



City of Austin

Austin Transportation Department, Right of Way Management Division
3701 Lake Austin Blvd., Austin, Texas 78703

REQUIREMENTS FOR DRIVEWAY/SIDEWALK (DS) PERMITS

Requests for the use of City of Austin Right Of Way, including driveways, sidewalks, curbs & gutters, must be authorized by the Austin Transportation Department. Enclosed in this packet are links to the City Code pertaining to these permits and additional helpful information. If *after* reading through this packet you have any questions or need additional information, please contact us at 512-974-1150 or visit our office:

City of Austin, Transportation Department
Right Of Way Management Division
3701 Lake Austin Blvd., Austin, TX 78703
Walk-in Hours – Monday through Friday, 8 a.m. to 1 p.m.

If you are performing any kind of driveway, sidewalk, curb, or gutter work, this is the permit you will need. If you are performing any kind of above ground construction, such as remodel or building repairs and need to close or barricade a portion of the Right of Way for these purposes, you will need to apply for a Temporary Use of Right of Way Permit.

STEPS TO OBTAIN A DRIVEWAY/SIDEWALK PERMIT

RESIDENTIAL (TYPE I)	COMMERCIAL (TYPE II)
1. Secure Development Services Department approval through Residential Plan Review. An active Building Permit will automatically generate a "Pending" Driveway/Sidewalk permit.	1. Secure Development Services Department approval through Sites & Subdivisions. An active Site Plan will NOT automatically generate a "Pending" Driveway/Sidewalk permit.
2. Obtain documentation of fees paid and/or waivers granted, if applicable.	
3. An approved Traffic Control Plan will be required for arterial roadways.	3. An approved Traffic Control Plan will be required for all projects.
4. Identify a Licensed Right of Way Contractor who will perform the concrete work.	
5. Determine who will obtain the permit. A Licensed ROW Contractor may obtain permits directly OR name you as an Authorized Agent who can obtain permits on their behalf.	
6. Provide any applicable documentation and pay remaining DS fees; DS permits can then be activated by Right of Way Management.	
IF driveway, sidewalk, curb, or gutter work is unrelated to site, building, repair, or other private property work THEN a "stand-alone" DS Permit will be necessary; Steps 1 and 2 (above) will not apply.	

NOTE: Steps 1 and 2 listed above are NOT managed by the Right of Way Management Division. Questions regarding these steps should be directed to the Development Services Department. Additional information regarding Steps 3, 4, 5, and 6 can be found below.

STEP 3 – TRAFFIC CONTROL PLAN (TCP)

All traffic control plans for redirecting or diverting of pedestrians and vehicular traffic must be in accordance with the most current version of the Texas Manual on Uniform Traffic Control Devices and the City of Austin, Transportation Criteria Manual. City of Austin Standard Details may be used for traffic control plans if they fit the situation; otherwise the traffic control plan must be prepared by a Texas Licensed Professional Engineer. The traffic control plan must be approved prior to the issuing of the permit. **If the permitted work is associated with a Site Plan or Building Permit, the Traffic Control Plan MUST BE REVIEWED A MINIMUM OF 6 WEEKS PRIOR TO THE START OF THE CLOSURE. A CLOSURE MAY NOT BE PERFORMED WITHOUT AN APPROVED TCP.**

The Austin Transportation Criteria Manual requires only those persons trained in safe traffic control practices, and who have a basic understanding of the principles established by applicable standards and regulations, should supervise the selection, placement, and maintenance of traffic control devices in work or incident areas. A copy of the training certificate will need to be on file with the ROW Management office prior to obtaining a permit for Driveway/Sidewalk. If the person setting your traffic control is not certified to set traffic control, or you need clarification on what traffic control is needed, please contact a Barricade company.

STEP 4 – IDENTIFY A LICENSED RIGHT OF WAY CONTRACTOR

To find a list of existing Licensed Right of Way Contractors:

1. Visit the Right of Way webpage at <https://www.austintexas.gov/department/right-way-permits>
2. The list can be found in the “Compliance Information” section.

