

MUNICIPAL AUDITING REPORT CITY OF ROANOKE



Right-of-Way Records Investigation

June 10, 2019

Report Number: 19-008
Audit Plan Number: 19-317

*Municipal Auditing Department
Chartered 1974*

www.roanokeva.gov/auditing
Phone 540.853.5235

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SUMMARY OF COMPLAINT

Reporter concerned that mowing in the right of way in the 2100 block of Stephenson Avenue, SW appeared not to have been performed since the fall of 2018, but was told City records showed the street had been mowed on May 2, 2019.

INVESTIGATION OBJECTIVES & SCOPE

Investigation Objectives:

1. To determine if the right of way in question was in fact mowed on May 2 and if the City's records were either mistakenly or intentionally falsified.

Unsubstantiated – The right of way mowing crew had mowed a narrow strip of the right of way in most of the 2100 block of Stephenson Avenue this Spring. As can be seen in the photographs included with this report, the height of the grass closest to the street is noticeably shorter than the grass on the adjoining private property. Due to vacancies, only one tractor was used on May 2, 2019. Therefore, the area mowed was narrower than historical cuts on this street using two tractors and what may have been expected for one five foot mowing deck.

Investigation Scope:

We reviewed Transportation Division right of way mowing records as of May 22, 2019. We interviewed the responsible crew leader and supervisor, as well as the Manager of Transportation. We physically observed the mowing performed on Stephenson Avenue as well as other street segments on May 22 and May 23, 2019.

End of Investigation Objectives & Scope

BACKGROUND

Per the Transportation Division's website, landscape maintenance in the transportation corridor is one area of its responsibility. The Division's focus is to improve the appearance, ride-ability, and safety of the City's streets and rights-of-way thereby enhancing the City's image, mobility, and property values. The Landscape Maintenance group is responsible for maintaining the City's medians and rights of way (ROW), including:

- Mowing
- Controlling and abating weeds
- Maintaining turf
- Collecting litter
- Mulching
- Pruning

City code section 33-17 specifies that property owners are responsible for maintaining public right of way that adjoins their property. The code does not provide any exceptions for extreme slopes or other hazards that might have been created by the design and layout of the street and public right of way. However, the Transportation Division has traditionally mowed right of way adjoining several privately owned residential and commercial properties. No formal criteria have been documented for determining when the city assumes responsibility for mowing right of way. VDOT's highway funding policies do not explicitly require cities to mow rights of way, but do list right of way mowing as an eligible expense. Overall, the Division currently mows over 700 specific segments of street and highway rights of way.

A crew of four tractor operators is responsible for mowing the identified segments, and when fully staffed has a goal of completing the list within a 28 calendar day cycle. The crew uses large tractors with A-Boom and Sidehog attachments to perform the mowing. Two (2) positions were vacant at the time of our investigation and the cycle was taking ~ 30 calendar days to complete. The crew leader enters the segments completed into a departmental spreadsheet at the end of each work day.

Two (2) crew supervisors coordinate the work of the various landscape maintenance crews, including the right of way tractor crew. The supervisors monitor compliance with safety protocols and performance standards, and fill in when crews are short-staffed. A Landscape Coordinator oversees the Landscape Maintenance group and reports to the Manager of Transportation.

End of Background

Objective 1: Right of Way Records

Allegation:

The City's records showing right of way mowed in the 2100 block of Stephenson Avenue were incorrect and potentially falsified.

Unsubstantiated.

Overview:

We interviewed the person who leads the right of way tractor crew and is responsible for recording the street segments mowed each day. We also talked with the crew supervisor who oversees median and right of way maintenance. Their testimony was that the right of way on Stephenson was mowed on May 2, 2019. They provided a picture of the right of way showing the grass nearest the street was shorter and indicative of having been mowed this season (Exhibit 1). They explained that this section of Stephenson would normally have been mowed by two tractors, each with 5 foot side decks. Due to a vacant position, only one tractor was available, substantially reducing the cut area. Photographs that our auditors took of the street on May 22 also show this cutline (Exhibits 2, 3 and 4).

A spreadsheet listing all 742 street segments that are to be mowed by the right of way tractor crew and the dates on which mowing was performed is maintained by the crew leader. The Stephenson segment from Broadway to McClanahan was marked as mowed May 2. There were a total of 56 segments mowed on May 2, covering parts of the Central Business District, Norwich and Mountain View, Virginia Western Community College, Southern Hills, and South Roanoke.

Street segments are organized into zones based on relative location to one another. The Equipment Operators drive their tractors from the Public Works Service Center to the areas to be mowed and back each day. Operators verbally report the segments completed to the Crew Leader at the end of the day, which she then records in the spreadsheet. The spreadsheet is the only record of right of way mowed.

Based on employee testimony, our observations of Stephenson Avenue and other streets in the area, as well as our discussions with management, the mowing records appear to be correct. As can be seen in the photographs we have included with this report, the May 2 mowing was narrower than historical cuts using two tractors and what may have been expected for one five foot mowing deck.

We noted that city code assigns responsibility for mowing right of way to adjoining property owners. It could be argued that the right of way in question should be maintained by those businesses on Franklin Road whose property backs up to Stephenson Avenue. Much of the

landscape visible through this stretch of Stephenson over to Franklin Road is beyond the right of way and should be maintained by the property owners in accordance with the City's weed ordinance.

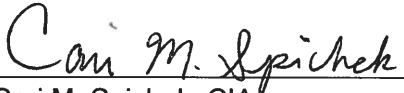
End of Objective 1

MANAGEMENT COMMENTS

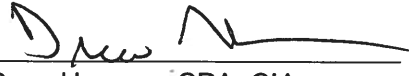
None provided

ACKNOWLEDGEMENTS

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Cari M. Spichek, CIA
Senior Auditor



Drew Harmon, CPA, CIA
Municipal Auditor