

**MOBILITY DEPARTMENT
RIGHT-OF-WAY PERMITTING SECTION
MAINTENANCE OF TRAFFIC & RIGHT-OF-WAY PERMITTING
AUDIT 24-07
JUNE 4, 2024**



City of Tampa

Jane Castor, Mayor

Internal Audit Department

315 E. Kennedy Boulevard
Tampa, Florida 33602
Office (813) 274-7159

June 4, 2024

Honorable Jane Castor
Mayor, City of Tampa
1 City Hall Plaza
Tampa, Florida

RE: Maintenance of Traffic & Right-of-Way Permitting, Audit 24-07

Dear Mayor Castor:

Attached is the Internal Audit Department's report on Maintenance of Traffic & Right-of-Way Permitting. We thank the management and staff of the Right-of-Way Permitting Section for their cooperation and assistance during this audit.

Sincerely,

/s/ Christine Glover

Christine Glover
Internal Audit Director

cc: John Bennett, Chief of Staff
Jean Duncan, Administrator of Infrastructure and Mobility
Dennis Rogero, Chief Financial Officer
Vik Bhide, Mobility Director
Margaret Kubilins, Smart Mobility Manager
Megan Birnholz, Assistant City Attorney

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/s/ Echiemeze Ofili

Senior Auditor

/s/ Vivian Walker

Lead Senior Auditor

/s/ Christine Glover

Audit Director

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BACKGROUND

The Right-of-Way Permitting Section (ROW) is responsible for the review and approval of permit applications for private and public construction, and maintenance activities that will have any impact on the City of Tampa (City) roadway assets. The most requested permits fall into the following categories:

- Sidewalk and driveway construction/repair, which takes place within the City ROW. This is regulated by a permit process to ensure optimal user safety.
- Utility construction and maintenance activities which are also regulated by permit.

STATEMENT OF OBJECTIVES

This audit was conducted in accordance with the Internal Audit Department's FY 2024 Audit Agenda. The objectives were to determine if:

1. The system of internal controls, for ROW, is adequate.
2. ROW employees and entities performing permitted activities are executing their tasks according to policies and procedures or approved terms and conditions.
3. Appropriate fees are being charged and collected for the different types of permits.
4. Performance metrics are accurate and relevant.

STATEMENT OF SCOPE

The audit period covered activity that occurred from March 1, 2023, through February 29, 2024. Assessments were conducted to determine whether ROW personnel were fulfilling their stated duties and responsibilities in an effective manner. The data used for this audit was generated from Accela Automation Software (System). The System was assessed in previous audits and the data was deemed reliable. Original records as well as copies were used as evidence and verified through observation and physical examination.

STATEMENT OF METHODOLOGY

The following steps were performed to achieve the audit's objectives:

- Evaluated internal controls related to permitting activities, including a review of policies and procedures, the shared micromobility program, and inspection procedures.
- Interviewed the Smart Mobility Manager, Supervisors, and appropriate personnel to understand their processes and created process flow.

- Reviewed ROW permitting practices to verify enforcement of its requirements for maintenance of traffic (MOT), traffic advisory procedures, restoration standards, and contractual agreements.
- Reviewed staff qualifications, certifications, and/or licenses and permit application attestations to verify that they satisfied regulatory requirements.
- Reviewed current permit fee schedule.

The following steps were performed to determine the accuracy and relevance of metrics reported:

1. Identified Accela as the source for metrics reported.
2. Reviewed data reliability testing for Accela generated data.
3. Traced reported data to Accela to determine accuracy.

STATEMENT OF AUDITING STANDARDS

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

NOTEWORTHY ACCOMPLISHMENTS

In February 2024, the ROW Permitting Team received ‘The Tampa Downtown Partnership Award’ for Emphasizing Pedestrian Safety in work zones. The team incorporated the standard practice of care in questioning how pedestrians and cyclists are accommodated in the work zone. The team has repurposed motorized lanes to designate them as safe areas for pedestrians and cyclists with water barrier separation.