To become OR continue to be a Licensed Right of Way Contractor:

1. **Bond OR *Continuation Certificate** - \$10K, **original, signed** by the Principal, accompanied by Power of Attorney and any applicable Riders **(SEE PAGE 5 OF PACKET)**
2. **Insurance** – General Liability, with evidence of a 30 Day Notice of Cancellation, City of Austin as Additional Insured, and “City of Austin, Attn: Right of Way Mgmt, P.O. Box 1088, Austin, TX 78767” as Certificate Holder
3. ****Resolution of Authority** – written statement confirming that the Bond signatory has authority to execute the Bond, **completed by SOMEONE OTHER THAN the Bond signatory**; form should indicate the company’s structure (LLC, Partnership, or Corporation) **(SEE PAGES 6-8 OF PACKET)**
4. **Authorized Agent** – Principal designates Agents that will be allowed to pull or submit permits on behalf of the company, must be notarized if not completed in front of Right of Way staff **(SEE PAGE 9 OF PACKET)**

***Continuation Certificate** - a Continuation can ONLY be accepted if the original Bond is already on file with Right of Way. If the Continuation does not require a signature from your company, then item #3 will **not** be necessary.

****ONLY one principal/member with signing authority?** In lieu of the Resolution you may provide a copy of an official document confirming the Bond Signee has authority to execute the bond. Examples of documents that satisfy this requirement include the Assumed Name Certificate (DBA), Certificate of Formation, or Articles of Incorporation.

There is a **\$50 dollar fee** assessed for the issuance of the license. The four above-mentioned items and the fee should be brought into the Right-of-Way office during the **walk-in hours**. **Drop-offs and mail-ins cannot be accepted.**

****FOR A DETAILED BREAKDOWN OF LICENSE REQUIREMENTS PLEASE REQUEST A COPY OF THE “REQUIREMENTS FOR INSURANCE, BOND, AND LICENSE” PACKET****

STEP 5 – WHO WILL OBTAIN PERMIT (CONTRACTOR OR AUTHORIZED AGENT)

ONLY a Licensed Right of Way Contractor, or the contractor’s Authorized Agent, is able to obtain a Driveway/Sidewalk Permit. To become an Authorized Agent for a Licensed Right of Way Contractor, please have the contractor complete the Authorized Agent form found on page 9 of this packet. See the “Authorized Agent” section in Step 3 (above) for an explanation of how to complete the Authorized Agent form.

STEP 6 – DOCUMENTATION AND FEES

DRIVEWAY/SIDEWALK DOCUMENTATION

RESIDENTIAL (TYPE I)	COMMERCIAL (TYPE II)
1. Provide the “Pending” Driveway/Sidewalk permit number; this is the same as the approved Building Permit number. Alternatively, you may provide the residential address.	1. Provide an approved Site Plan number.
2. IF you wish to construct a driveway or sidewalk that does not conform to City standards THEN you must provide a waiver from Dr. Bill Hadley, engineer, Public Works. **SEE THE “CITY CODE” SECTION ON PAGE 3 OF THIS PACKET FOR THE LINK TO CITY STANDARDS. **	2. Provide an approved Temporary Traffic Control Plan. If a City of Austin Standard Detail applies please list the specific detail number, otherwise provide an Engineer’s Sealed Plan. **SEE “STEP 3 - TRAFFIC CONTROL PLAN (TCP)”**
3. IF you choose to NOT install a required sidewalk THEN you must provide a memo <u>and</u> receipt for fees paid “in lieu of sidewalk”. **SEE THE “SIDEWALK REQUIREMENTS” SECTION ON PAGE 4 OF THIS PACKET FOR ADDITIONAL DETAILS. **	3. Provide evidence that commercial right of way development fees have been paid to Sites & Subdivisions.
**The Development Services Department is responsible for documenting most of the above information. Right of Way Management recommends you collect the documentation as well. **	

