

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering Department

AGENDA DATE: May 11, 2010

CONTACT PERSON/PHONE: R. Alan Shubert, P.E. - ext. 4423

DISTRICT(S) AFFECTED: Citywide

SUBJECT:

That the City Manager or her designee is authorized to enter into the TxDOT Utility Installation Request Agreement, attached hereto as Exhibit "A" or such substantially similar agreement that may be required by TxDot from time to time as a condition of installing equipment within TxDot right-of-way.

BACKGROUND / DISCUSSION:

The Texas Department of Transportation (TxDOT) requires a Utility Installation Request agreement be entered into by the City prior to the installation of any equipment within TxDOT right-of-way. Instances when this is necessary include the installation of traffic signals, fiber optic lines, etc. Therefore, to streamline the process and avoid any potential delays, we recommend the authority to enter into such agreements be delegated to the City Manager or her designee.

PRIOR COUNCIL ACTION:

City council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

No funding required for execution of this item.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: 
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, the City installs equipment from time to time within the Texas Department of Transportation (TxDOT) right-of-way; and

WHEREAS, TxDOT requires that a Utility Installation Request agreement be entered into by the City prior to the installation of any such equipment within the TxDOT right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF EL PASO:

THAT the City Manager or her designee is authorized to enter into the TxDOT Utility Installation Request Agreement, attached hereto as Exhibit "A" or such substantially similar agreement that may be required by TxDOT from time to time as a condition of installing equipment within TxDOT right-of-way.

ADOPTED THIS _____ DAY OF _____ 2010.

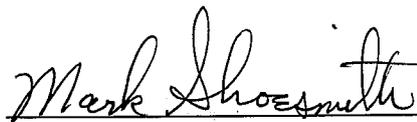
City of El Paso

John F. Cook, Mayor

ATTEST:

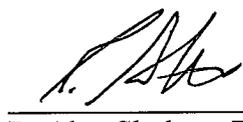
Richarda Momsen
City Clerk

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E., City Engineer



Utility Installation Request

PERMIT NUMBER		
GLOBAL POSITIONING SYSTEM COORDINATES (GPS) NORTH AMERICAN DATUM 1983, (1993 ADJUSTMENT) IN DECIMAL DEGREES(DD)		
	LATITUDE (DD)	LONGITUDE (DD)
BEGIN		
END		

To the Texas Transportation Commission
c/o District Engineer Texas Department of Transportation

Date _____

_____, Texas

Formal notice is hereby given that _____

proposes to place a _____

line within the right of way of _____, RM _____, Displ. _____, to RM _____ Displ. _____ in

_____ County Texas, MNT Sec. No. _____ as follows: (give location, length, general design, etc.

Use additional sheet as needed)

We will construct and maintain the line on the highway right of way as shown on the attached drawing and in accordance with the rules, regulations and policies of the Texas Department of Transportation (TxDOT), and all governing laws, including, but not limited to, the "Texas Engineering Practice Act," "Federal Clean Water Act," the "National Endangered Species Act," "Americans with Disabilities Act," and the "Federal Historic Preservation Act." Upon request by TxDOT at any time, we will submit to TxDOT proof of compliance with all governing laws, rules and regulations before commencement of construction. Plans shall include the design, proposed location, vertical elevations, and horizontal alignments of the facility based on the department's survey datum, the relationship to existing highway facilities and the right of way line, traffic safety and access procedures, and location of existing utilities that may be affected by the proposed utility facility. The location and description of the proposed line and appurtenances is more fully shown by a complete set of drawings attached to this Utility Installation Request (Request). We will give plans to TxDOT for each future proposed modification or expansion to our facility and TxDOT will have 30 days to review and approve the plans prior to commencement of the work. A new Request may be required as a condition of approval.

Our organization will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "Revegetation Special Provisions." We will also ensure that traffic control measures complying with applicable portions of the *Texas Manual of Uniform Traffic Control Devices* will be installed and maintained for the duration of this installation.

