

Submitted by: Assembly Members Weddleton
and Dunbar

Reviewed by: Assembly Counsel

For reading: July 28, 2020

**ANCHORAGE, ALASKA
AO No. 2020-83**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO**
2 **DECREASE THE COST OF RESIDENTIAL DEVELOPMENT AND SUPPORT**
3 **AFFORDABILITY OF HOUSING CONSTRUCTION BY EASING THE USE OF**
4 **MUNICIPAL RIGHTS OF WAY THROUGH AMENDMENTS TO ANCHORAGE**
5 **MUNICIPAL CODE TITLE 24.**
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8 **WHEREAS**, it is in the interest of the Municipality of Anchorage to facilitate
9 development that can provide cost effective homes and infrastructure to its
10 residents; and

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12 **WHEREAS**, home and infrastructure development can often impact or use
13 Municipal rights of way; and

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15 **WHEREAS**, protection of Municipal assets in the rights of way is important but can't
16 be our only priority in the use of rights of way;

17
18 **WHEREAS**, the Anchorage Assembly supports the efforts of individuals and entities
19 to investigate improved methods of burying underground utilities that lessen the
20 impact on existing underground facilities and reduce disruption to the community
21 and land surface; and

22
23 **WHEREAS**, the recent 'Hunker Down' and move to working at home due to COVID-
24 19 highlights the immediate need for improved internet service in some areas of
25 Anchorage; and

26
27 **WHEREAS**, the new roll-out of 5G cellular network service and the many public
28 complaints over damage to lawns from trenching to the microtowers suggests we
29 need an alternate way to install underground cables; and

30
31 **WHEREAS**, micro-trenching is an improved method for installing fiber-optic cable
32 to provide telecommunications services that reduces the impact on the existing
33 underground utilities and land surface with minimal impact to the community and,
34 by contrast to conventional earthwork trenching in easements that transit the yards
35 and driveways of the Municipality's residents, involves a shallower and narrower cut
36 that can be made either in the joint between curb/gutter and asphalt pavement,
37 within the roadway, or between the curb and sidewalk;

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39 **WHEREAS**, typical homes need a driveway that will ultimately require work that
40 overlaps the Municipal right of way. Where that work does not damage Municipal
41 assets in the right of way, there should be no extra cost or permitting burden on the
42 homebuilder and homeowner; now, therefore

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44 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2020.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM 443-2020

Meeting Date: July 28, 2020

1 **From: Assembly Members Weddleton and Dunbar**

2
3 **Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **TO DECREASE THE COST OF RESIDENTIAL DEVELOPMENT AND**
5 **SUPPORT AFFORDABILITY OF HOUSING CONSTRUCTION BY**
6 **EASING THE USE OF MUNICIPAL RIGHTS OF WAY THROUGH**
7 **AMENDMENTS TO ANCHORAGE MUNICIPAL CODE TITLE 24.**
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9 Microtrenching is a new way of installing fiber optic cables for better internet access.
10 This should be encouraged.

11
12 In recent years, and especially in recent months, Anchorage has seen dramatic
13 growth in telework, telehealth, distance education and home entertainment, resulting
14 in significant demand for bandwidth. To meet this demand requires building out
15 Anchorage's fiber network. This ordinance seeks to help that effort by endorsing
16 microtrenching as an accepted practice for fiber deployment.
17

18 Microtrenching differs from traditional trenching in that it is relatively shallow, typically
19 18 – 24 inches deep, and narrow, 1-2 inches wide. Further, installation is much
20 cleaner and less impactful, and can usually be completed in a manner of hours rather
21 than days. It is best employed on hard surfaces with stable subgrade, with flowable
22 fill providing a stable, sealed cap to maintain the integrity of impacted roadways,
23 gutters and parking lots. Ducting used in microtrenching provides multiple conduits
24 so that one installation can support multiple fiber cables and therefore multiple service
25 providers, thereby minimizing incursions.
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27 This technology has been employed throughout the United States, including northern
28 states like Minnesota, and has been approved by Fairbanks city & borough officials as
29 an accepted practice. Given that there are reasonable concerns about potential road
30 damage, already in code is a bond requirement to cover necessary repairs for two
31 years beyond installation.
32

33 Sites in Anchorage most amenable to microtrenching are often residential areas
34 where traditional trenching would disrupt driveways, lawns and gardens. Traditional
35 trenching would also increase both the duration and frequency of contact between
36 installation crews and residents, something the Assembly seeks to avoid for public
37 health reasons.
38

39 Because some roads in Anchorage were poorly constructed or are badly deteriorated,
40 close coordination between Street Maintenance and fiber installers is necessary to
41 ensure microtrenching can be employed effectively, and that problematic areas be
42 avoided. In adopting this ordinance, the Assembly respectfully encourages Municipal
43 departments embrace this coordination.