DRIVEWAY/SIDEWALK FEE SCHEDULE

Permit Application Fee, Residential (non-refundable)	\$ 45.00
Permit Application Fee, Commercial (non-refundable)	\$ 45.00
Right of Way Usage Fees (Assessed on all Arterial Roadways and all Commercial Permits)	
Sidewalk, Driveway, Curb & Gutter	\$ 5.50 per structure, per day
Street Lanes	\$ 9.00 per lane, per day
Inspection Fees (Assessed on all Residential Permits and Commercial Permits not charged through Sites & Subdivisions)	
Residential Type I and III Driveway Approach	\$ 568.00 per inspection
Commercial Type II and III Driveway Approach	\$ 852.00 per inspection
Sidewalk	\$ 284.00 per inspection PLUS \$2 per linear foot
Curb & Gutter	\$ 284.00 per inspection PLUS \$2 per linear foot
Re-Inspection Fee	\$ 189.00
Development Services Surcharge (Assessed on all permits not charged through Sites & Subdivisions)	4% of DSD fees
Technology Improvement Surcharge	4% of all ROW transactions
All Permits Investigation Fees	
No Permit	Equal to Cost of Permit for 1 Day
Violation of Permit Conditions, Restriction Limits, Times, and Locations on ROW Permit	\$250
Improper Advance Warning Sign	\$250
Improper Use of Device	\$250
Failure to Correct Deficiency	\$500
Restricting Traffic During Peak Hours	Equal to Cost of Permit for 1 Day

CITY CODE

For information about City Ordinances, Standard Details, Transportation Criteria Manual, Utilities Criteria Manual, etc. go to <https://www.municode.com/library/tx/austin>. For in depth design requirements, reference the following:

- Transportation Criteria Manual, Section 5 – Driveways
- Standard Specifications Manual, Series 400 – Concrete and Structures, beginning with number 433
- Standards Manual, Series 400 – Concrete and Structures, beginning with number 433

PERMIT REQUIREMENT; CODE (25-11-32)

(A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities unless the person first obtains the appropriate permit from the building official:

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- (4) constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person’s control or in public right-of-way adjoining property under a person’s control

LICENSED CONTRACTOR REQUIRED; CODE (25-11-36)

Unless state law or the technical codes exempt an activity from the permitting requirements, the following activity must be performed by a licensed contractor:

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- (2) activity for which a sidewalk, curb, gutter, or driveway approach permit is required

ACTION ON PERMIT APPLICATION; CODE (14-11-177)

- (A) The director shall review an application promptly after it is filed.

SIDEWALK REQUIREMENTS

Per City of Austin ordinance 25-6-353, **sidewalk installation is mandatory** for any new building OR building addition with a gross floor area increase of 50% or more OR building relocation. If this requirement applies to you, it will be necessary to either construct the sidewalk, obtain a waiver for the requirement, OR pay an “in lieu of sidewalk” fee.

Sidewalk Waiver -- The sidewalk requirement can be waived in *select* circumstances, as determined by Development Services Department staff.

Sidewalk in Lieu of Fee – If the sidewalk requirement is not waived then it will be necessary to either construct the sidewalk OR pay a “Sidewalk in Lieu of Fee”, as determined by the Development Services Department Staff.

How to request a sidewalk waiver?

1. Meet with Development Services Department staff located in the Development Assistance Center on the 1st flr of the One Texas Center building. **505 BARTON SPRINGS RD. 1ST FLR– AMBER MITCHELL – MON.-FRI. 9AM-12PM**
2. Request a sidewalk waiver.
3. Provide a copy of the waiver to Right of Way Management permit staff located at the Jack Miller LCRA building. Waiver should be placed in the hands of the permit staff; drop-offs are not encouraged. **3701 LAKE AUSTIN BLVD. – ISABELL PENA – MON.-FRI. 8AM-1PM**
4. If a waiver is not received, it will be necessary to either construct the sidewalk OR pay a fee in lieu of sidewalk.

How to pay the fee in lieu of sidewalk?

