



(DOT) Street Light Program

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1. PURPOSE

The Cobb County Street Light Program is governed by section 106-26 through 106-68 of the County Code (and as hereafter amended). This document supplements the Code and provides more specific direction and detail regarding processes to be used in management of the Program.

The overall objectives of the Program are to ensure that all new developer built roadways are properly illuminated, to coordinate a process to illuminate existing roads, and to provide general illumination as needed to enhance roadway safety.

2. SCOPE

This policy applies to all County agencies, elected offices, departments, full-time, part-time and non-employees (temporary employees, volunteers, service providers, vendors, contractors, and any other entities) that engage in activities related to roadway illumination along County roads, such as development activities for new neighborhoods, existing neighborhoods seeking installation of street lighting, and intersection and safety lighting activities. If you have questions regarding this policy, contact the DOT Director.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Georgia Open Records Act	O.C.G.A. 50-18-70, et Seq.
Official Code of Cobb County	Sec. 106-26 - 106-82
Georgia Archives as adopted by County Code	https://www.georgiaarchives.org/records/retention_schedules
And all other applicable laws and regulations	

4. DEFINITIONS

N/A

5. POLICY

The Cobb County Street Light Program is governed by section 106-26 through 106-68 of the County Code (and as hereafter amended). This document supplements the Code and provides more specific direction and detail regarding processes to be used in management of the Program.



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Section One – General

1) Program Structure and Management

a) Structure

The Program will have two components with similar goals and two separate funding sources. Each component will have as its goal to illuminate County roadways to enhance nighttime visibility and safety. The two components are defined as Intersection and Safety Lighting and Street Light District Lighting.

- i) Intersection and Safety Lighting will be provided by the County and funded by revenue allocated from the General Fund. Lighting installed will be for the mutual benefit of all of the County's residents. Lighting funded from the General Fund will include, but not be limited to, lighting at all signalized intersections, lighting at multi-way stop condition intersections located outside of street light districts, lighting along segments of road where accident statistics suggest illumination can improve conditions, lighting at fire stations, public schools, hospitals or other locations deemed to have safety or operational issues that can be improved by the provision of lighting. Each year, the County will allocate from its General Fund, monies to provide for the operation of all lights installed in this category.
- ii) Street Light District Lighting shall consist of neighborhoods or sections of roadways where lighting is provided for the primary benefit of a defined group of property owners. Each street light district shall be established by the Board of Commissioners utilizing the processes in the Street Light Ordinance (Sections 106-26 through 106-68 of the County Code, as amended). Property owners within the districts will incur a fee, or service charge, for street lighting services. The fees will be collected by the Cobb County Water System, or others acting on behalf of the County, and shall be deposited in a Special Revenue Fund. Such funds will be used to pay for the costs of operating, repairing, replacing, and maintaining all street lighting within the various street light districts, and for the operational and administrative costs associated with the Program.

b) Management

The Program will be managed by a Program Administrator, Program Accountant, and Program Assistant/GIS Technician, or as otherwise approved by the Board of Commissioners.

- i) The Program Administrator will be responsible for the overall general management of both the Intersection and Safety component and Street Light District component of the Program.
- ii) The Program Accountant will be responsible for management of the Program's finances including but not limited to the funding allocated by the General Fund for Intersection and Safety Lighting, and revenue collected by the Water System from the street light districts and management of all Program expenses. The Accountant will be responsible for reviewing water system records to ensure that all monies are collected appropriately and all fund transfers are completed accurately. The Program Accountant will ensure that all payment plans are complied with so that street light installation costs are repaid by the respective citizens.
- iii) Program Assistant/GIS Technician will maintain the GIS-based database of street lights to ensure its accuracy, prepare lighting plans, assist with other databases and records and provide general assistance to help effectively administer the Program.

The salaries and fringe benefits of the personnel set forth above will be jointly funded by the Street Light District Fund and by the County's General Fund based on the Department of Transportation's internal



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time keeping system which enables the Department of Transportation to track personnel time allocated by task.

