

**CITY COUNCIL COMMUNICATION 98-033  
JANUARY 26, 1998 AGENDA**

**SUBJECT:**

**DISCUSSION OF PROPOSED  
RIGHT-OF-WAY MANAGEMENT  
ORDINANCE**

**SUBMITTED BY:**

**PAMELA MCADAMS  
ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER**

**SYNOPSIS –**

The City Manager's Office and the Legal and Engineering Departments have developed a proposed right-of-way management ordinance, as well as a proposed ordinance for the licensing of telecommunication uses in our rights-of-way. The City Manager, Corporation Counsel, and the City Engineer will make a presentation on the ordinances at the January 26, 1998 meeting.

**FISCAL IMPACT –**

N/A

**RECOMMENDATION –**

**Receive and File**

**BACKGROUND –**

The passage of the Telecommunications Act of 1996, and the granting of 16 certificates of public convenience and necessity to local telephone service providers by the Iowa Utilities Board to provide local exchange service in Des Moines, means we must develop detailed procedures and regulations for maintaining the integrity of our public rights-of-way.

The City should be clear on what actions are expected of the utilities. We should have guidelines in place for the entire right-of-way process. It is in the public interest for utility facilities to be accommodated on City rights-of-way when such use and occupancy do not adversely affect the safety, construction, maintenance, and operation of those rights-of-way.

The City must establish control of the right-of-way to ensure that a safe travel environment is maintained, that the integrity of other facilities in the right-of-way is not compromised, and that the best use is made of this resource. Council will be provided with proposed ordinances for consideration to accomplish these goals.

Upon Council direction, the ordinances will be shared with industry representatives to obtain their input and suggestions. The ordinances will be placed before the City Council in February for formal consideration and for public hearing, if deemed desirable.