have on the delivery of the Department's Capital Improvement Program. A list of Department activities related to utilities within rights-of-way is provided below.

### Public Inquires and Complaints

Inquires and complaints from the public pertaining to utility activities within rights-of-way are routinely received by the County. Most of the public's inquires relating to utilities are graffiti on utility cabinets, location and size of utility features, and work activities. The Department of Transportation's Community Relations Section handles a majority of the complaints and will enlist other County divisions as needed: Transportation Engineering, Field Engineering, Flood Control, and Maintenance and Operations.

### Maintenance

Maintenance activities specifically related to utilities occurs mainly during the monsoon season when roadway runoff encounters above ground utility features creating areas of erosion. Restoration of erosion areas usually requires grading and placement of material around the utility feature.

### Utility Coordination C.I.P

A major aspect of managing public rights-of-way is the monitoring and coordinating of utility activities associated with the planning, design and construction of the Department's Capital Improvement Program (CIP). Proper communication between the Department, design consultant, stakeholders and utilities is critical to the success of the program. An important part of utility coordination is the identification, mitigation and scheduling of utility relocations within rights-of-way to avoid impacting Department CIP projects.

The Department requires the project's design consultant to provide a utility coordinator whose purpose is ensure that the Department's utility coordination process is followed and to keep the Department's utility coordinator(s) informed of utility activities on their project.

### Monthly Utility Coordination Meetings C.I.P

The Department Utility Coordinator is responsible for holding a monthly utility coordination meeting. The purpose of the meeting is to present a brief status of each CIP project, provide project schedule updates, inform utilities of upcoming

project deliverables, and offer the utility, consultant and Department the opportunity to present concerns or suggestion related to projects and Department CIP processes.

#### Review of Utility Relocation Plans C.I.P

Utility relocation plans are reviewed by the Department and design consultant to monitor conformance with County direction, regulations and guidelines.

#### Mapping of Utility Information C.I.P

Utility information provided by utility companies is transferred onto the roadway improvement drawings by the design consultant. The consultant revises the improvement drawings in accordance with direction from the utility until such time the information shown is complete, correct and to the utility's satisfaction.

#### Bridge Inspection

The Arizona Department of Transportation requires Pima County to inspect and report on all bridge type structures under the Department of Transportation's jurisdiction. The placement of utility facilities on bridge structures requires further investigation and reporting related to the type of utility and structural condition of utility supports.

#### Legal Services

The Department of Transportation contracts with the County Attorney's Office for legal services. Legal Services related to utilities in rights-of-way include franchise/license agreement development and review; contract development and review; legal counsel on federal, state and local utility law; and litigation and negotiation services.

An evaluation of annual costs for the above activities was conducted through interviews with County and consultant staff who participate in the activities. Interviews were conducted either in person or over the phone and consisted of examining staff's role in the activity and estimating man hours for a 12 month period. The only exception to this approach was with Legal Services whose yearly service contract with the Department is a fixed lump sum amount. A percentage of staff time working on right-of-way issues related to utilities was estimated. A cost breakdown for each activity may be found in Appendix D, Exhibit 1D.

The County considered two approaches for establishing an annual cost recovery user fee: percent of gross revenue and linear feet of facility. After considerable

discussion and debate, the Utility Policy Group chose linear feet. Each utility was requested to provide documentation identifying the location and linear feet of facilities within Pima County right-of-way. Not all utilities complied with the request, and the information provided was not necessary adequate to determine linear footage of right-of-way occupied by the utility. Nonetheless, the Department estimated the linear feet of utility in County rights-of-way and based on a weighted average and a targeted annual operating cost recovery of \$840,687 (Appendix A, Table 1A) an annual fee amount for each utility was determined. Refer to Appendix D, Table 1D.

### CONCLUSION AND RECOMMENDATIONS

Revenue generated from right-of-way permits is projected to fall short of right-of-way permitting costs by as much as \$405,000 to \$779,000 per year. Since the adoption of the current Right-of-way Permit Fee Schedule in 1998, Department operating costs have risen approximately 33%. The recommendation of this report is to revise permit fees in accordance with the fee schedule shown in Appendix C with automatic adjustments every 2 years.

The presence of utilities within County right-of-way is estimated to cost the Department approximately \$840,687 annually. To-date, the County has not imposed an annual right-of-way user fee to recover these costs. The recommendation of this report is to implement a annual Right-of-Way Cost Recovery User Fee that would apply to utilities that operate within County right-of-way. The fee would be based on the linear feet of right-of-way occupied by a utility and would be adjusted every 2 years to account for new and removed facilities.

APPENDIX A

EXHIBIT 1A  
 RIGHT-OF-WAY PERMIT COST ANALYSIS  
 (12/10/08)

Transportation Engineering Division:

Senior Civil Engineer Assistant, \$51/hr x 40 hrs/wk x 52 wk/yr ...	\$ 106,080
Civil Engineer Assistant, \$50/hr x 40 hrs/wk x 52 wk/yr .....	\$ 104,000
Administrative Specialist, \$24/hr x 40 hrs/wk x 52 wk/yr .....	\$ 49,920
Civil Engineer Manager, \$76/hr x 20 hrs/wk x 52 wk/yr .....	\$ 79,040
Landscape Architect, \$53/hr x 2 hrs/wk x 52 wk/yr .....	\$ 5,512
Public Works Manager, \$53/hr x 19 hrs/wk x 52 wk/yr .....	\$ 52,364
Total Annual Cost	<u>\$ 390,678</u>

Traffic Engineering:

Senior Civil Engineer Assistant, \$51/hr x 1 hrs/wk x 52 wk/yr .....	<u>\$ 2,652</u>
Total Annual Cost	<u>\$ 2,652</u>

Maintenance and Operations:

Public Works Manager, \$56/hr x 1 hrs/wk x 52 wk/yr .....	<u>\$ 2,912</u>
Total Annual Cost	<u>\$ 2,912</u>

Cultural Resources:

Program Manager, \$63/hr x 3 hrs/wk x 52 wk/yr .....	<u>\$ 9,828</u>
Total Annual Cost	<u>\$ 9,828</u>

Natural Resources Parks and Recreation:

Civil Engineer Assistant, \$42/hr x 0.5 hrs/wk x 52 wk/yr .....	<u>\$ 1,092</u>
Total Annual Cost	<u>\$ 1,092</u>

Regional Flood Control District:

Senior Civil Engineer Assistant, \$51/hr x 0.5 hrs/wk x 52 wk/yr .....	<u>\$ 1,326</u>
Total Annual Cost	<u>\$ 1,326</u>

Information Technology:

Administrative Specialist, \$50/hr x 0.5 hrs/wk x 52 wk/yr .....	<u>\$ 1,300</u>
Total Annual Cost	<u>\$ 1,300</u>

	Sub-total	\$ 409,788
Field Engineering (Subdivisions & Permits)		
Inspections, \$696,745/yr x 86% of Section Budget .....	<u>\$ 599,200</u>	
Total Annual Cost		\$ 599,200

TABLE 1A. RIGHT-OF-WAY COSTS

Activity Description	R/W Permitting (All Users)		Right-of-way Costs (Utilities Only)
	Administration	Inspection	Management