AUDIT CONCLUSIONS

Based upon the work performed, and the audit recommendations noted below, we conclude that:

1. The system of internal controls, for ROW, is adequate. However, no formal policies and procedures have been developed for the Inspection, Forest Examiner Unit, and the Shared Micromobility Program.
2. ROW employees and entities performing permitted activities are executing their tasks according to policies and procedures or approved terms and conditions. However, construction work is being conducted without a permit and permits are being approved or issued after-the-fact.
3. While appropriate fees are being charged, the fee structure does not consider the time factor involved when access to the City’s assets is prevented during permitted activities.

4. Performance metrics are considered relevant but are not always accurately reported.

STANDARD OPERATING PROCEDURES

STATEMENT OF CONDITION: There is currently no formal standard operating procedures manual (SOP) that documents the daily operations of the MOT & ROW Inspections, Forester Examiner Unit, and Shared Micromobility Program.

CRITERIA: City Code of Ordinance (Code) Chapter 2-46 requires that all departments establish and maintain policies and procedures.

CAUSE: The relentless pressure of daily activities and other priorities were stated as the reasons why formal procedures have not been developed.

EFFECT OF CONDITION: Without formalized procedures, personnel may not be equipped to handle various scenarios, increasing the likelihood of errors, mishaps, or unsafe conditions on roadways. This could lead to serious consequences such as accidents involving workers or the public, legal liabilities, damage to property, and disruptions to traffic flow. Not formalizing procedures also results in loss of knowledge during personnel turnover.

RECOMMENDATION 1: ROW should ensure documenting and formalizing an SOP is given necessary priority along with daily activities by allocating time for the activity.

MANAGEMENT RESPONSE: Agree. The supervisor for ROW inspection will prepare additional SOPs for continuity and training across the inspectors. This will hold value for us as we differentiate between Tech IIs and Tech IIIs. Also, the ROW Permit Arborist started less than a year ago as a dedicated Forest Examiner for ROW Permitting. They will be able to write SOPs for training purposes.

ROW Permitting is currently working on formally documenting the process and writing an SOP for Shared Micromobility.

TARGET IMPLEMENTATION DATE: June 30, 2024.

PERMITTING ACTIVITIES

STATEMENT OF CONDITION: Our review of ROW permitting activities showed construction works were being completed on the City ROW without permits or, in some instances, issued after the fact.

CRITERIA: All private construction and/or maintenance activities, that take place within the City ROW, are subject to oversight by the City. This is accomplished via a permit application and review process. Sidewalk and street closures require MOT plans to be submitted with the ROW permit applications.

CAUSE: The condition is primarily due to the prescribed enforcement mechanisms by the Code not being enforced by the ROW.

EFFECT OF CONDITION: Lack of compliance with the Code, and absence of documented procedures for implementing critical business objectives, can result in required actions being omitted or inefficient operations.

RECOMMENDATION 2: Management should strengthen enforcement procedures to actively monitor and penalize unauthorized work in the City ROW. Strictly enforce the mandated consequences for commencing work without permits, such as fines, work stoppages, or mandated corrective actions.

MANAGEMENT RESPONSE: The Division will perform a review of the code and identify specific process(es) for enforcement.

TARGET IMPLEMENTATION DATE: March 31, 2025.

INTERDEPARTMENTAL COORDINATION

STATEMENT OF CONDITION: A review of the ROW permitting workflow showed that improvement is needed in the coordination process with other City departments. The previous audit of Transportation and Stormwater Services - Operations and Maintenance (Audit 15-13) discussed a need for better “collaboration between ROW permitting and Construction permitting.”

During this review the following deficiencies were identified:

- Individual City departments are issuing their own Traffic Advisories for road/lane closures on functional and/or classified roads.
- Certificates of Occupancy are being issued without ROW inspections for construction activities that impact City roadways. Construction activities affect roads, sidewalks, curbs, and underground utilities when done without appropriate inspection for compliance.

CRITERIA: ROW should be notified if construction will occur in the City’s right-of-way so that plans can be properly reviewed, and inspections completed. Collaboration with other City departments will reduce the disruption to the traffic flow from having multiple permits issued for the same site location. Additionally, collaboration will improve the proper restoration of sites in compliance with City standards, while minimizing liability to the City.

CAUSE: The lack of management collaboration and coordination with other departments to streamline processes.