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Photos below show what the road looks like after microtrenching:



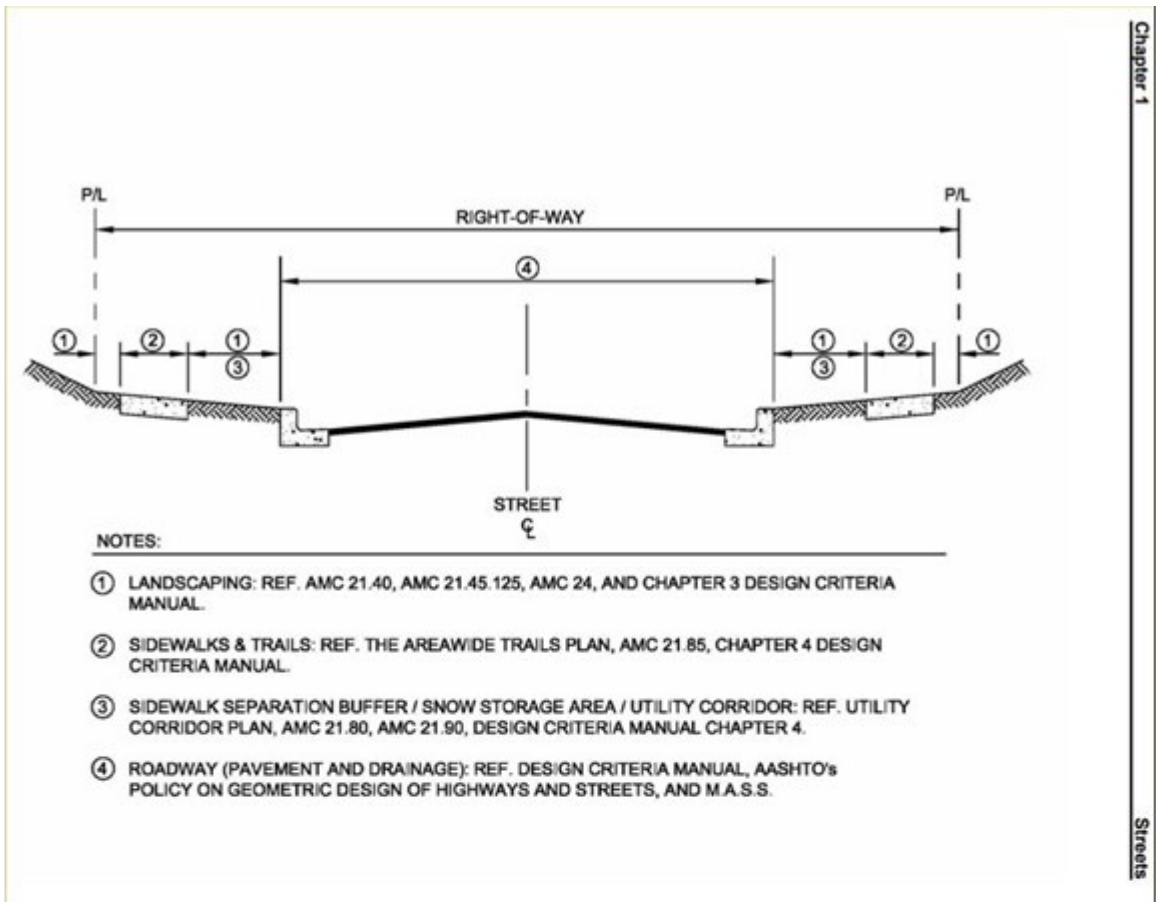
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Road Prism and Driveways

Permitting requirements for installing driveways that do not impact the road prism are a burden on builders that brings slight benefit to the municipality.