R/W Use Permit	\$ 409,788	\$ 599,200	N/A
Public Inquires / Complaints	N/A	N/A	\$ 9,529
Maintenance	N/A	N/A	\$ 10,960
Utility Coordination	N/A	N/A	\$ 543,946
Bridge Inspection	N/A	N/A	\$ 1,600
Legal Services	N/A	N/A	\$ 40,656
Monthly Utility Coordination Meetings (CIP)	N/A	N/A	\$ 9,978
Project Information Distribution to Utilities (CIP)	N/A	N/A	\$ 8,242
Review of Utility Relocation Plans (CIP)	N/A	N/A	\$ 30,264
Mapping of Utility Information (CIP)	N/A	N/A	\$ 185,512

Sub-Total	\$1,008,988	\$ 840,687
TOTAL	\$1,849,675.00	

TABLE 2A. RIGHT-OF-WAY PERMIT FEE ANALYSIS COST RECOVERY

Category	Base Fee/All other work	Excavation up to 5'x5'	Trenching				Construction Inspection Fee		Oversize Load	Renewal	Totals	
			200 or less l.f.	201 to 300 l.f.	301 to 500 l.f.	Permit Cost	501 to 2500 l.f.	2501 and above l.f.				Subdivision
Fee Amount (New)	\$60	\$33	\$60	\$80	\$106	N/A	\$106	\$480	5.50%	2.46%	\$20	\$33
Fee Amount (Current)	\$45	\$25	\$45	\$60	\$80	N/A	\$80	\$360	5%	0.0%	\$15	\$25
Percent Change	33%	32%	33%	33%	33%	N/A	33%	33%	10%	2.5%	33%	32%

Category	TEP	Gas	Tucson Water	Other Utilities	Wideload	Driveways	Miscellaneous County Related	Fiber	Landscaping	Special Event	Subdivision	200 or less l.f.	201 to 300 l.f.	301 to 500 l.f.	Permit Cost	501 to 2500 l.f.	2501 and above l.f.	Subdivision	Utility	Oversize Load	Renewal	Totals	
																							Construction Inspection Fee
	73	455	346	992	0	58	24	0	2	0	49	0	1	0	3	3,200	10,701	N/A	\$ 15,388	0	37		
	126	245	57	95	0	0	28	0	0	0	0	1	1	0	0	6,900	105,411	N/A	\$ 124,328	0	32		
	17	551	1,700	1,020	765	900	1,200	1,200	3,750	10,000	15	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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APPENDIX B

2008  
CITY OF CHANDLER  
FEE SCHEDULE  
Effective June 8, 2008

8. PUBLIC WORKS:

Sec. 8 PUBLIC WORKS ENCROACHMENT AND INSPECTION (Chapter 46)

8.1 Encroachment Permit

- (a) Class 1 encroachment permit application base fee [§46-3]..... 75.00
- (b) Class 2 encroachment permit application base fee [§46-4]..... 75.00
- (c) Class 3 encroachment permit application base fee [§46-5] (RES. #3336)..... 75.00
- (d) Class 4 encroachment permit application base fee [§46-6] (RES. #3336)..... 75.00
- (e) Class 5 encroachment permit application base fee [§46-7] (RES. #3336)..... 75.00
- (f) Class 6 encroachment permit application base fee [§46-8] (RES. #3336)..... 75.00
- (g) Class 7 encroachment permit application fee [§46-9] (RES. #3336)..... 75.00
- (h) Class 8 encroachment permit application fee [§46-10] (RES. #3336)..... 75.00

8.2 Cable Television License application base fee [§46-8]..... 5,000.00

8.3 License applications base fee for all Chapter 46 licenses, except cable ..... 2,000.00  
(RES. #3336)

8.4 Penalty Assessment for failure to obtain encroachment or street cut permit ..... 1,000.00

8.5 Pavement Damage Restoration Fee (RES. #3692)

8.5.1 Within one year of construction of new streets, renovation or reconstruction of a street (as defined by City Code):

- A. For Each Cut:
  - (1) For 5 sq. yds. or less ..... \$330.00 per sq. yd. of cut
  - (2) For larger than 5, to 100 sq. yds. .... \$1,650.00 plus \$18.00 per sq. yd. of cut over 5 sq yds.
  - (3) For larger than 100 sq. yds. .... \$3,360.00 plus \$14.00 per sq. yd. of cut over 100 sq. yds.
- B. For cuts within the first year, the fee is in addition to the requirement for mill and overlay/inlay in accordance with City Code §46-2.7 and Standard Specification No.3.
- C. Or for cuts within the first year, the applicant may choose to reconstruct the street in accordance with City Code §46-2.7 in lieu of paying the above fee.

8.5.2 From one to two years after construction of new streets, renovation or reconstruction of a street (as defined in the City Code):

- A. For Each Cut:
  - (1) For 5 sq. yds. or less ..... \$330.00 per sq. yd. of cut
  - (2) For larger than 5, to 100 sq. yds. .... \$1,650.00 plus \$18.00 per sq. yd. of cut over 5 sq yds.
  - (3) For larger than 100 sq. yds. .... \$3,360.00 plus \$14.00 per sq. yd. of cut over 100 sq.yds.
- B. For cuts from one to two years after construction of new streets, renovation or reconstruction of a street, the applicant may choose to perform a mill and overlay/inlay, in accordance with City Code §46-2.7 and Standard Specification No.3 in lieu of paying the above fee.

8.5.3 From two to four years after construction of new streets or renovation or reconstruction of a street (as defined by City Code):

- A. For Each Cut:
  - (1) For 5 sq. yds. or less ..... \$230.00 per sq. yd. of cut

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(2) For larger than 5, to 100 sq. yds. \$1,150.00 plus \$13.00 per sq. yd of cut over 5 sq. yds.

(3) For larger than 100 sq. yds. \$2,385.00 plus \$10.00 per sq. yd. of cut over 100 sq. yds

8.5.4 From four to six years after construction of new streets or renovation or reconstruction of a street (as defined by City Code):

A. For Each Cut:

(1) For 5 sq. yds. or less..... \$130.00 per sq. yd. of cut

(2) For Larger than 5, to 100 sq. yds. \$650.00 plus \$8.00 per sq. yd. of cut over 5 sq. yds.

(3) For larger than 100 sq. yds. \$1,410.00 plus \$5.00 per sq. yd. of cut over 100 sq. yds.

8.5.5 Within one year prior to a City street reconstruction project approved in the capital program of the City's Annual Budget..... No Charge

8.5.6 For cuts from two to six years after construction of new streets, renovation or reconstruction of a street, the applicant may choose to perform a mill and overlay/inlay, in accordance with City Code §46-2.7 and Standard Specification No. 3 in lieu of paying the above fee.

8.5.7 The minimum fee shall be based on one square yard. If a pavement cut is so extensive, or the cuts in one area are so numerous that the permittee prefers to perform a renovation (major rehabilitation) of the street in accordance with the City Engineer's requirements, for the full width of any impacted lane and the full length of any cuts plus fifty feet in both directions from the area of the cut on arterial streets and twenty-five in both directions from the area of the cut on collector streets, the permittee may choose to do such renovation in lieu of the Pavement Restoration Fee and such reconstruction shall satisfy the fee requirement. Provided, however, this does not apply to pavement cuts in streets within two years of construction, renovation or reconstruction. During the first two years, those who desire to perform reconstruction in lieu of paying the pavement restoration fee, will be required to reconstruct the street to the satisfaction of the City Engineer. Those companies exempt from the Pavement Restoration Fee shall perform the required repairs and restoration in accordance with City Code §46-2.7 and Standard Specification No. 3 and their contracts with the City unless their written application to pay the established fee in lieu of such restoration is granted by the City Engineer.

