



**MEMORANDUM OF UNDERSTANDING
AUSTIN WATER
AND
AUSTIN TRANSPORTATION DEPARTMENT
TRAFFIC CONTROL PLANS AND RIGHT-OF-WAY PERMITS**

This Memorandum of Understanding (“MOU”) between the Austin Transportation Department (“ATD”) and Austin Water (“AW”), collectively the “Parties”, addresses infrastructure construction, rehabilitation, repairs, and maintenance work in the City of Austin’s (“City”) right-of-way (“ROW”).

One of the responsibilities of ATD is managing and coordinating work within the City’s ROW by issuing permits. City Code requires that a permit be issued prior to performing such work. ATD also inspects work zones to ensure compliance with permits and work times as well as for traffic safety and mobility issues.

AW owns, operates, and maintains water, wastewater, and reclaimed water systems located in the ROW, easements, and fee simple properties and located inside and outside the City corporate limits.

As provided by City Code, ATD retains the authority to manage and coordinate activities in the ROW. Aspects of this authority that are not covered in this MOU remain.

As such, the Parties agree to the terms and conditions herein:

I. DEPARTMENT RESPONSIBILITIES

A. Traffic Control Plans

1. ATD provides technical assistance and the approval of Traffic Control Plans (“TCP”) for permitted projects located in the City’s ROW. City Code requires submittals at least nine business days prior to start of work. However, it is recommended to submit plans a minimum of six (6) weeks prior to the start of construction to account for plan review cycles. ATD agrees to accept and review submittals as quickly as possible, even if not submitted nine business days before start of work. ATD has dedicated staff to review submittals from AW and other City departments to ensure quick turnaround times, with a goal of five business days.
2. ATD and AW agree to coordinate, create, and approve additional TCP standard details for very common situations for AW construction and maintenance activities.
3. The Public Works Department (“PW”) Project Manager, ATD Traffic Control Reviewer or Supervisor, and the AW Project Sponsor can conduct a meeting within five business days of a rejection of a TCP that has been reviewed twice by ATD and is still rejected, subject to ATD staff availability. The purpose of this meeting is for ATD to clarify any outstanding issues to avoid or reduce future resubmittals.
4. ATD agrees to provide technical assistance with or training on TCPs upon AW’s request. In addition, ATD recommends that AW’s TCP designers have a pre-submittal meeting with ATD’s TCP reviewers for projects requiring more complex traffic control. This approach has proven to reduce review times.

5. ATD agrees to promote and support that a TCP should be able to be submitted for review and approval prior to filing a Site Plan or General Permit. However, requirements for Site Plans and General permits are ultimately set by the Development Services Department.
6. AW agrees to train and oversee persons submitting TCPs to ensure submittals are complete and accurate, and compliant with federal, state, and local requirements (e.g., Texas Manual on Uniform Traffic Control Devices, Transportation Criteria Manual).

B. ROW Permits

1. ATD acknowledges that because of the nature of AW's business and the potential impact to public health and safety, AW performs emergency repairs to its systems and that emergency ROW permits will be applied for by noon the next business day to ATD. AW has the right under City Code to address emergency needs that pose a threat to the health and welfare of the public and/or City assets. Any Secondary or Blanket Permits under this MOU do not impair or minimize that authority. AW must submit a 311-lane closure notification for emergency and other permits that require a full street closure, or travel lane closures on arterial and downtown roadways.
2. City Code requires submittals at least nine business days prior to start of work. ATD agrees to accept and review submittals as quickly as possible, even if not submitted nine business days before start of work. ATD has dedicated staff to review submittals from AW and other City departments to ensure quick turnaround times, with a goal of five business days.
3. As is ATD's practice, for any outstanding issues or questions regarding a permit application, AW may contact ATD staff for clarification or to request a meeting. ATD will meet with AW as soon as possible or respond to AW within two business days subject to ATD staff availability.
4. Secondary ROW Permit: ATD agrees to enter into this MOU for secondary ROW permits on a yearly basis, for qualifying activities. These permits are secondary in nature to other permits. Accordingly, and to be able to maintain the credibility of the City to manage multiple entities desiring to occupy the same ROW area, if another permitted activity needs access, AW crews or its contractors are required to vacate the ROW as promptly as is reasonable to safely return the ROW to the traveling public (i.e., ideally within 30 minutes). The Secondary ROW Permit Agreement (see Exhibit A) will stipulate terms and conditions for both parties. **These Secondary ROW Permits supersede any active Secondary ROW Permits for AW that have been previously approved by ATD and are not part of the interdepartmental agreement with the City's Development Services Department related to the implementation of AW's Automated Metering Infrastructure.** A Secondary ROW Permit can be used for minor/quick work in which the terms of the Secondary ROW Permit can be met. A site-specific Secondary ROW Permit application will be required in AMANDA as the City's system of record to track work in the ROW. All site-specific Secondary ROW Permit applications will be approved in an expedited manner if they conform with the requirements in Exhibit A. Secondary ROW Permit applications will have a maximum of a one-month period for the requested activity if the work area is located in the Downtown Area Project Connection Zone ("DAPCZ") or a maximum of a two-month period for the requested activity if the work area is located outside of the DAPCZ. One extension to an ATD approved Secondary ROW Permit application shall be approved in an expedited manner. A second extension (i.e., the third requested window of time schedule) must be pre-approved by an ATD ROW Supervisor.