- 2) Overall Program Objectives, Responsibilities and Requirements
 - a) The overall objectives of the Program are to ensure that all new developer built roadways are properly illuminated, to coordinate a process to illuminate existing roads, and to provide general illumination as needed to enhance roadway safety.
 - b) All lights will be installed and maintained by the power companies providing power in the area where lights are to be installed. The County will pay to the power companies a monthly per light lease fee which will cover energy and maintenance.
 - c) Periodic analysis of the Program's costs and billings are required. The Program Administrator will ensure that the following processes are conducted according to the identified schedules.
 - i) An analysis of all Program costs for the Street Light District component will be conducted at least every three years. This analysis will include an evaluation of the previous three years historical costs and revenue as well as projected future costs. The analysis will include relevant energy costs, personnel costs, administrative costs and the projected indirect costs (see Page 7 - Section Three, (2) (c) charged to the program. The goal of the analysis will be to ensure that the revenue remains sufficient to support the costs of the Program. At the conclusion of this analysis, a recommendation for the monthly Street Light Assessment (as defined in Section 3 of this document) will be determined. The Board of Commissioners may raise or lower the rate depending on the results of the analysis. The goal will be for the revenue to be 100 to 110 percent of the operational costs. Should the revenue exceed 110 percent of the total operational costs of the Street Light District component of the Program, lowering rates should be considered by the Board of Commissioners. The Board of Commissioners should consider raising the rates if either revenue drops below 95 percent of operational costs or whenever the projected revenue plus all prior year surpluses, if any, are projected to be insufficient to cover the projected Street Light District costs.
 - ii) The monthly bills from the power companies providing the street lights and energy and maintenance will be reviewed each month to ensure their accuracy. Each month, the costs will be tracked and any additions or deletions of lights will be recorded and monitored to ensure that the billing changes correspond to actual requests for new service or for any other billing changes that have been requested. All power company rate increases, adjustments, or other changes to the cost structure of the program will be monitored. At any time such changes are deemed to have a projected material cost impact to the Program so that losses will occur, an overall analysis of Program's costs should be conducted as set forth in Section One, (2) (c) above and, if necessary, a rate change will be recommended.
 - iii) Comprehensive audits may be conducted with each of the power companies providing service to the County. If unresolved discrepancies exist between the number of lights in County records and the number billed for by a power company, the County may initiate and work with the power companies to perform such audits. The audit may include a field review of all lighting fixtures to ensure the fixture locations, wattage, and types are accurate. The audits will compare the field results with the bills submitted by the respective power company to ensure that all amounts are accurate.
 - d) Technical requirements stipulating the type fixtures and poles to be used are outlined in the Cobb County Development Standards document.



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Section Two – Intersection and Safety Lighting Component

- 1) Funding
 - a) All funding for the costs of providing Intersection and Safety Lighting will be allocated from the County's General Fund. During the biennial budget preparation process, a request will be submitted for funds determined to be necessary to support the ongoing energy costs of operating the lights installed throughout the County for the general benefit of its citizens and the anticipated costs of operating any additional fixtures expected to be installed in the respective budget period.
 - b) All funding for the cost of installing new lighting fixtures, upgrading or replacing existing fixtures located outside of street light districts or any other cost related to maintaining Intersection and Safety Lighting will be appropriated from the County's General Fund. During the biennial budget preparation process, a request will be submitted for an amount of money determined to be necessary to cover these expenses.
- 2) Conditions for Illumination
 - a) The County may provide street lighting at signalized intersections.
 - b) The County may provide street lighting at multi-way stop conditions outside of street light districts.
 - c) The County may provide street lighting at hazardous curves or locations deemed to have a high rate of night time accidents relative to day time accidents where lighting is determined to have a potentially corrective effect.
 - d) The County may provide lighting, in certain conditions, where sag vertical curves exist and engineering analysis determines that the cost of correcting the condition is prohibitive and can be more cost effectively addressed with street lighting.
 - e) The County may provide lighting at other locations, as deemed necessary, where special conditions exist and the benefit of the illumination would serve the substantial public interest. Examples would include lighting along a public roadway at the entrance to an amusement park, sports facility, or arena where high volumes of vehicular and pedestrian traffic exist.
 - f) The County may provide lighting at public schools, hospital entrances, fire stations, or other government facilities where conditions warrant.

Section Three – Street Light Districts Component

- 1) Funding and Revenue
 - a) Funding. All funding for the costs of providing Street Light District Lighting will come from the Street Light District Special Revenue Fund.
 - b) Revenue. The Board of Commissioners will establish monthly charges for street light services and those charges (sometimes referred to as Street Light Assessments) will be reviewed at least every three years or as necessary as stipulated above. Recommendations for changes to the charges may be made by the Department of Transportation to the Board when adjustments are deemed to be necessary. The following charges will be imposed:



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- i) **Standard Charge:** The standard street light charge will be applied for all street light customers who reside or operate a business within a street light district. This rate is imposed in order for the County to recover its monthly operational costs and administrative costs for providing street lights and a street light Program. For residential property, the rate will be fixed. For non-residential property, the rate will be based on road frontage. The amount of road frontage that a non-residential property owner owns along the lighted road will be divided into 50 foot increments designated as billing units. For each billing unit, the standard rate fee will be imposed. Fractions of a billing unit will be rounded down to the next whole unit.