8.5.8 For pavement cuts or potholes less than two square feet, no fee will be charged, or for companies with license and franchise agreements that require street reconstruction no reconstruction will be required, provided the pavement cut or pothole meets the spacing requirements of Specification No. 3 and Standard Detail No. C-111.

8.5.9 If a pothole cut is done in advance of construction that will remove that portion of the pavement within a reasonable time as specified by the City Engineer, no fee will be charged.

8.5.10 The definitions set forth in Section 46-2.7 are applicable to the provisions herein.

8.5.11 This Pavement Restoration Fee shall not be charged to nor paid by the City Street Division or the City Traffic Engineering Division.

8.6 Plan Review Fees [§47-6]: (RES. #1571 & #3482)

A. Fees for review of plans and specifications for parcels of ground to be fully developed with this submittal shall be as follows:

ACRES	FEE	ADDT'L FEE/ACRE
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*Public Right-of-Way Cost Recovery Plan*

*Mid-America Regional Council*

*May 1998*

**Springsted Incorporated**

*Home Office:*

85 East Seventh Place  
Suite 100  
St. Paul, MN 55101-2887  
(612) 223-3000

*Minneapolis Office:*

88 South Sixth Street, Suite 900  
Minneapolis, MN 55402-1800  
(612) 333-9177

*Iowa Office:*

100 Court Avenue, Suite 204  
Des Moines, IA 50309-2200  
(515) 244-1358

*Wisconsin Office:*

16655 West Bluemound Road  
Suite 290  
Brookfield, WI 53005-5935  
(414) 782-8222

*Washington Office:*

1850 K Street NW  
Suite 215  
Washington, D.C. 20006-2200  
(202) 466-3344

*Kansas Office:*

7211 West 98th Terrace  
Suite 100  
Overland Park, KS 66212-2257  
(913) 345-8062

- It is recommended that this public right-of-way cost recovery plan include degradation, disruption, repair, and administrative/management cost recovery methods. It is also recommended that public right-of-way costs be allocated to the service providers that intrude upon the public right-of-way and to the consumers of those services.
- Telecommunications deregulation has increased interest in the use of public rights-of-way.
- The public demands that cities provide cost-efficient management of public rights-of-way, and Kansas and Missouri statutes allow municipalities to manage their local public rights-of-way.
- Kansas and Missouri case law appears to indicate that cities may recover costs for the use of public rights-of-way, provided that there is a direct cost to the city.
- Costs incurred due to degradation (loss of road life due to intrusion into the road surface) can be recaptured through a recommended cost recovery method that includes various street construction cost and age components. In addition, degradation costs should be recaptured when intrusion damages and/or depreciates trees, sidewalks, boulevard/landscaped areas, other infrastructure, or amenities located within the public right-of-way.
- It is recommended that repair costs due to intrusions into the public right-of-way should be the responsibility of the intruding party.
- A grace period for completing work within the public right-of-way is deemed appropriate; however, in order to minimize disruption to the local public, it may be necessary for cities to use one or more disruption cost recovery methods as incentive for utility companies to complete their work in a timely manner.
- It is appropriate and reasonable to recover administrative and management costs incurred by municipalities for the management of public rights-of-way. In order for municipalities to recover these costs, they must be able to accurately identify the unique service components (both labor and materials) which their jurisdiction provides in the completion of these duties.
- A utility coordination plan is recommended as an effective way to minimize and/or avoid management costs associated with future public rights-of-way use.
- Franchise, consumption, and license fees are also legitimate fee mechanisms for cities to impose on private utility companies for the use and occupancy of the public right-of-way.

## Purpose

The Mid-America Regional Council, on behalf of the cities listed in Figure 1, and at the directive of the Manager's Roundtable, engaged Springsted Incorporated to prepare a plan with the purpose of developing appropriate alternative cost recovery methods for degradation, repair, disruption, and administrative/management costs associated with the use of the public right-of-way.

Figure 1

Cities Participating in the Mid-America Regional Council  
Public Right-of-Way Cost Recovery Plan

City of Belton, Missouri	City of Lenexa, Kansas
City of Blue Springs, Missouri	City of Liberty, Missouri
City of Grandview, Missouri	City of Overland Park, Kansas
City of Independence, Missouri	City of Prairie Village, Kansas
City of Kansas City, Missouri	City of Shawnee, Kansas
City of Leawood, Kansas	Wyandotte County/Kansas City, Kansas
City of Lee's Summit, Missouri	

The cost recovery methods are to be designed with the primary objective of being reasonable and defensible. Definitions of the major cost components to be studied are as follows:

- **Degradation** is defined as depreciation to the roadway, trees, sidewalks, boulevard/landscaped areas, other infrastructure, or amenities that result from intrusion into the public right-of-way.
- **Repair** is associated with the actual intrusion into the public right-of-way.
- **Disruption Costs** are caused by the interruption of the normal use of the public right-of-way.
- **Administrative/Management Costs** relate to those costs associated with a public right-of-way project such as permitting and supervision, as well as inventory, map updating, location, and general inquiries related to public right-of-way intrusion.

The cost recovery study prepared for the Mid-America Regional Council was developed as a practical tool for member cities to utilize for measuring and recovering their costs associated with the use of the public right-of-way. The cost recovery methods presented are flexible in nature so that member cities will be able to utilize information that is specific to their community while still maintaining the consistency of the overall cost recovery plan.

All municipalities participating in the study recognize that intrusion into, and use of, the public right-of-way will continue to be a fact of life. Therefore, while the plan attempts to assist communities in the process of recovering associated costs, it also encourages those doing repairs or installations in the public right-of-way to complete their work in as timely a manner as possible. This allows for the earliest restoration of the normal use of the public right-of-way in order to avoid prolonged inconvenience to the residents of a community.

### Right-of-Way Costs—Generally

Many different costs are legitimately part of maintaining, repairing, replacing, and expanding the public right-of-way. These expenses include degradation, disruption, repair, and administrative/management costs. Proper management of the public right-of-way will ensure citizens' ability to secure the necessary and discretionary services they need and want. Furthermore, increased competition and increased demand require that communities respond to the pressures of current and potential providers developing new needs for the public right-of-way and for newly-developed services. However, the costs and expenses incurred by local governments are significant and may seriously impact the budgets of many cities.

The cost recovery methods contained in this study focus on subsurface utilities within the paved area of the public right-of-way. However, the Committee recognized that there is significant work that occurs within the public right-of-way but outside the paved area. Boulevards and sidewalks are examples of areas within the public right-of-way that, like streets, require proper management by cities to ensure that the functional and aesthetic characteristics of these resources are maintained to established standards. The Committee recognized that the cost of enforcement activities associated with maintaining boulevards and sidewalks is a significant issue and that it is appropriate to use the cost recovery methods in this plan including those relating to repair, administration/management, and disruption.