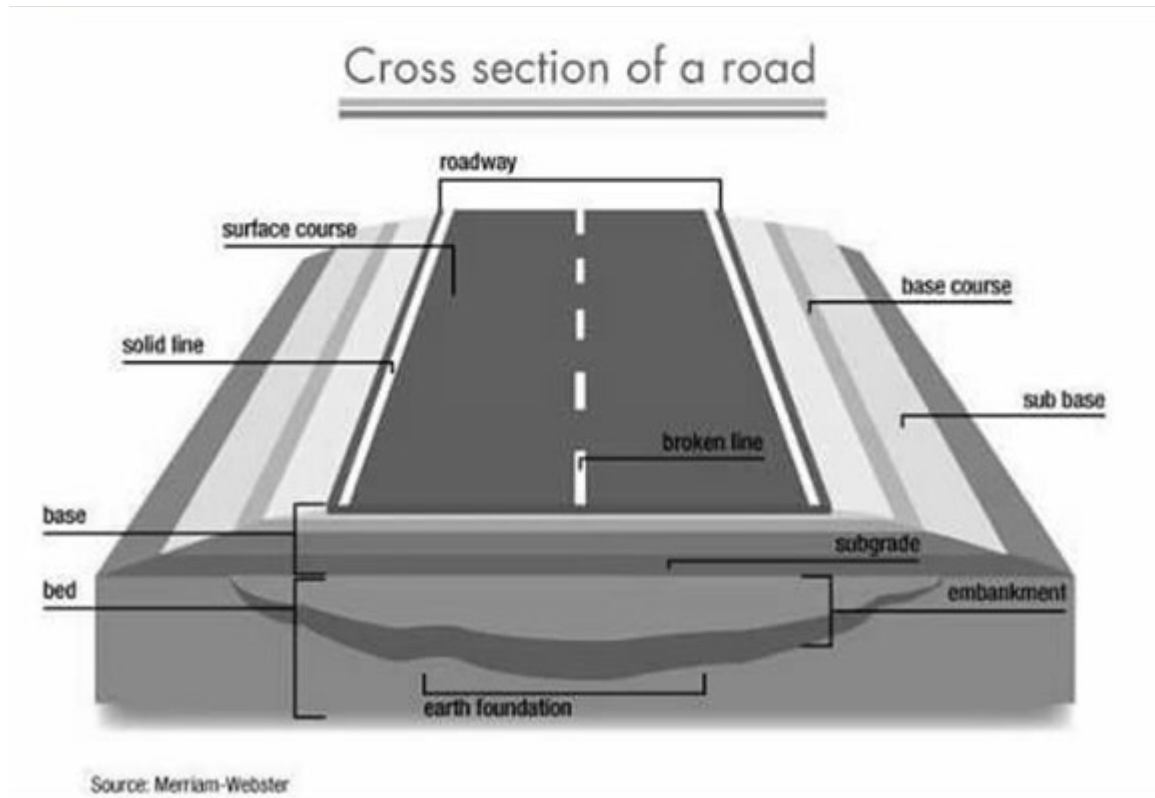
Often a road ROW extends to the outside edge of a sidewalk and beyond. It is not uncommon for a driveway to extend into the ROW. This triggers legitimate interest by the MOA in protecting the ROW when driveways are built. The MOA does not generally maintain the portion of the driveway that is in the ROW.

The 'road prism' includes the asphalt and concrete we see and also the base it is built on. That base extends at an angle underground, out of sight, beyond the width of the asphalt. It is important to protect that base. Generally, installing a driveway including the base does not impact the road prism.



Chapter 1

Streets



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Current rules require a ROW permit in these cases. To obtain a ROW permit, a

1 contractor must have a bond on file with the MOA. Most builders do not have this
2 bond as this work is typically done by the excavation subcontractor. Also, the
3 contractor is required to provide two-day notice before work can begin causing
4 problems with coordinating the multiple contractors involved such as water and sewer
5 line installers, landscaping and paving.

6
7 After a subdivision is created and homes are being built there is a two-year warranty
8 period. After that has ended and the subdivision agreement closed, a ROW permit is
9 required to install a driveway for a new home. If the curb is rolled, a driveway
10 requires no work in the road prism. It is an unreasonable burden to require a permit
11 for simple adding a driveway.