When installing, modifying or maintaining our utility on controlled access facilities, we shall conform to the Texas Transportation Code, Title 6 Roadways, Chapter 203, Subchapter C, Control of Access, §203.031 (<http://www.statutes.legis.state.tx.us/>). We shall limit access for servicing this installation to access via (a) frontage roads where provided, (b) nearby or adjacent public roads or streets, (c) trails along or near the highway right of way lines, connecting only to an intersecting road; from any one or all of which entry may be made to the outer portion of the highway right of way for normal service and maintenance operations. Our rights of access to the through traffic roadways and ramps shall be subject to the same rules and regulations that apply to the general public.

It is expressly understood that TxDOT does not purport hereby to grant any right, claim, title or easement in or upon highway right of way. TxDOT may require us to relocate this line, subject to the provisions of governing laws, by giving us at least 30 days written notice. We understand a new Request will be required for the relocation. We will notify TxDOT prior to commencement of any operation which requires pruning of trees so that TxDOT may provide specifications to govern performance of work, including trimming, topping, tree balance, type of cuts, painting cuts and clean up. We understand that these specifications are intended to preserve TxDOT's considerable investment in highway beautification plantings and by reducing damage due to trimming and to protect known endangered species.

Our installation shall not damage any part of the roadway structure or associated appurtenances. We will make adequate provisions to cause minimum inconveniences to the traveling public and adjacent property owners. We will not open-cut driveways or intersecting roadways without specific written permission from the owner.

Following approval, we will begin construction on or after _____
Month/Day/Year

EXHIBIT
"A"

We understand TxDOT may place additional provisions and requirements as listed below, based upon, but not limited to, the type of utility being installed, local site conditions, soil types and traffic.

Additional Provisions and Requirements (for TxDOT input only)
<ul style="list-style-type: none"> • General Special Provisions:
<input type="checkbox"/> Are attached.
<input type="checkbox"/> Are not attached.
<ul style="list-style-type: none"> • As-built Plans/Certifications of Construction:
<input type="checkbox"/> Are required and shall be certified as accurate by an authorized representative of the company.
<input type="checkbox"/> Are required and shall be signed and sealed by a State of Texas Licensed Professional Engineer.
<input type="checkbox"/> Are not required
<input type="checkbox"/> Certification that utility was installed as approved
<ul style="list-style-type: none"> • Re-vegetation Special Provisions: In order to minimize erosion and sedimentation resulting from the proposed installation, the project area will be re-vegetated:
<input type="checkbox"/> in accordance with TxDOT's Standard Specification Item 164 which specifies the appropriate grass seed mix to be used, or:
<input type="checkbox"/> as indicated on the attachment.
TxDOT Representative to be notified 48 hours prior to beginning construction:

If approved, we understand we will assume all risks associated with this installation within the TxDOT right of way. These risks include injuries to our workers, damage to contiguous utility lines that may be in the area and injuries or damage resulting from our failure to properly install and maintain the line.

If the character, use or function of our installation is materially changed from that approved under this Request, we will notify TxDOT within 30 days after the change. In the event of a voluntary or involuntary loss of public utility status, or other legal authority for longitudinal placement of the utility facility in the highway, or there is an abandonment of the facility without the approval of TxDOT, we will at our expense remove the unauthorized portion of the facility from the right of way.

If installation of the line is not begun prior to the 91st calendar day from date of issuance, we acknowledge that, unless otherwise extended, TxDOT's approval of this Request will automatically **expire**, and we will be required to resubmit our Request. All Request submissions, whether due to expiration of approval under this paragraph or new Requests for modifications and relocations shall be in accordance with the governing laws, rules, regulations and policies existing at the time of submission. In the event we fail to comply with any or all of the requirements as set forth in this Request, the State may take such action as it deems appropriate to compel our compliance.

By signing as/for the requestor below, I certify that I am authorized to represent the requestor, that I agree to the provisions and requirements included in this Utility Installation Request, and our commencement of construction will further attest to our review and acceptance of said additional provisions and requirements.

REQUESTOR	APPROVED BY TxDOT
Date:	Date:
By:	By:
Signature:	Signature:
Title:	Title:
Address:	Address:
City State Zip Code	City State Zip Code
()	()
Area Code Telephone Number	Area Code Telephone Number