In addition to infrastructure located beneath the street, overhead utilities also present public right-of-way costs for local jurisdictions. Overhead utilities typically do not degrade the public right-of-way as do subsurface utilities; however, there are administrative/management and disruption costs associated with overhead utilities. Tree trimming, for example, may be a public right-of-way management cost if a city is required to maintain boulevard trees that come into contact with power lines. These costs are recognized, in part, in the following subsections relating to administrative/management and disruption costs.

Although this study was designed to address public right-of-way cost recovery options, franchise, consumption, and license fees are also public right-of-way issues. These are legitimate fee mechanisms for cities to impose on private companies for the use and occupancy of the public right-of-way. Franchise fees involve granting non-exclusive rights to private utility companies to locate and maintain facilities within the public right-of-way. Franchise fees are commonly based on a percent of gross operating income of a utility company. Consumption fees relate to the value of the public right-of-way consumed by service providers during the construction or maintenance of facilities. Renting the public right-of-way on a per square foot basis is one example of a consumption fee. The Committee determined that consumption fees should not be pursued at this time. More and more cities are considering the imposition of license fees for those companies that occupy the public right-of-way but do not provide direct service to local residents. A customary method for charging license fees is on a per lineal foot basis. This license fee concept is similar to private utility companies that lease space on their equipment or infrastructure to other private utility companies.

Kansas and Missouri cities can collect a franchise fee from a service provider provided that local consumers or recipients receive a direct benefit from those services. A city cannot charge a franchise fee to a telecommunications company that simply passes through the city without providing a service to local inhabitants. The "Kansas Franchise Statute" (K.S.A. 12-2001 *et. seq.*) permits cities to grant a franchise to service providers that occupy the public right-of-way as long as the franchise is non-exclusive in nature and does not exceed a 20-year term. For Missouri cities, the ability to increase franchise, consumption, and/or license fees is subject to

Mid-America Regional Council  
Public Right of Way Cost Recovery Study

Table 1

Degradation Costs  
Recommended Cost Recovery Method (With 20-Year Street Design Standard)

*Cost per Square Yard for Streets, Overlays and Sealcoats  
X Depreciation Rate X Area of Influence (1)*

Depreciation Rates				Cost Per Square Yard (3)	
Street (2)				Type	
Age	Rate	Age	Rate		Cost
0	100%	21		Asphalt Street Reconstruction	\$45.00
1	99%	22		Overlays	\$5.00
2	98%	23		Sealcoats	\$1.10
3	97%	24			
4	96%	25			
5	95%	26			
6	90%	27			
7	84%	28			
8	79%	29			
9	74%	30			
10	68%	31			
11	63%	32			
12	58%	33			
13	52%	34			
14	47%	35			
15	42%	36			
16	36%	37			
17	31%	38			
18	26%	39			
19	20%	40			
20	15%				

Overlays	
Age	Rate
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

Sealcoats	
Age	Rate
1	80%
2	60%
3	40%
4	20%
5	0%

- (1) Area of influence is equal to area of the cut plus 3.0 feet on each side (expressed in sq. yds.)
- (2) Depreciation rates are based on a 20-year street design standard.  
Depreciation for the first 5 years is 1.0% per year, followed by straight line depreciation less 15.0% for the remaining street design standard (15 years). Depreciation can occur at 1.0% per year after this time for up to 15 years or street reconstruction, whichever occurs first. This reflects the consensus of the Committee that streets retain some value beyond their design standard or expected street life.
- (3) Average cost estimates as determined by a survey of cities from the Mid-America Regional Council Public Right-of-Way Cost Recovery Study.

Mid-America Regional Council  
Public Right of Way Cost Recovery Study

Table 2

Degradation Costs  
Recommended Cost Recovery Method (With 30-Year Street Design Standard)

*Cost per Square Yard for Streets, Overlays and Sealcoats  
X Depreciation Rate X Area of Influence (1)*

Depreciation Rates

Street (2)			
Age	Rate	Age	Rate
0	100%	21	44%
1	99%	22	41%
2	98%	23	37%
3	97%	24	34%
4	96%	25	31%
5	95%	26	28%
6	92%	27	25%
7	89%	28	21%
8	85%	29	18%
9	82%	30	15%
10	79%	31	
11	76%	32	
12	73%	33	
13	69%	34	
14	66%	35	
15	63%	36	
16	60%	37	
17	57%	38	
18	53%	39	
19	50%	40	
20	47%		

Overlays	
Age	Rate
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

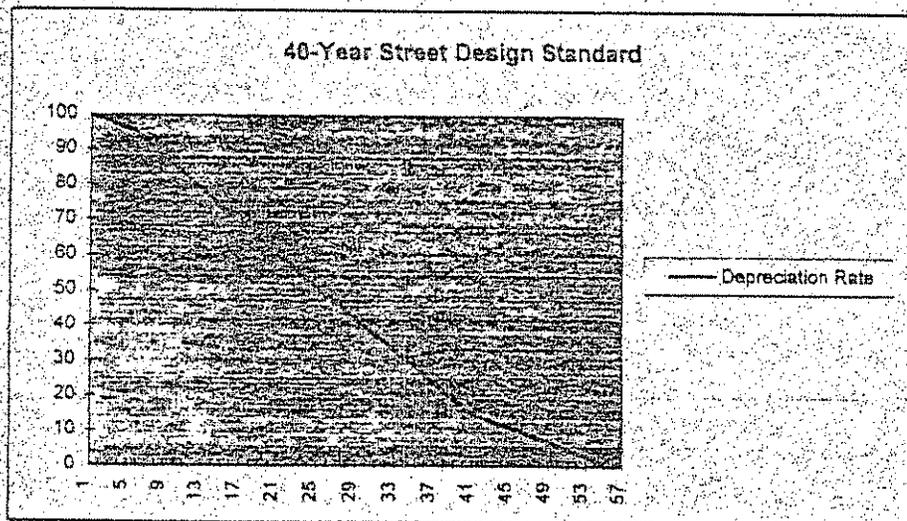
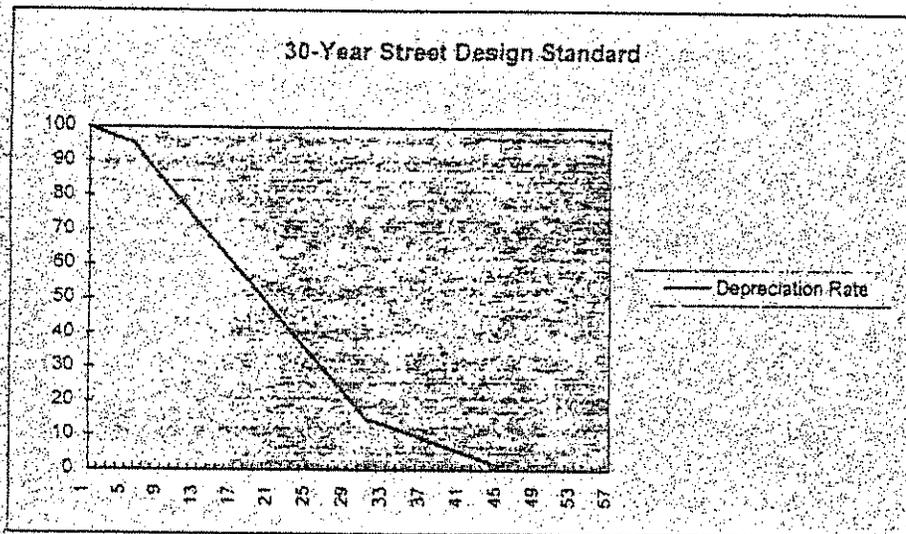
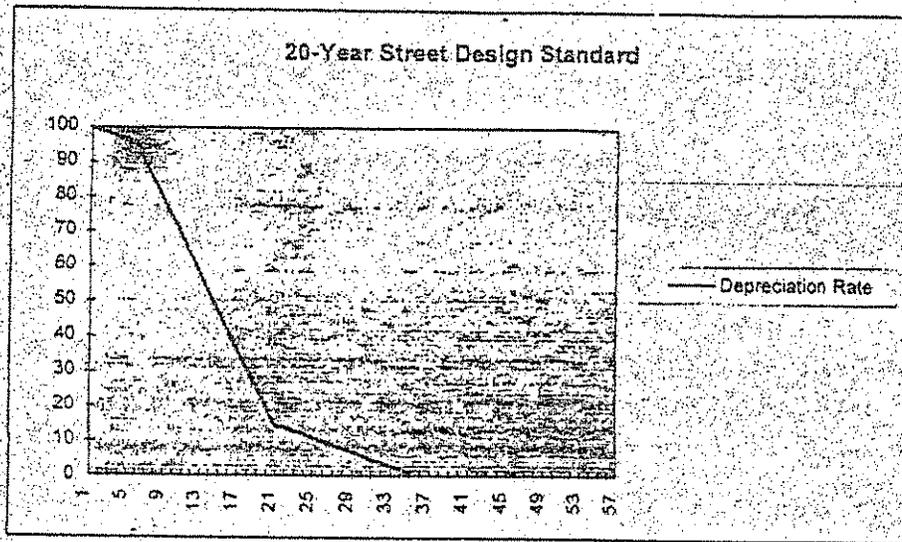
Sealcoats	
Age	Rate
1	80%
2	60%
3	40%
4	20%
5	0%