Residential property is considered to be any single family dwelling or fee simple condominium development with a residential zoning classification and individual water meters. Apartment buildings, apartment complexes, or condominium complexes with common water service are considered non-residential for purposes of street light billing. Neighborhood recreation areas constructed as part of a neighborhood supported amenities package will be billed a residential rate and are not charged based on road frontage.

Billing examples:

The current standard rate is \$3.50 per month. A residential property is always charged \$3.50. A business with 200 feet of road frontage would be charged \$14.00 per month. 200 feet divided by 50 = 4 billing units. Four billing units times \$3.50 = \$14.00.

A business with 382 feet of road frontage would be charged \$24.50 per month. 382 feet rounded down to 350 feet divided by 50 = 7 units. Seven billing units times \$3.50 = \$24.50

- ii) **Installation Surcharge:** The installation surcharge is imposed in situations where a residential community petitions for street lights to be installed and there are upfront costs associated with installing poles, fixtures, wiring, etc. In this instance, the County pays the power company for such costs and receives reimbursement from the owners through the imposition and collection of an installation surcharge over a set period of time. The installation surcharge is imposed temporarily until the installation costs have been recovered. It is imposed in addition to the standard charge used to pay for operational and other costs.

The current rate is \$6.00 per month and the maximum time period the surcharge rate may be imposed is 36 months.

Billing example:

A neighborhood with 42 homes submits a petition to have street lights installed. The cost for installing the lights is \$8,652.00.

The installation surcharge rate of \$6.00 will be imposed on all 42 residents so the County will collect \$252.00 each month. (in addition to the standard charge) ($42 \times \$6.00 = \252.00) The surcharge will need to be imposed for 34 months. ($\$8,652.00$ divided by $\$252.00 = 34.33$ months rounded down to 34 months.) In this example, the County would recover \$8,568.00 of its \$8,652.00 expenditure for installing street lights.

Because collection of the exact amount is unlikely, the amount collected should be at least 95 percent of the actual costs and no more than 105 percent of costs.



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In instances where the costs cannot be recovered with this formula, the residents of the proposed district would have to raise the additional funds needed independent of the County to fully fund the project or a more cost-effective plan should be developed.

iii) Rate Review: All rates will be periodically reviewed as outlined in Section One, (2) (c) of this document.

iv) Billing:

The billing, accounting, collecting and receiving of the moneys will be performed by the Cobb County Water System or other utility provider which will, by agreement with the county, perform those functions on behalf of the county. The Water System will be responsible for setting up all charges on the respective accounts and ensuring that all payments are received. The Department of Transportation will ensure that Cobb County Water System provides water service prior to creating new street light districts and provide to the Water System the following information so that accurate billing can be established in accordance with the following rules.

- (1) A plat of the Street Light District will be submitted to the Water System illustrating the boundaries of the lighting district and all lots to be billed. Additionally, a memo will be submitted with a listing of each address to be billed and the specific rates that should be imposed. The appropriate rate will be determined by the Program's Accountant and verified by the Program's Administrator prior to submission to the Water System.
- (2) If an Installation Surcharge is to be imposed, the time period for imposition of the rate will be stated on the memo provided to the Water System and a copy of the Board action authorizing the surcharge will be attached.
- (3) The Water System will provide to the Department of Transportation a monthly report outlining the customers that owe Installation Surcharges and their progress in satisfying those loans. The Department of Transportation will track the progress made towards recovery of all costs to ensure that all monies expended for installing street lights are re-paid as agreed upon and all costs are fully recovered.
- (4) If vacant lots exist within the boundaries of a Street Light District, the owners of these lots will not be billed since no water service is provided. If these lots are developed, any applicable charge will be assessed when water service is established. It will be the responsibility of the Water System to monitor the status of all vacant lots to ensure billing occurs as soon as the lots are developed and water is provided.
- (5) In instances where Cobb County's Water System does not provide the water service, the Department of Transportation will endeavor to enter into agreements with city or county utility providers whereby those providers will bill and collect any applicable charges from the owners in a street light district and pay the power company for the lighting costs directly. These charges will be established by the provider.
- (6) In instances where Cobb County's Water System does not provide the water service and no city or other water provider is available to provide billing and collection services, the Water System will set up 'Street Light Only' bills which will be sent to the property owners on a monthly basis. The Department of Transportation will provide the Water System with a list of each name and address to be set up for such street light service. The Department of Transportation will maintain a list of each of these accounts and on an annual basis will provide the Water System with any changes to ownership based on the Tax Assessor's records from the previous tax year. The Water System