Blanket ROW Permit: ATD agrees to issue a Temporary Use of ROW Permit (“Blanket ROW Permit”) for 180 calendar days, which will be extended by ATD until this provision of this MOU is terminated, for qualifying activities (see Exhibit B). Through this MOU, ATD acknowledges that AW requests, and ATD concurs, that the Blanket ROW Permit be extended every 180 days for the duration of this MOU. On or before every 180-day period, AW will submit an extension request through the extension request form notifying ATD to extend the permit in ATD’s database. Blanket ROW Permit activities do not involve excavation. A Blanket ROW Permit can be used without requiring site-specific permit applications. The reporting of each work site location for this Blanket ROW Permit to ATD is not required. **This Blanket ROW Permit supersedes any active Blanket ROW Permits for AW that have been previously approved by ATD and are not part of the interdepartmental agreement with the City’s Development Services Department related to the implementation of AW’s Automated Metering Infrastructure.**


5. AW agrees to train and monitor persons submitting permits to ensure submittals are complete and accurate.
6. AW agrees to respond to requests for information and resubmittals for Secondary ROW Permit Applications within 30 calendar days. Applications left pending after 30 calendar days may be canceled by ATD.
7. Upon request by ATD, AW will provide reasonably requested information on hits to its infrastructure, as well as hits on other facilities by AW crews or AW’s contractors.
8. AW agrees that work inspected by AW will be tracked through the excavation inspection process in AMANDA by the AW or its contracted inspector, and that full restoration of the work site includes the restoration of markings, signs, delineator posts, speed management devices, and any other infrastructure affected by the work. AW or its contracted inspector will be responsible for closing out excavation permits in AMANDA following final inspection.

II. TERMS, TERMINATION, OR MODIFICATIONS

- A. This MOU is effective when signed and shall be in full force and effect until it is terminated by written notification from one of the parties
- B. Any modifications to this MOU must be in writing and signed by authorized representatives of the Parties.

By signing below, the contracting parties indicate concurrence with the terms and conditions of this MOU:

Austin Water:



Greg Meszaros, Director

09/09/2021

Date

Austin Transportation Department:



Robert Spillar, P.E., Director

09/22/2021

Date

Exhibit A

Austin Transportation Department (“ATD”)

SECONDARY ROW PERMIT AGREEMENT

Austin Water (“AW”)

Start Date: September 1, 2021

End Date: December 31, 2022

Scope of Work: This secondary permit agreement covers **minor excavation and repair work (i.e., work that ideally can vacate the ROW within 30 minutes)**, such as but not limited to:

1. Repair, replacement, or adjustment of manhole covers, rings, valve castings, vault lids
2. Subsurface Utility Engineering investigation services
3. Lining of wastewater mains
4. Repair or replacement of AW billing or monitoring meters
5. Non-emergency repair or replacement of broken or leaking water and reclaimed water mains, service lines, and associated components such as, but not limited to, valves, hydrants, equipment, and subgrade vaults
6. Installation of by-pass pumps and associated by-pass lines
7. Non-emergency repair or replacement of broken or leaking wastewater mains, service laterals, and associated components such as, but not limited to, clean outs, manholes, equipment, valves, and subgrade vaults
8. Right-of-way repairs including asphalt and concrete street surfaces, trenches, sidewalks, curbs, gutters, driveway aprons, retaining walls, and other related appurtenances

Location: Austin Strategic Mobility Plan (ASMP) Level 1 + 2 + 3 Streets (Local + Collectors+ Arterials) in the City of Austin right-of-way (“ROW”) are covered under this Agreement. Work performed on a Level 3 Street requires a traffic control plan (“TCP”) to be approved by ATD prior to submitting a permit application under this Secondary Permit Agreement. A primary permit is required for any work on Level 4 streets and [critical arterials](#) given the corresponding higher volumes and speeds and therefore, this Secondary Permit Agreement excludes work on Level 4 streets and critical arterials. Use this GIS [link](#) to confirm street level number

Duration of Work: This Agreement applies to minor excavation and repair work, as defined above, and that can vacate the ROW within 30 minutes of a primary permit holder arriving.