Cost Per Square Yard (3)

Type	Cost
Asphalt Street Reconstruction	\$45.00
Overlays	\$5.00
Sealcoats	\$1.10

- (1) Area of influence is equal to area of the cut plus 3.0 feet on each side (expressed in sq. yds.)
- (2) Depreciation rates are based on a 30-year street design standard.  
Depreciation for the first 5 years is 1.0% per year, followed by straight line depreciation less 15.0% for the remaining street design standard (25 years). Depreciation can occur at 1.0% per year after this time for up to 15 years or street reconstruction, whichever occurs first. This reflects the consensus of the Committee that streets retain some value beyond their design standard or expected street life.
- (3) Average cost estimates as determined by a survey of cities from the Mid-America Regional Council Public Right-of-Way Cost Recovery Study.

Table 4



is utilized to calculate a degradation fee using a street with a 20-year design standard that is 16 years old with a five-year overlay and one-year sealcoat. The cost recovery method allows cities to utilize their own unique cost information.

Two equally legitimate degradation cost recovery alternatives were discussed by the Committee and are presented in Exhibits 5 and 6. A third option that requires the intruding party to repair and provide ongoing maintenance for the area impacted by the street cut was not recommended by the Committee since implementation was not practical as compared to the other alternatives. These alternative degradation cost recovery methods are presented, but are not meant to be recommended. Each alternative is discussed in the following paragraphs.

The first alternative is contained in the 1997 Lee's Summit Street Cut Report (Exhibit 5) which was developed by the City of Lee's Summit, Missouri, using street deterioration information from studies conducted by Cincinnati, Ohio and Burlington, Vermont. Although this option was felt to be very fair and complete, the Committee did not recommend this option since it would be more difficult to explain and administer than the recommended option. In addition, a number of cities do not have the data on their streets, such as a paving condition index, that would be necessary to administer this approach.

The second degradation cost recovery alternative (Exhibit 6) which relies on averages for street construction was discussed by the Committee, but was not selected in order to preserve the ability of the cities to use their own cost data. This option uses life reduction estimates developed from studies done in Phoenix, Arizona and Anaheim, California. This cost recovery method relies on general assumptions taken from existing data relating to average street replacement cost, design life, and depreciation caused by intrusions into the public right-of-way. Cities that do not have easy access to accurate street replacement costs can substitute the average taken from other jurisdictions and/or agencies. However, this alternative degradation cost recovery method is deemed to be less dependable than the recommended method.

## Repair Costs

Repair costs are associated with the intrusion into the public right-of-way and includes, but is not limited to, tree replacement, sodding or re-seeding, excavation, backfill, pipes, and pipe-laying. Currently, most cities require public and private utilities to repair the public right-of-way to equal or better condition if they intrude into it to repair or enhance their equipment or expand their service. Some cities do the repair work and require the intruding party to reimburse the city for this work. At this time, the practices used by private companies to do repair work within the public right-of-way results in degradation to streets, trees, sidewalks, boulevard/landscaped areas, other infrastructure, or amenities. With respect to trees, standards such as those developed by the International Society of Arboriculture (Exhibit 7) can be used to recapture costs associated with repair and/or replacement of trees. Also included in this plan is a draft ordinance prepared by the City of Kansas City, Missouri, relating to construction activity that impacts trees located within the public right-of-way (Exhibit 8).

A third possible repair alternative that would address, in part, both degradation and repair costs is to require the intruding party to repair the public right-of-way using more stringent restoration standards such as those identified in Exhibit 9. This exhibit is a public right-of-way cost recovery study that includes a standard method for calculating the real costs of pavement cuts in New York, New York. Like the others that were reviewed, this one found that the most

disruption occurs, it will also increase the level of congestion, noise, air, and visual pollution in the area of the disruption.

Some of the effects of disruption are more difficult to determine, such as pollution, business losses, and increases in the number of accidents; but others such as staff time, delays, stops, costs of traffic control, and construction costs can more easily be measured. When costs can be determined, they should be allocated to those who directly benefit from the service provided. If the costs are not clearly identified, then some reasonable estimate might be made to reflect the societal cost of such disruptions.

The Committee determined that service providers should be given a reasonable amount of time to complete their projects. A grace period, as defined by the City, is deemed appropriate in that it recognizes that private and public utilities will need to periodically perform work within the public right-of-way. To encourage utility providers to complete work promptly, four disruption cost recovery methods, which are discussed below, have been identified as legitimate techniques for charging service providers for public right-of-way work that extends beyond the grace period.

#### Recommended Disruption Cost Recovery Method

*A minimal grace period, as determined by the City, that allows the intruding party a specified time for completing work within the public right-of-way after which the actual costs associated with disruption will be recovered based on the length of disruption.*

The first disruption cost recovery option was developed by the City of Kansas City, Missouri and is based on lane closures as a result of utility companies performing work within the public right-of-way (Exhibit 10). This disruption cost recovery option is logical in that it allows cities to recover their cost and provides utility companies with the incentive to complete their work as quickly as possible. There are other disruption cost recovery options for lane closures such as the one used by the City of Leawood, Kansas, where a simple flat fee (e.g., \$25) is charged each time a utility company requests closing a lane. There are variations to this lane closure approach including one used by the City of Toronto, Ontario, Canada where, in addition to the lane closure permit, a utility company is charged \$500 per day if a lane is closed during rush hour.