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will notify the Department of Transportation of any Street Light Only accounts where the charges have not been paid or are delinquent for three months or longer. The Department of Transportation will pursue other methods of collection.

2) Costs to be Funded / Use of Funds

All funds collected (less bad debt) by the Water System for street light service will be remitted to the Street Light District Program's Special Revenue Fund and used solely for the purpose of operating, repairing, and maintaining street lights and for the administrative costs associated with the Program. Eligible expenses to be paid out of the Special Revenue Fund include:

- a) Energy costs for operating the street lights. These costs are billed by the energy companies providing energy for street lights within the street light districts.
- b) Administrative costs. These are the direct costs for managing the street light program including the personnel costs for the employees assigned to the Program. These costs also include the cost of office supplies, equipment, vehicles, fuel, and any other costs directly related to the Street Light District component of the Street Light Program.
- c) Indirect costs: These are the indirect costs associated with operating the Program and shall be calculated annually by a consultant selected by the Cobb County Finance Department and applied to the Program. These costs are for personnel such as those in Finance that process invoices and payments on behalf of the Program, costs of personnel that provide legal advice, costs of the Energy Analyst's role in negotiating rates, the costs of providing office space, etc. and the Street Light Program's share of other indirect County expenses.
- d) Water System costs: The Water System will be directly compensated for their role in providing billing and support services to the Street Light Program. The County Manager will designate every five years an entity to validate the Water System's projections of actual costs of providing billing services. Administrative and other associated costs for providing billing services to the Street Light District Program will be evaluated and an appropriate rate of compensation will be determined. The fee will be calculated on a per- account basis. The current rate is \$.017 per billed account.
- e) Replacement costs: The costs for replacing fixtures in the event fixtures within the street light districts must be replaced due to issues related to their function, and same will be replaced with conforming fixtures. All costs for replacement will be funded from the Street Light District fund.

3) Developer Requirements – New Neighborhoods

- a) Developers of new County roadways are required to install a street lighting system meeting Cobb County requirements as outlined in the County Street Light Ordinance. Developers will coordinate with the power company providing power to the new streets to design and obtain approval for the lighting plan. Upon approval of the lighting plan by the Department of Transportation, the developer will be responsible for paying all costs associated with installing the fixtures. Until these requirements have been satisfied, a hold will be placed on all building permits within the development. Construction will not be allowed to commence until the hold is released. An exception can be made for model homes. Permits can be issued for model homes prior to the cost of street lights being paid. The number of model homes receiving a permit exception cannot exceed 25 percent of the total number of proposed lots. If the development is divided into phases, each phase will be treated independently.

If a development contains private roads that will not be dedicated to the County, no street light district will be created and all costs and responsibilities for any street lights will be borne exclusively by the



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developer/Home Owners Association. Additionally, if a developer wishes to install street lights that do not conform to the county's requirements, the developer will be obligated to seek a variance from such requirements from the Board of Zoning Appeals. If such variance is granted, no street light district will be created and all costs and responsibilities for any street lights will be borne exclusively by the developer/Home Owners Association.