1. Meet with Development Services Department staff located in the Development Assistance Center on the 1st flr of the One Texas Center building. **505 BARTON SPRINGS RD. 1ST FLR – AMBER MITCHELL – MON.-FRI. 9AM-12PM**
2. Request a memo and invoice for the “Sidewalk in Lieu of Fee”.
3. Pay the invoice with Public Works Support Services Accounting staff located on the 10th flr of the One Texas Center building. Receipts will be issued. One receipt will be left with the Public Works Support Services Accounting Tech staff. One receipt must be provided to Development Services Department staff located in the Development Assistance Center on the 1st flr of the One Texas Center building. One receipt is to be kept by the payer. **505 BARTON SPRINGS RD. 10TH FLR – CANDY GUERRA – MON.-FRI 8AM-4PM**
4. Provide one receipt to Development Services Department staff located on the 1st flr of the One Texas Center building. Please ensure that the staff member assisting you removes the sidewalk requirement from the Plan Review, Building Permit, and/or Driveway/Sidewalk Permit and makes any necessary permit notations. **505 BARTON SPRINGS RD. 1ST FLR – AMBER MITCHELL – MON.-FRI. 9AM-12PM**

Contact Info:

Amber Mitchell – Amber.Mitchell@AustinTexas.gov OR 512-974-3428

Candy Guerra – Candy.Guerra@AustinTexas.gov OR 512-974-7146

Isabell Pena – Isabell.Pena@AustinTexas.gov OR 512-974-9386

LICENSE AND PERMIT SURETY BOND

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOWS ALL BY THESE PRESENTS:
BOND NO. _____

PRINCIPAL, _____, (**check one**) a ___ corporation ___ limited liability ___ partnership ___ sole proprietorship, engaged in the construction, repair, excavation, installation, maintenance, or placement of facilities and/or doing such other work that may necessitate the use of certain public rights-of-way within the City of Austin, Texas ("CITY"), AND

SURETY, _____, a solvent company authorized under the laws of the State of Texas to act as surety on bonds for principals, agree to bind ourselves, our successors and assigns, jointly and severally, unto the CITY and to all persons who may suffer injury from any work undertaken by PRINCIPAL hereunder, as OBLIGEEES, in the sum of **TEN THOUSAND DOLLARS (\$10,000.00)**.

PRINCIPAL and SURETY are bound to pay this amount to OBLIGEEES only if PRINCIPAL fails to fulfill the following obligations:

- a. PRINCIPAL shall indemnify and hold harmless the CITY and all other persons and entities from all claims for damages to any person or property, including all costs and expenses, arising out of PRINCIPAL's use of the right-of-way within the CITY;
- b. PRINCIPAL shall repair any damage and correct any defect to the right-of-way caused by faulty materials or workmanship or when such damage or defect is caused, directly or indirectly, by PRINCIPAL's use of the right-of-way and shall warrant such work for a period of one year following completion of same;
- c. PRINCIPAL shall guarantee the replacement of public property that is disturbed or removed during construction activity;
- d. PRINCIPAL shall construct all safeguards ordered by the CITY to protect the public against hazardous conditions at or adjacent to PRINCIPAL's work site;
- e. PRINCIPAL shall pay all fees, charges, fines, assessments or judgments levied against or incurred by PRINCIPAL which may become due to the CITY or to other persons or entities as a result of the construction activities undertaken hereunder by PRINCIPAL;
- f. PRINCIPAL, its agents and employees shall perform all work in strict compliance with all applicable laws, ordinances, resolutions, rules and regulations; and
- g. PRINCIPAL and SURETY shall not violate any of the terms of this bond

If this bond is canceled or the coverage of this bond is restricted for any reason, SURETY shall immediately deliver written notice of such to the CITY and to the Director of the Austin Transportation Department. The cancellation or restriction becomes effective after thirty (30) working days from the date the CITY receives the notice. Cancellation or restriction does not affect SURETY'S liability on any transaction begun before the effective date of the cancellation or restriction. In the event of cancellation or restriction, PRINCIPAL will be suspended from all rights and privileges and no permit will be issued to PRINCIPAL under Chapter 14-11 of the City Code of Austin and/or no license will be issued to PRINCIPAL under Chapter 25-6 of the City Code of Austin, as applicable. This suspension remains effective until the bond coverage required by the applicable code section is fully restored.

The bond will be binding upon PRINCIPAL and SURETY from the ___ day of _____ 20___, until midnight, the ___ day of _____ 20___.
Signed, sealed, and executed this ___ day of _____, 20__.