Exhibit 11 shows three additional disruption cost recovery methods including Option A, which takes into consideration the added wear and tear on local roads as a result of detours and increased travel distance caused by disruption of the public right-of-way. This cost recovery method uses the number of days of disruption, increased travel distance, average daily traffic, and a distress factor developed by the U.S. Department of Transportation Federal Highway Administration's 1997 Federal Highway Cost Allocation Study – Final Report to arrive at a disruption cost. Option A includes an example of this disruption cost recovery method assuming five and ten day disruptions with detours that increase the travel distance from one-quarter to one-half of a mile. The Committee agreed that this cost recovery method is appropriate where disruptions to the right-of-way result in detours.

Table 6

### ADMINISTRATIVE/MANAGEMENT COSTS

$$[(\text{Labor} + \text{Indirect Costs}) \times \text{Time} + \text{Other Costs}] / \text{Units} = \text{Cost per Unit}$$

Hypothetical Example:

$$[(\$30,000 + \$21,000) \times 25\% + \$2,500] / 300 = \$51 \text{ per permit}$$

Assumptions:

- Salary (e.g., public works employee) = \$30,000
- Benefits = 45% of salary or \$13,500
- Administrative/Management Overhead = 25% of salary or \$7,500
- Other costs (e.g., permit forms) = \$2,500
- Time devoted to right-of-way management = 25%
- Units\* = 300 public right-of-way permits per year

*Units may include, but are not limited to, number of linear feet of street cuts per year and/or number of permits issued annually.*

In addition to public right-of-way cost recovery methods, this cost recovery plan recommends a utility coordination plan as an effective tool for minimizing and/or avoiding costs that may occur in the future as a result of public right-of-way intrusion. The Mid-America Regional Council and cities involved in the study recognize the importance of encouraging timely work, as well as recovering costs incurred due to right-of-way intrusions.

Although this study was designed to address public right-of-way cost recovery options, franchise, consumption, and license fees are also recognized as legitimate fee mechanisms for cities to impose on private companies for the use and occupancy of the public right-of-way.

This cost recovery plan has been developed so that cities can implement the necessary measures to better manage and control their public rights of way. It is recommended that the cost recovery plan include degradation, disruption, repair, and administrative/management cost recovery methods. These methods reflect the real costs allocable to users within the public rights of way, and they provide cities with a measurable standard on which cities can base their cost recovery plan.

This study concludes that the recommended cost recovery plan is an appropriate approach for cities to use to recover public right-of-way costs. The plan allocates public right-of-way costs to the providers and consumers of services using the public right-of-way rather than the general public. This plan can be implemented on its own or as a component of a model public right-of-way ordinance that may be considered by the Mid-America Regional Council and its member cities.

## APPENDIX C

PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
 RIGHT OF WAY PERMIT FEE SCHEDULE  
 (Revision February 19, 2009)

1. **Public Right-of-Way Improvement Permit Fee**

- |    |                                                                                                                                                                                                                                                         |                                                                                                                  |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| a. | Base permit fee for work in the public right-of-way                                                                                                                                                                                                     | \$60 (\$45)                                                                                                      |
| b. | Driveway repairs and installation and unimproved property improvements up to 5 feet by 5 feet                                                                                                                                                           | \$33 (\$25)                                                                                                      |
| c. | Fees for general right-of-way improvements. The permit fees for all utility work, sidewalk installation, street excavation, improvements to unimproved portions of public right-of-way, curb cuts, driveway installations, and repairs, are as follows: |                                                                                                                  |
|    | 200 lineal feet or less:                                                                                                                                                                                                                                | \$60 (\$45)                                                                                                      |
|    | 201 to 300 lineal feet:                                                                                                                                                                                                                                 | \$80 (\$60)                                                                                                      |
|    | 301 to 500 lineal feet:                                                                                                                                                                                                                                 | \$106 (\$80)                                                                                                     |
|    | 501 to 2500 lineal feet:                                                                                                                                                                                                                                | \$106 (\$80) plus \$18.00 (\$14) for each additional 100 linear feet or fraction thereof above 500 lineal feet.  |
|    | 2501 lineal feet: and above                                                                                                                                                                                                                             | \$480 (\$360) plus \$10.00 (\$8) for each additional 100 linear feet or fraction thereof above 2501 lineal feet. |
| d. | All other work: The permit fee for all other types of work in the public right-of-way, such as concrete structures, guard rail, slope protection, drainage channel work, roadway upgrading, etc.                                                        | \$60 (\$45)                                                                                                      |

2. **Construction inspection fee.** In addition to the permit fees listed above the following inspection fees are required:

- a. Five and one half percent, 5.5%, (5%) construction inspection fee is required for any and all construction, reconstruction, improvement, repair, modification or removal of any transportation or flood control improvements within a public right-of-way.
- b. Two and one half percent, 2.5%, (0%) construction inspection fee is required for any and all utility work within a public right-of-way.
- c. Addition inspections, plan reviews, release of assurances: \$50/hr (\$35/hr) or invoiced amount when out sourced.

The contractor shall provide to Pima County all necessary product material testing reports and product acceptance testing reports prepared by a materials testing laboratory approved by the Arizona Department of Transportation. The construction inspection fee is calculated based on the total cost of the construction covered under the permit. The construction inspection fee is in addition to the right-of-way permit fees listed above.

- 3. **Fax, mail-in, or email application:** No additional charge
- 4. **Oversize/overload vehicle permit:** \$20/single trip (\$15), one load; \$60/30-day permit (\$45).
- 5. **Permit renewal:** \$33 (\$25)
- 6. **Permit and right-of-way Work Standards Booklet** \$5.00 each (\$5)
- 7. **Permit applicability.** A permit covers only contiguous construction and the work to be done as one (1) continuous operation.
- 8. **Permit expiration.** Permits for work done pursuant to an approved subdivision improvement plan expire one hundred and eighty (180) days after the date of issuance. All other permits expire forty-five (45) days after the date of issuance. A permit may be renewed one time only, upon payment of the permit renewal fee. All right-of-way use permits must be renewed prior to or within 1 day after the date of permit expiration.
- 9. **Fee for commencement of work without a permit.** If any work within a public right-of-way is commenced prior to obtaining a permit, the fee for the permit is triple the applicable amount or \$1500 whichever is greater. The triple fee or \$1500 is not an offset to, or waiver of any costs, fines or penalties which may be assessed pursuant to Pima County Code Section 10.44.050.