- b) All new developments meeting these requirements will be presented to the Board of Commissioners to authorize creation of a Street Light District at the completion of the above steps.
 - c) Activation of the lights by the developer is not required. A developer may, at his/her discretion and at his/her expense, elect to activate all or some of the street lights during the development stage prior to the time the County will activate the lights but this is not required.
 - d) All lights within new developments will be activated by Cobb County when the County receives notice from the developer that 50 percent of the homes have been sold and occupied. Once the lights have been activated and the County receives a bill, the Department of Transportation will request the Water System to begin assessing the applicable monthly street light service charges for accounts where water service has been established.
 - e) Exceptions to the activation requirements may be made on a case-by-case basis for developments where special conditions exist (e.g. filing for bankruptcy or where a developer sells lots only and homes will be custom-built to the specifications of the individuals purchasing the lots).
- 4) Petition Requirements
- a) A street light petition may be requested by any citizen interested in illuminating any unlighted streets, sections of a street, subdivisions, or phase of a subdivision. The citizen requesting the petition may determine, in conjunction with the County, the boundaries of the area sought to be illuminated. At a minimum, the boundaries of the area to be illuminated must comprise at least a section of County road that extends between two other intersecting County roads. A Street Light District cannot be composed of only one home or a couple of homes located mid-block along a County road.
 - b) Once a petition has been returned to the County, in order to be considered valid, it must have the signatures of at least 75 percent of the lot owners within the boundaries of the proposed district voting in favor of creating the street light district. Petitions that do not reach this threshold will be considered invalid and no action will be taken.
 - c) Valid votes are votes of the legal owner of record according to the Cobb County Tax Assessors record as of the time the petition was circulated. In cases of joint ownership or multiple property owners, any one of the owners may sign the petition, but only one vote is allowed. If joint or co-owners mistakenly both (all) sign the petition, if both (all) are in favor, one vote will count; if one signs in favor and the other signs opposed, the votes will be considered to have canceled one another out and no vote will be registered for that property. In instances where the legal owner of record is deceased and his/her will has not been probated, the executor of the will may vote on behalf of the property. Where the vote is for a duplex, only one vote will be accepted for the property if the property is listed in County tax records as having only one owner even though the property may have two mailing addresses. If, however, the property is split for tax purposes and is considered to have separate owners for each side of the duplex, a vote will be accepted for each owner. These rules will also apply to condominium developments where a structure is shared.



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In a commercial area where billing will be apportioned based on road frontage as described in Section Three (1)(a)(i) of this document, the number of votes will similarly be apportioned. Thus, a business with five billing units would be entitled to five votes.

- d) Petitions meeting all of these requirements will be considered valid and notification to the community of the proposed street light district will be provided via signs posted in the area. The signs shall contain wording indicating that a valid street light petition has been received, and providing opportunity to request a public hearing by doing so in writing within 10 days of the date the signs were posted.
- e) All valid petitions will be presented to the Board of Commissioners for its approval at the completion of these steps.

5) Plan Review Comments

When plans are submitted to the County for new commercial developments, during Plan Review the County may include conditions reserving the right of the County to elect to install street lights and to create a street light district in the area of such development at a later date when conditions are sufficient to warrant a district. In such case, the owner of the commercial development at the time of such installation of lights will be required to pay all applicable monthly street light charges. In these instances, no petitions or hearings are required but Board action must occur to duly authorize the creation of the district.

6) Community Improvement Districts

Where a Community Improvement District (CID) has been established, the CID's Board of Directors may vote on behalf of all business owners within the CID to create a street light district in lieu of the process established above. The CID's Board vote will be considered to represent the consensus of the collective business owners. The CID Board of Directors must present written confirmation to the County indicating its legal authority to bind its members and the results of any votes taken. The results will be presented to the Board of Commissioners which will consider approval of the street light district.

The CID must work with the Department of Transportation to determine appropriate light spacing, type of fixtures and the general design of the lights. In order to create a cohesive and unique character within the CID, special light fixtures may be used provided they meet the minimum height requirement of 25 feet, utilize the same lamp type needed to achieve the County's efficiency goals.

7) Replacement and Upgrade

- a) In the event lighting fixtures must be replaced due to issues relating to their function, the County will replace existing lighting with new fixtures and poles of the same design so long as such design is in conformance with current County standards. Should the fixtures not meet current standards (such as is the case with post top-style lights), the fixtures will be replaced with fixtures meeting up to date standards. In either event, the County shall bear all costs associated with these replacements which may be paid out of the Special Revenue Fund. Should a district wish to keep its nonconforming-style fixtures, as outlined in Section 106-33 of the Street Light Ordinance, owners of property within the district would be required to submit a petition to have the lights replaced with new nonconforming-style fixtures. At least 75 percent of the owners would have to sign a petition indicating their desire to retain substandard lighting and acknowledging their understanding and agreement to pay all costs associated with such lighting. Board of Commissioners approval is required.
- b) Should property owners in a street light district wish to replace street light fixtures for cosmetic reasons, all costs shall be borne by the property owners in the street light district and all funds necessary for



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replacement must be raised by the district independent of Cobb County. Replacement fixtures must comply with requirements established in the Cobb County Development Standards.

6. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance. The County may deviate from the policy when written justification is provided to the BOC by the DOT Director.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v.1.0-2020	12/2020		Reformat