Number of Permit Extensions: Scheduling field work can be challenging given many unknowns (e.g., weather) and surprises (e.g., shifting priorities, inability to acquire materials or equipment, unavailability of staff or subcontractors). Permits will need to be extended from time-to-time given these uncertainties. This agreement covers the duration of the initial permit (first schedule window) and a subsequent extension (second schedule window). If a third window of time is needed, a ROW supervisor must approve any additional extension requests.

Permit Applications: This Agreement allows AW to work under a Secondary Permit as described herein. AW is required to submit a permit application in AMANDA for each location which enables ATD to continue managing the ROW. The permit will be automatically approved so long as the conditions of this Agreement are met. A hard copy of the permit must be kept at the work site and presented to City officials when requested.

Standard or Special Detail Traffic Control Plans (TCPs): [Standard detail TCPs](#) should be used where applicable. In addition, approved Special Details may also be used. To maintain safety of the traveling public, crews, and infrastructure, a designated Engineer of Record (licensed professional engineer) is responsible for deciding which TCP is required for each site and then taking appropriate steps to ensure the TCP is properly implemented. ATD shall make the final decision on the type of traffic control needed at any location.

Engineered TCPs (site specific): An engineered site-specific TCP is required where the scope of work is not covered by Standard or Special detail TCPs. The formal Engineered TCP review and approval process must be completed prior to submitting a permit application under this Agreement (although TCP reviews take a few days, a six-week lead time is recommended). An Engineer of Record will be provided by AW with every Secondary ROW Permit application in AMANDA in which an engineered TCP is required.

TCP Deficiencies: Any deficiencies noted by a ROW Inspector or other City official must be addressed immediately to protect the safety of travelers, crews, and infrastructure. The Engineer of Record is responsible for deficiencies and for overseeing corrective actions as necessary to bring a project into compliance.

Permit Conflicts: Coordinating (i.e., avoiding conflicts) among multiple entities trying to occupy the same ROW area is a key mission of ATD’s ROW Division. If this coordination is ineffective, it calls into question the integrity of the permitting process and the City’s “promise”

implied by issuing a permit. Based on the permit, permit holders begin to plan and mobilize resources which results in them incurring costs. If the City cannot keep its “promise” that the contractor can begin work as described by the permit, the process is no longer reliable, development costs (e.g., remobilizing) increase which are passed along to Austin citizens and businesses, projects are delayed, and the inefficiency of the City is rightfully called into question. A City of Austin best practice is to ensure the integrity and predictability of the permitting process follows.

- a. Primary Permit Holder Onsite First: If a primary permit holder is working in an area when and where AW desires to work, the primary permit holder may continue to work within the terms of their permit. AW can coordinate with the primary permit holder to access the site as soon as possible, but the primary permit holder has the final decision as to when they will vacate the site.
- b. AW Onsite First: **This scenario creates a financial and integrity risk for the City if a primary permit holder arrives and is delayed due to AW working under this agreement. AW coordinating with other permit holders and third parties minimizes this risk.** If AW is working in an area that conflicts with a primary permit holder, AW must vacate the area as quickly as possible (i.e., ideally within 30 minutes) after the primary permit holder arrives. AW can work with the primary permit holder to find an agreeable solution for both entities to occupy the same area. **AW understands and assumes the risks of not being able to vacate the ROW when a primary permit holder arrives.**
- c. Clearing Conflicts and Third-Party Coordination: AW will continue to clear conflicts and coordinate with third parties (e.g., Capital Metro, Texas Facilities Commission) before beginning work. AW will identify conflicts in ROWPACT (Right of Way Permitting and Coordination Tool) for pre-construction coordination (note: a primary permit could be submitted between the initial ROWPACT check and going to work in the field). If AW is unable to reach a permit holder or third party, ATD will assist AW with the communication. AW is not required to submit confirmation that the conflicts have been cleared and coordination has occurred prior to receiving a permit. If asked for confirmation, AW will provide to ATD an email thread (or other documentation) with the other parties confirming this clearance/coordination occurred prior to work beginning.