10. **Pavement Degradation Fee (Cutting of Pavement).**

- a. Within one year prior to a County street improvement project where the roadway pavement and subgrade are to be removed and replaced ...  
.....No Charge
- b. Pavement cuts that form a 90- to 75-degree angle to the roadway centerline  
.....\$10 per square foot x Area of Influence  
  
(Area of influence = square feet of pavement cut plus an area that extends 3' beyond the cut.)
- c. All other pavement cuts that are restored in accordance with County Ordinance "Procedures for the Issuance of Right-of-way Permits and Regulations of Work Under Permit" .....No Charge

11. **Pavement Degradation Fee (Utility Features).** The pavement degradation fee applies when utility features such as manholes, valves, pull boxes, drain valve assemblies, meter boxes, and other similar type features are placed within pavement. The pavement degradation fee is \$500 per utility feature. Utility features located within 3 feet of each other shall be considered as one feature.

12. **Fee Exemption.** Pima County Department of Transportation is exempt from the above fees.

APPENDIX D

EXHIBIT 1D  
RIGHT-OF-WAY COST RECOVERY FEE  
Utilities Only

PUBLIC INQUIRES AND COMPLAINTS

Transportation Engineering:

Civil Engineer Manager, \$75/hr x 0.25 hrs/wk x 52 wk/yr .....	<u>\$ 975</u>
Total Annual Cost	\$ 975

Maintenance and Operations Division:

Public Works Manager, \$57/hr x 0.5 hrs/wk x 52 wk/yr .....	<u>\$ 1,482</u>
Total Annual Cost	\$ 1,482

Field Engineering Division:

Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	\$ 533
Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	\$ 533
Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	\$ 533
Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	\$ 533
Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	\$ 533
Public Works Inspector, \$41/hr x 0.25 hrs/wk x 52 wk/yr .....	<u>\$ 533</u>
Total Annual Cost	\$ 3,198

Community Relations:

Community Relations Manager, \$59/hr x 0.5 hrs/wk x 52 wk/yr .....	\$ 1,534
Community Relations Specialist, \$45/hr x 1.0 hrs/wk x 52 wk/yr .....	<u>\$ 2,340</u>
Total Annual Cost	\$ 3,874

MAINTENANCE

Grading during rainy season (June – September)

Maintenance and Operations

Public Works Division Manager, \$90/hr x .50 hrs/wk x 16 wk/yr .....	\$ 720
Public Works Supervisor, \$50/hr x 1 hrs/wk x 16 wk/yr .....	\$ 800
Public Works Supervisor, \$50/hr x 1 hrs/wk x 16 wk/yr .....	\$ 800
Public Works Supervisor, \$50/hr x 1 hrs/wk x 16 wk/yr .....	\$ 800
Public Works Supervisor, \$50/hr x 1 hrs/wk x 16 wk/yr .....	\$ 800
Equipment Operator, \$50/hr x 2 hrs/wk x 16 wk/yr .....	\$ 1,600
Equipment Operator, \$50/hr x 2 hrs/wk x 16 wk/yr .....	\$ 1,600
Grader, \$60/hr x 2 hrs/wk x 16 wk/yr x 2 .....	<u>\$ 3,840</u>

Total Annual Cost \$ 10,960

UTILITY COORDINATION

Transportation Engineering:

Public Works Division Manager, \$87/hr x 1 hrs/wk x 52 wk/yr .....	\$ 4,524
Civil Engineer Manager, \$75/hr x 20 hrs/wk x 52 wk/yr .....	\$ 78,000
Public Works Manager, \$53/hr x 16 hrs/wk x 52 wk/yr .....	\$ 44,096
Consultant Utility Coordinator, \$70/hr x 7 hrs/wk x 52 wk/yr x 4 .....	\$101,920
Project Manager, \$90/hr x 1 hrs/wk x 52 wk/yr x 20 .....	<u>\$ 93,600</u>

Total Annual Cost \$ 322,140

Traffic Engineering Division:

Project Manager, \$77/hr x 1 hrs/wk x 52 wk/yr x 4 .....	\$ 16,016
Consultant Utility Coordinator, \$70/hr x 1 hrs/wk x 52 wk/yr x 4 .....	<u>\$ 14,560</u>

Total Annual Cost \$ 30,576

Maintenance and Operations Division:

Division Manager, \$89/hr x 0.5 hrs/wk x 52 wk/yr .....	\$ 2,314
Public Works Manager, \$57/hr x 1 hrs/wk x 52 wk/yr .....	\$ 2,964
Public Works Manager, \$57/hr x 1 hrs/wk x 52 wk/yr .....	<u>\$ 2,964</u>

Total Annual Cost \$ 8,242

Field Engineering Division:

Public Works Division Manager, \$92/hr x 0.5 hrs/wk x 52 wk/yr .....	\$ 2,392
Program Manager, \$46/hr x 10 hrs/wk x 52 wk/yr .....	\$ 23,920
Senior Public Works Inspector, \$41/hr x 3 hrs/wk x 52 wk/yr x 3 .....	\$ 19,188

Public Works Manager, \$48/hr x 3 hrs/wk x 52 wk/yr .....	\$ 7,488
Right-of-way Utility Officer, \$34/hr x 40hrs/wk x 52 wk/yr .....	\$ 70,720
Total Annual Cost	\$ 123,708

Public Works Project Delivery:

Program Manager, \$80/hr x 1 hrs/wk x 52 wk/yr x 2 .....	\$ 8,320
Consultant Utility Coordinator, \$70/hr x 7 hrs/wk x 52 wk/yr x 2.....	\$ 50,960
Total Annual Cost	\$ 59,280

MONTHLY UTILITY COORDINATION MEETING

Transportation Engineering:

Civil Engineer Manager, \$75/hr x 0.3 hrs/wk x 52 wk/yr .....	\$ 1,170
Consultant Utility Coordinator, \$70/hr x 0.1 hrs/wk x 52 wk/yr x 20..	\$ 7,280
Total Annual Cost	\$ 8,450

Traffic Engineering Division:

Project Manager, \$77/hr x 0.2 hrs/wk x 52 wk/yr .....	\$ 800
Total Annual Cost	\$ 800

Public Works Project Delivery:

Consultant Utility Coordinator, \$70/hr x 0.1 hrs/wk x 52 wk/yr x 2...	\$ 728
Total Annual Cost	\$ 728

PROJECT INFORMATION DISTRIBUTION

Transportation Engineering:

Civil Engineer Manager, \$75/hr x 0.1 hrs/wk x 52 wk/yr .....	\$ 390
Administrative Support Specialist, \$31/hr x 1 hrs/wk x 52 wk/yr .....	\$ 1,612
Plan reproduction and delivery (1300 sht/proj x \$1.2 x 4 proj).....	\$ 6,240
Total Annual Cost	\$ 8,242

Review of Utility Relocation Plans

Transportation Engineering:

Civil Engineer Manager, \$75/hr x 1 hrs/wk x 52 wk/yr .....	\$ 3,900
Public Works Manager, \$53/hr x 1 hrs/wk x 52 wk/yr .....	\$ 2,756
Consultant Utility Coordinator, \$70/hr x 1 hrs/wk x 52 wk/yr x 4.....	\$14,560

Total Annual Cost \$21,216

Traffic Engineering:

Senior Civil Engineer Assistant, \$58/hr x 1.5 hrs/wk x 52 wk/yr .....\$ 4,524  
Total Annual Cost \$ 4,524

Field Engineering

Senior Civil Engineer Assistant, \$58/hr x 1.5 hrs/wk x 52 wk/yr .....\$ 4,524  
Total Annual Cost \$ 4,524