EFFECT OF CONDITION: The risk of overlapping permits and disruptions to traffic flow leading to potential overlaps in permitted work and improper restoration of site. Multiple road closures and lane restrictions happening simultaneously, without proper coordination, increases congestion on alternate routes as drivers are forced to find detours. This can lead to public frustration and erode trust in City management.

RECOMMENDATION 3: Management should consider the integration of processes, systems, and communication channels among various City departments involved in ROW permitting.

MANAGEMENT RESPONSE: Each item is addressed independently below.

1. Having individual departments (Water and Wastewater) issue their own TAs is necessary to manage the workload and leading the effort under emergency response. This process will change with the approval of the agreement with one.network by City Council on April 18, 2024. This platform will replace the need for TAs within the next six months.
2. ROW will continue to work with Development Services to allow for this enforcement. To date, legal issues have been presented to ROW Permitting regarding this practice.

ROW will perform additional investigations and prepare formal documentation of what can be done.

TARGET IMPLEMENTATION DATE: October 31, 2024

RIGHT OF WAY PERMIT FEE STRUCTURE

STATEMENT OF CONDITION: A review of the ROW permit fee structure showed that current permit fees do not consider the time factor involved when access to City assets (such as sidewalks and bike lanes) is prevented during permitted activities. For example, the fee for a permit issued for one day is the same as the fee, for the same area, for one year. The only circumstance that allows charging an additional fee is if a permit extension is requested.

CRITERIA: Pursuant to Sections 22-46 and 25-456 of the Code, the City is authorized to set fees, by resolution, associated with ROW utility maintenance, permit issuance, reinspection, and traffic control services. [Resolution 2022-638].

CAUSE: The current fee structure has not been adjusted to reflect changes in the cost of maintaining City assets.

EFFECT OF CONDITION: Loss and degradation of a roadway's pavement condition index due to the excessive traffic being routed to other roadways.

RECOMMENDATION 4: Management should survey similar municipalities for permit fee best practices. Also, a comprehensive data analysis to assess the actual cost associated with the use of City roadway assets may be useful for setting fees for different permit durations.

MANAGEMENT RESPONSE: Agreed. ROW Permitting is currently working with a consultant on evaluating the ROW Fee Schedule. Changes in the Fee Schedule require a code change as well.

TARGET IMPLEMENTATION DATE: May 31, 2025 – may need to be extended due to the code change.

ENTERPRISE PERFORMANCE METRICS

STATEMENT OF CONDITION: Currently, ROW reports the following metrics to the public, primarily as information of activity volume:

Applications Submitted by Month – volume of applications processed in the month
Inspection Tasks by Month – review safety of the setup of temporary traffic control
Permit Fees Paid by Month – fees paid for activity within the ROW (monthly)
ROW Permit Fees Paid by Fiscal Year - fees paid for activity within the ROW (annually)
Permits Issued by Fiscal Year – ROW permits started and issued in the year.

The reported numbers for applications submitted by month, inspection tasks by month, and permits issued by fiscal year being reported on Tampa.Gov were reviewed for accuracy. These activities were selected due to the potential for establishing goals that would monitor performance.

The review for accuracy was based on a comparison between the data reported on Tampa.Gov and permit activity in Accela. There were several discrepancies identified in all activity types reviewed.

CRITERIA: Performance metrics help guide and gauge the effectiveness and/or efficiency of a process.

CAUSE: Management indicated no targets had been developed due to uncertainty about what should be monitored. There is no internal review or other quality assurance process to verify accuracy of data before posting.

EFFECT ON CONDITION: Management may not be aware of potential systemic problems related to ROW activities that could be identified when monitoring is in place.

RECOMMENDATION 5: Management should develop goals for the identified areas within ROW to measure performance. Once developed, a quality assurance process should be implemented to determine compliance with the goals.

MANAGEMENT RESPONSE:

1. ROW will research and set targets suitable for the workflow. We welcome further discussion on discovering and setting goals that are within our control.
2. Quality concerns will be investigated, and a process established to ensure the accuracy of published data.

TARGET IMPLEMENTATION DATE: October 31, 2024.