12
13 **We request your support for the ordinance.**

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15 Respectfully submitted: John Weddleton, Assembly Member
16 District 6, South Anchorage, Girdwood, and Turnagain Arm

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18 Forrest Dunbar, Assembly Member
19 District 5, East Anchorage

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21 Attachments: Handout AG.22, Right-of-Way Reviews/Permits, Development
22 Services

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



Handout AG.22 Right-of-Way Reviews/Permits

Anchorage Municipal Code (AMC) Title 24.20.030 and 24.30.020 require anyone "using" the municipal Right-of-Way to obtain a Right-of-Way permit prior to the "use." This use includes driveway(s). Right-of-Way permits are required for driveways to existing (in-fill) lots and lots in new subdivisions. For the latter, an open subdivision meets this requirement.

Maintenance and repair of driveway surfacing occurring on private property, including staging of equipment, does not require a Right-of-Way Permit.

Pursuant to AMC 24.20.030, Right-of-Way Permits are required for all work in municipal rights of way. To comply with these requirements, a Building or Land Use Permit will not be issued until necessary Right-of-Way permits are issued.

REVIEWS

The following types of improvements (Partial Listing) require review by the Right-of-way Section to review for the impact on the right-of-way and road prism:

Driveways	Sump Discharges
Driveway Culverts	Water & Sewer Connects within the Right-of-way
Parking Lots	Curb Cuts
Storm Drain Connects	

RIGHT-OF-WAY PERMITS

All work within a public right-of way requires a Right-of-Way Permit. Applications for Right-of-way Permits must be accompanied by four (4) sets of plans and a .pdf electronic copy and shall be submitted to the Right-of-way Permits Section for approval prior to the start of any work. The plans shall clearly state the scope of work and that all work will be performed in accordance with Municipality of Anchorage Standard Specifications (MASS).

DRIVEWAYS

Right-of-way permits for driveways are applicable to the site location of the driveway and where other work is being done in the right-of-way relevant to the driveway.

- All driveways on streets or roads require right-of-way permits. Plans will be reviewed and stamped by right-of-way plan review for each driveway.
- A right-of-way permit is required prior to any "use" in the right-of-way. Work done in the right-of-way without benefit of permit will be assessed fines and fees in accordance with Anchorage Municipal Code (AMC) Titles 14 and 24.
- Right-of-Way Permits will be obtained prior to the building permit being issued. No right-of-way permit fee will be collected until the permit is issued.
- Right-of-way permits may be issued in winter conditions for access to construction sites, however construction and inspection of the driveway must be completed when the right-of-way is open. All driveways will be built to applicable standards established by Anchorage Municipal Code Titles 21.07.090, 21.10.070D, 24.20, 24.30, 24.50.010, Design Criteria Manual (DCM), Municipality of Anchorage Standard Specifications

(MASS), Municipality of Anchorage Traffic Department Driveway Standards and other applicable laws, codes, regulations, policies and standards.

- At least two working days before the work is commenced or resumed, the permittee shall **request to activate the permit at MOAROWRequests@muni.org** or call the ROW Contractor Line, 343-8206, with the following information (in accordance with AMC 24.30.150):
 - Provide permit number
 - Provide utility "One-Call" ticket number
 - Give notice of the time of commencement of the work
- A final Certificate of Occupancy (CO) for an associated building permit will not be issued until the final inspection and acceptance of the work in the right-of-way is completed. Where weather, other planned and permitted construction or other factors create excessive delay in completing work in the right-of-way, the Building Official may consider a performance bond, escrow or other measures to provide a CO for an associated building permit while work is still outstanding.
- Driveways shown on approved plans within an open Subdivision Agreement are considered part of the ROW permit for the subdivision and thus do not require separate permits. Driveway widths and other characteristics will be checked against the approved plans and the ROW condition documented during the Subdivision inspections for conformance with the Subdivision Agreement and applicable standards identified above. After a Notice of Completion has been issued to close the Subdivision Agreement, driveway ROW permits are required for new driveways.

ENCROACHMENT PERMITS

Any person desiring to construct an encroachment on a public right-of-way, or any other property dedicated to a public use, shall apply for a Right-of-Way Permit and Encroachment Permit. No construction may begin unless the permits have been approved and obtained. The following types of private improvements (Partial Listing) within the right-of-way require permits:

Fences
Landscaping Structures
Yard Lighting
Sidewalk Canopies
Retaining Walls

Submit plans for review **electronically at MOAROWRequests@muni.org** or at the Right-of-Way Counter, located near the front entrance of the Permitting Center, 4700 Elmore Road.



Robert Doehl, Building Official

DATE: June, 2019

(Ref. 96-01; 00-03, 01-02;04-03; 06-02, 03-08)