PRINCIPAL

BY: _____
(Signature)

Name: _____

Title: _____

Address: _____

Address: _____

Phone: _____

SURETY

BY: _____
(Signature)

Name: _____

Title: _____

Address: _____

Address: _____

Phone: _____

Resolution of Corporate Authority

I, _____ **{name of officer NOT SIGNING bond}** the undersigned
_____ **{title}** of _____ **{name of corporation}** the
"Corporation", hereby certify that:

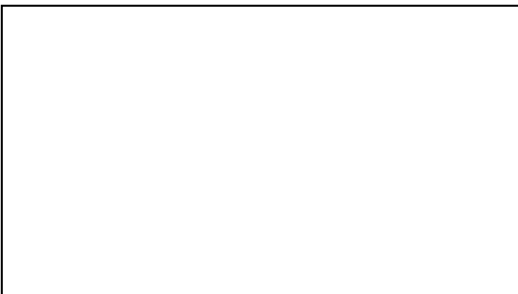
Corporation is duly organized and existing under the laws of the State of _____. The following is a true and accurate transcript of a Resolution adopted at the _____ **{date}** Board meeting. The Corporation's Board of Directors adopted the Resolution, which is contained in Corporation's minute book, at a duly authorized board meeting. A quorum of Corporation's Board of Directors was present at the entire board meeting and all actions taken at the meeting complied with Corporation's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that _____ **{name of officer SIGNING bond}** the _____
{title} of _____ **{name of limited liability company}**, is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Corporation, as in his/her **{strike one}** judgment may be necessary, appropriate or desirable in connection with any License and Permit Surety Bond and related Permit(s) entered into with the City of Austin

Resolved, that all transactions with the City of Austin involving a License and Permit Surety Bond and related Permit(s) by any Officers of the Corporation, in its name and for its account, prior to the adoption of these resolutions, are hereby ratified and approved for all purposes.

Date _____, 20_____.

COMPANY SEAL, IF AVAILABLE



{signature of officer NOT SIGNING bond}

{title}

Resolution of Authority for a Limited Liability Company

I, _____ {**name of member NOT SIGNING bond**}, the undersigned Member of
_____ {**name of limited liability company**} the "Company", hereby certify that:

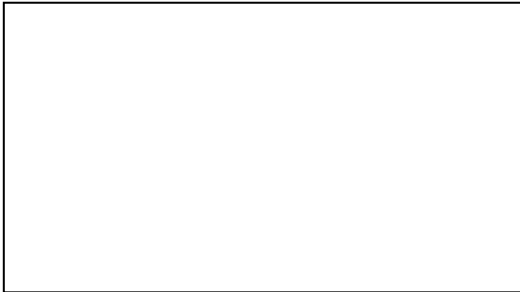
Company is a limited liability company and is duly organized and existing under the laws of the State of
_____.

Resolved, that _____ {**name of member SIGNING bond**} Member of
_____ {**name of limited liability company**}, is empowered to sign any and all
documents, to take such steps, and to do such other acts and things, on behalf of said Company, as in his/her {**strike**
one} judgment may be necessary, appropriate or desirable in connection with any License and Permit Surety Bond and
related Permit(s) entered into with the City of Austin.

Resolved, that all transactions with the City of Austin involving a License and Permit Surety Bond and related Permit(s)
by any Members of the Company, in its name and for its account, prior to the adoption of these resolutions, are hereby
ratified and approved for all purposes.

Date _____, 20 ____.

COMPANY SEAL, IF AVAILABLE



{**signature of member NOT SIGNING bond**}

Resolution of Authority for a Limited Partnership

I, _____ {**name of partner NOT SIGNING bond**}, the undersigned
General/Limited **{strike one}** Partner of _____ {**name of partnership**} the "Partnership", hereby
certify that:

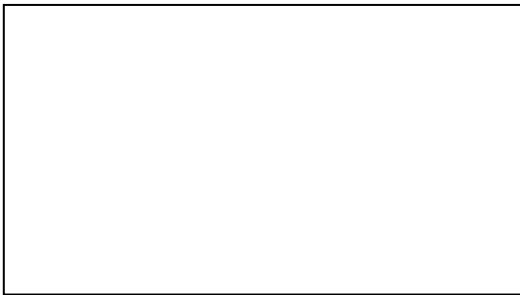
Partnership is a limited partnership and is duly organized and existing under the laws of the State of
_____.