MAPPING OF UTILITY INFORMATION (CIP)

Transportation Engineering Division:

Public Works Manager, \$53/hr x 2 hrs/wk x 52 wk/yr .....\$ 5,512  
Consultant CADD Operator, \$45,000/project x 4 project/yr ..... \$180,000  
Total Annual Cost \$ 185,512

BRIDGE INSPECTION

Transportation Engineering Division:

Civil Engineer Manager, \$80/hr x 2 hrs/wk x 10 wk/yr .....\$ 1,600  
Total Annual Cost \$ 1,600

LEGAL SERVICES

County Attorney's Office:

Legal Services Operating Budget Transportation, \$406,558x10% \$ 40,656  
Total Annual Cost \$ 40,656

TABLE 1D. RIGHT-OF-WAY COST RECOVERY ANNUAL FEE

Utility Company	Linear Feet	Percentage	Fee Amount
AJO IMPROVEMENT COMPANY	154,260	0.3544%	\$ 2,979.54
ANWAY MANVILLE LLC	20,485	0.0471%	\$ 395.67
ARIVACA TOWNSITE COOPERATIVE WATER CO.	7,800	0.0179%	\$ 150.66
ARIZONA WATER COMPANY	1,118,749	2.5704%	\$ 21,608.72
AVRA WATER CO-OP INC.	421,661	0.9688%	\$ 8,144.41
COMMUNITY WATER COMPANY OF GREEN VALLEY	779,410	1.7907%	\$ 15,054.36
DIABLO VILLAGE WATER CO.	83,246	0.1913%	\$ 1,607.90
EMPIRITA WATER COMPANY, L.L.C.	2,000	0.0046%	\$ 38.63
FRANCESCA WATER CO.	4,950	0.0114%	\$ 95.61
GREEN VALLEY DOMESTIC WATER IMPROVEMENT DISTRICT	48,178	0.1107%	\$ 930.57
LA CASITA WATER CO. INC.	5,167	0.0119%	\$ 99.80
LAGO DEL ORO WATER CO.	426,896	0.9808%	\$ 8,245.53
LAZY C WATER SERVICE	50,458	0.1159%	\$ 974.60
LOS CERROS WATER CO. INC.	82,296	0.1891%	\$ 1,589.55
LYN LEE WATER CO.	32,894	0.0756%	\$ 635.35
MARANA DOMESTIC WATER IMPROVEMENT DISTRICT	138,263	0.3177%	\$ 2,670.57
MIRABELL WATER CO. INC.	12,942	0.0297%	\$ 249.98
MT. LEMMON DOMESTIC WATER IMPROVEMENT DISTRICT	39,864	0.0916%	\$ 769.98
QUAIL CREEK WATER CO. INC.	95,516	0.2195%	\$ 1,844.90
RANCHO DEL CONEJO COMMUNITY WATER CO-OP INC.	51,332	0.1179%	\$ 991.48
RAY WATER CO.	103,259	0.2372%	\$ 1,994.45
REDROCK UTILITIES	61,400	0.1411%	\$ 1,185.95
RINCON CREEK WATER CO.	2,200	0.0051%	\$ 42.49
RINCON RANCH ESTATES WATER CO., INC.	62,751	0.1442%	\$ 1,212.04
RINCON WATER CO.	83,410	0.1916%	\$ 1,611.07
SAGUARO WATER COMPANY	179,725	0.4129%	\$ 3,471.40
SAHUARITA WATER COMPANY	278,979	0.6410%	\$ 5,388.50
SANDARIO WATER CO. INC.	58,061	0.1334%	\$ 1,121.45
SPANISH TRAIL WATER COMPANY	62,580	0.1438%	\$ 1,208.74
THIM UTILITY CO.	20,340	0.0467%	\$ 392.87
THIM WATER CORP.	56,555	0.1299%	\$ 1,092.36
VIVA DEVELOPMENT CORP.	2,000	0.0046%	\$ 38.63
WHY UTILITY CO.	31,522	0.0724%	\$ 608.85
JANICE E & LAWRENCE WORDEN	6,830	0.0157%	\$ 131.92
TOWN OF MARANA/MARANA WATER	81,288	0.1868%	\$ 1,570.08

TABLE 1D. RIGHT-OF-WAY COST RECOVERY ANNUAL FEE

Utility Company	Linear Feet	Percentage	Fee Amount
EL PASO NATURAL GAS CO.	500,000	1.1488%	\$ 9,657.54
FARMERS WATER CO.	238,362	0.5476%	\$ 4,603.98
SOUTHWEST TRANSMISSION COOPERATIVE, INC.	500,000	1.1488%	\$ 9,657.54
COOPERATIVE INC.	2,000	0.0046%	\$ 38.63
TRICO ELECTRIC COOPERATIVE INC.	3,604,656	8.2818%	\$ 69,624.18
TUCSON ELECTRIC POWER CO.	7,487,040	17.2017%	\$ 144,612.70
ARIZONA PUBLIC SERVICE	399,696	0.9183%	\$ 7,720.16
FLOWING WELLS IRRIGATION DISTRICT	224,453	0.5157%	\$ 4,335.33
METRO WATER IMPROVEMENT DISTRICT	1,432,834	3.2920%	\$ 27,675.29
ORO VALLEY WATER UTILITY	2,000	0.0046%	\$ 38.63
SFPP LIMITED PARTNERSHIP	500,000	1.1488%	\$ 9,657.54
SOUTHWEST GAS	11,348,304	26.0731%	\$ 219,193.29
SULPHUR SPRINGS VALLEY ELECTRIC CO-OP INC	104,544	0.2402%	\$ 2,019.27
DATELAND WATER COMPANY	7,814	0.0180%	\$ 150.93
VAIL WATER COMPANY	645,796	1.4837%	\$ 12,473.59
MIDVALE TELEPHONE EXCHANGE INC.	52,800	0.1213%	\$ 1,019.84
QWEST	10,864,656	24.9619%	\$ 209,851.59
TABLE TOP TELEPHONE CO.INC	292,512	0.6721%	\$ 5,649.89
CORTARO MARANA IRRIGATION DISTRICT	390,192	0.8965%	\$ 7,536.59
QUINTAS SERENAS WATER COMPANY	20,000	0.0460%	\$ 386.30
COMCAST	20,000	0.0460%	\$ 386.30
COX	20,000	0.0460%	\$ 386.30
MEDIACOM	20,000	0.0460%	\$ 386.30
NEXTG	20,000	0.0460%	\$ 386.30
SPRINT/NEXTEL	20,000	0.0460%	\$ 386.30
TIME WARNER	20,000	0.0460%	\$ 386.30
VALLEY TELEPHONE	20,000	0.0460%	\$ 386.30
VERIZON	20,000	0.0460%	\$ 386.30
AT&T	20,000	0.0460%	\$ 386.30
IXC	20,000	0.0460%	\$ 386.30
LEVEL 3 COMMUNICATIONS	20,000	0.0460%	\$ 386.30
WILLIAMS COMMUNICATION	20,000	0.0460%	\$ 386.30
<b>TOTAL</b>	<b>43,524,926</b>	<b>100.0000%</b>	<b>\$ 840,687.00</b>