Exhibit B

Austin Transportation Department ("ATD")
TEMPORARY USE OF RIGHT OF WAY PERMIT (BLANKET ROW PERMIT)
Austin Water ("AW")

Start Date: September 1, 2021

End Date: Upon termination of this provision of this MOU by ATD

Scope of Work: A Temporary Use of Right-of-Way Permit will be filed by AW upon the execution of this MOU and will cover **work not requiring excavation and that ideally can vacate the ROW within 15 minutes**, such as but not limited to:

1. Vegetation maintenance
2. Unstopping of wastewater mains, manholes, or other associated structures
3. Cleaning of wastewater mains and service laterals, manholes, and other associated structures
4. Closed Circuit Television inspections, manhole inspections, and Sanitary Sewer Overflow abatement investigations
5. Investigation and exercise of associated components of water and reclaimed water mains and service lines such as, but not limited to, valves, hydrants, and equipment
6. Installation and replacement of water and reclaimed water meters and boxes, and associated appurtenances
7. Smoke-testing

TYPICAL PERMIT CONDITIONS FOR A BLANKET PERMIT (NON-EXCAVATION)

***THIS PERMIT IS SECONDARY IN NATURE TO OTHER PERMITS. IF ANOTHER PERMITTED ACTIVITY NEEDS ACCESS, AW CREWS OR CONTRACTORS MUST PROMPTLY AND SAFELY: CLEAR THE ROW (within approximately 15 minutes) *OR* ARRANGE TO CO-LOCATE WHILE MAINTAINING THE APPROVED TRAFFIC CONTROL PLAN (if required). THIS PERMIT ALLOWS AW CREWS OR CONTRACTORS TO CLOSE A SIDEWALK, ALLEY, PARKING SPACE, PARKING LANE, RESIDENTIAL, COLLECTOR, ARTERIAL, CRITICAL ARTERIAL LANES OF TRAVEL WITHIN THE CITY LIMITS FOR: Vegetation maintenance; Unstopping of wastewater mains, manholes, or other associated structures; Cleaning of wastewater mains and service laterals, manholes, and other associated structures; Closed Circuit Television inspections, manhole inspections, and Sanitary Sewer Overflow abatement investigations; Investigation and exercise of associated components of water and reclaimed water mains and service lines such as, but not limited to, valves, hydrants, and equipment; Installation and replacement of water and reclaimed water meters and boxes; and Smoke-testing.*

***THIS PERMIT IS NOT FOR PRIVATE ROADS, HIGHWAYS, COUNTY ROADS, OR Non-City SERVICE ROADS.*

***ROW TYPE: Sidewalk, Parking Space, Parking Lane, Residential Lane, Collector Lane, Arterial Lane, and Critical Arterial Lane*

WORK HOURS/DAYS: Sidewalk = Mon-Sun, 7 a.m. to 7 p.m.; Parking Space or Lane = Mon-Sun, 7 a.m. to 7 p.m.; Residential Lane = Mon-Sun, 7 a.m. to 7 p.m.; Collector, Arterial, Critical Arterial Lane = Mon-Fri, 9 a.m. to 4 p.m. AND Sat-Sun, 7 a.m. to 7 p.m.

***No work allowed during posted school zone speed limit hours*

***TRAFFIC CONTROL PLAN (if required):*

**For sidewalk work, contractor MUST have crew present to halt work activities and escort pedestrians through or around the work area; Crews shall not impede travel lanes, crosswalks, alleyways, fire hydrants, or local access to all property.*

**Activity may only occur on one side of the street at any time*

**When closing a sidewalk, an alternative route with like conditions must be maintained; where a sidewalk detour is not possible, a flagger must be present to halt work activity and escort pedestrians through the work zone; no pedestrian detours longer than 660 feet shall be implemented; may be paired with lane closure as needed*

**COA standard details, approved special details, or Texas Manual on Uniform Traffic Control Devices typical applications are permitted where conditions allow. If one of these details or applications does not match the ROW configuration THEN an ENGINEERED TCP and LOCATION/PROJECT SPECIFIC PERMIT will be REQUIRED (i.e., this Blanket ROW Permit will no longer apply and a Primary or Secondary (as appropriate) ROW Permit must be used)*


***Notify 3-1-1 (512-974-2000) of any ROW closures a minimum of THREE days prior to closure*

***If a CAPMETRO stop or route will be affected, you MUST contact CAPMETRO at service.impacts@capmetro.org*

***Must NOT work in any area that could affect an approved SPECIAL EVENT without PRIOR approval*

***If an INTERSECTION will be affected, you MUST contact the Mobility Management Center at TMC@austintexas.gov five business days in advance of the work. Full road closures or when whole approaches to signals will be closed for multiple hours will require an additional notification at least 30 days in advance of the work.*

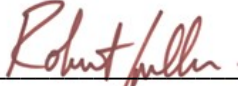
***If work will impact an ALLEY, you MUST contact Austin Fire Department and Austin Resource Recovery*

Austin Water:


Greg Meszaros, Director

09/09/2021

Date

Austin Transportation Department:


Robert Spillar, P.E., Director

09/22/2021

Date