Resolved, that _____ {**name of partner SIGNING bond**} Partner of
_____ {**name of partnership**}, is empowered to sign any and all documents, to take
such steps, and to do such other acts and things, on behalf of said Partnership, as in his/her **{strike one}** judgment may
be necessary, appropriate or desirable in connection with any License and Permit Surety Bond and related Permit(s)
entered into with the City of Austin.

Resolved, that all transactions with the City of Austin involving a License and Permit Surety Bond and related Permit(s)
by any Partners of the Partnership, in its name and for its account, prior to the adoption of these resolutions, are hereby
ratified and approved for all purposes.

Date _____, 20____.

COMPANY SEAL, IF AVAILABLE



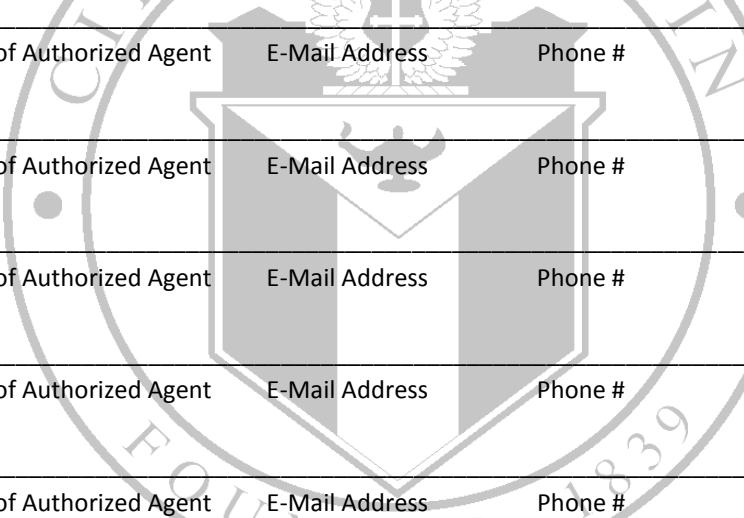
{signature of partner NOT SIGNING bond}

Authorized Agent Form

I, _____ of _____
(Print Name of Principal License Holder) (Print Business Name)

Do hereby authorize the following to act as my Agent(s) in submitting permit applications on behalf of my company, within the corporate limits of the City of Austin. I understand that I am responsible for any applications/documents as submitted by my Agent(s) and that the individual must exhibit this authorization form to the permitting staff upon request. I further acknowledge that this original authorization form is to remain in my permit file for legal reference purposes. It is agreed that the Agent(s) named below may act as the primary contact for request of information by City staff to complete applications. I understand that it is my responsibility to update my file with the City of Austin upon change of authorized agent status.

Persons named below are authorized and approved to submit permit application data and to obtain any right of way permits in regards to the Licensed Right of Way Contractor:

- 
1. _____
Print Name of Authorized Agent E-Mail Address Phone #
 2. _____
Print Name of Authorized Agent E-Mail Address Phone #
 3. _____
Print Name of Authorized Agent E-Mail Address Phone #
 4. _____
Print Name of Authorized Agent E-Mail Address Phone #
 5. _____
Print Name of Authorized Agent E-Mail Address Phone #

WITNESS OUR HANDS, THIS _____ DAY OF _____, _____

I, the undersigned, representing the Licensed Right of Way Contractor, do hereby affirm and swear, under oath, that all information on this form and on accompanying documents are true and correct.

Approved: City of Austin

For the City of Austin Department of Transportation

PRINTED NAME
Principal

SIGNATURE
Principal

STATE OF TEXAS
COUNTY OF _____

SWORN TO AND SUBSCRIBED BEFORE ME ON THE ___ DAY OF _____, _____.

NOTARY PUBLIC SIGNATURE