

# CHAPTER 3 MISCELLANEOUS

## SECTION 3.1 EASEMENTS

### A. Public vs. Private

Generally, underground facilities, such as water, sanitary sewer, and storm sewer, that cross property lines are considered public infrastructure. As such, appropriate easements shall be granted to the City for the maintenance of the facility by the City. At the point where these underground facilities enter into a single property, they shall become private facilities maintained by the property owner.

The City may require that facilities be placed within a private easement. Private systems are those which either serve one lot or are systems for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. The City shall be permitted access to facilities within the private drainage easement if the owner fails to adequately maintain the facilities and the system fails or has diminished function that may jeopardize the public's health, safety, or welfare. The owner of the facilities shall reimburse the City for any costs associated with the maintenance of the facility.

### B. Acquisition

Easements not shown on a plat shall be procured by separate instrument. The procurement of any easement is the owner's responsibility. If the owner cannot obtain a required offsite easement, the owner may request assistance from the City. Prior to requesting assistance, the owner shall provide a written offer to the property owner based on fair market value. The City's assistance does not relieve the owner of the cost of purchasing the easement. In addition, the owner shall reimburse the City for all costs associated with the acquisition.

### C. Filing

The following is the process for filing an easement by separate instrument.

1. The owner shall submit the written metes and bounds description and drawing of the easement sealed, signed and dated by a surveyor. This information along with the ownership information shall be submitted to the appropriate department.
2. The dedication statement will be prepared on City forms.
3. A fee will be determined for preparing and filing the documents. Upon payment of the fee, the easement will be returned to the owner for signatures. The signed documents are then returned to the City.

4. The City will file the easement in the deed records at the appropriate county courthouse.
5. A copy of the filed easement will be forwarded to the owner.

## **SECTION 3.2 ABANDONMENT OF EASEMENTS OR RIGHTS-OF-WAY**

Abandonment of rights-of-way or easements is processed by separate instrument or by plat. In either case, signature sheets shall be required from the public utility companies and the adjacent affected property owners indicating either agreement or disagreement to the proposed abandonment. Right-of-way and easements proposed to be abandoned that do not contain improvements shall be processed administratively. If improvements are present, the abandonment request will be forwarded to the City Council for approval. Abandonments that are opposed by the affected property owners will also be forwarded to the City Council for approval. Right-of-way and easements granted to entities other than the City shall be abandoned by that entity.

A request for the abandonment of right-of-way or easements by separate instrument can be initiated by submitting the following to the DPW:

- An application form (available from the DPW or on the website)
- Parcel drawing and written metes and bounds description
- Non-refundable application fee
- Utility relocation cost, if applicable
- Utility company signatures on standard forms
- Affected property owners signatures on standard forms

Upon approval of the abandonment by the City, the applicant shall pay the County filing fees.

Rights-of-way or easements can also be abandoned by Final Plat, Combination Plat, Replat, or Minor Plat (except an Amended Plat). The right-of-way or easement shall be shaded and labeled "Abandoned by the filing of this Plat." There is no application fee specifically for the abandonment by plat. The following shall be submitted prior to filing the plat:

- Utility relocation cost, if applicable
- Utility company signatures on standard forms
- Affected property owners signatures on standard forms

If costs were incurred by the City to acquire the right-of-way or easement, funds shall be paid to the City for reimbursement.

## SECTION 3.3 EASEMENT & RIGHT-OF-WAY USE AGREEMENTS

The City allows permitting of certain improvements within easements and rights-of-way with the execution of an *Easement & Right-of-Way Use Agreement*. The agreement states that the City is not responsible for the maintenance or reconstruction of any improvements located in the easement or right-of-way and that the owner must remove the improvement at the request of the City. The *Easement & Right-of-Way Use Agreement* is processed by Engineering Services. Forms and instructions are included in Appendix L or on the City's website.

Generally, any structure that is permanent in nature requires the execution of an *Easement & Right-of-Way Use Agreement*. The following list identifies examples of items that require the agreement:

- Masonry fences or any part of a fence that is masonry
- Retaining walls greater than 3 feet or, if the wall supports a structure, less than 3 feet
- Private storm drains or area drains
- Swimming pool decks
- Wood decks, patios, and gazebos
- Buildings, signs, or other permanent improvements

Other improvements, including those listed below, may be allowed without the execution of an *Easement & Right-of-Way Use Agreement* at the appropriate Director's discretion:

- Paving or flatwork
- Wooden or chain-link fences
- Retaining walls less than three feet in height that do not support a structure or infringe on the required visibility triangles.

A site plan shall be submitted and accepted prior to issuance of a permit for the construction of the improvements. The agreement will be reviewed by the Public Works Department.

## SECTION 3.4 MONITORING WELLS

The installation of monitoring wells within City right-of-way shall only occur when there is no other alternative location. For approval of monitoring wells in right-of-way, the following shall be submitted to the DPW:

- Justification letter
- Water gradient profile
- Map showing the proposed location of the monitoring well

The request will be evaluated and a written response provided within ten working days. Upon approval of a request, the following additional items shall be required prior to installation:

- Right-of-Way Use Agreement
- Waiver Liability, Indemnification, Release and Hold Harmless Agreement
- Certificate of Insurance naming the City as additional insured
- Traffic control plan

A permit from the Fire Department is required for the installation of monitoring wells on private property.

## SECTION 3.5 SUBMITTALS TO OTHER AGENCIES

Depending on the location and nature of the development, it may be necessary to submit elements of the plans to various county, state or federal agencies or utility companies. Following is a list of agencies that may require submittals. This list is not all-inclusive. The developer and developer's engineer are responsible for determining which agencies are affected by the development and for obtaining all necessary permits and approvals.

### A. Texas Department of Transportation

#### 1. Driveway, Street Access, Auxiliary Lane Permits

A permit from TxDOT is required when constructing facilities within state right-of-way. Form 1058 may be obtained from TxDOT's website, [www.dot.state.tx.us](http://www.dot.state.tx.us). Five copies of the completed application form and five additional sets of 11" x 17" plans shall be submitted to the DPW. The DPW will forward the forms and the plans to TxDOT for approval. The permit must be approved prior to commencing construction.

For public street connections to TxDOT facilities and associated auxiliary lanes, the City will sign the permit form as applicant. The developer must complete the form and submit it to the City for signature.

For private drive connections to TxDOT facilities and associated auxiliary lanes, the developer must sign the permit form as applicant.

#### 2. Utility Permits

A permit from TxDOT is required when constructing utility improvements within state right-of-way. The TxDOT utility permit is obtained through an on-line system. There are two methods for obtaining a TxDOT permit for utility work:

- a. The developer may complete a TxDOT utility permit questionnaire (included in Appendix P) and submit a copy of the plans in .pdf format. The City will complete

the on-line permitting process and coordinate with the developer when comments or approval are received.

- b. The City may give the developer authorization to access the TxDOT permit system and may submit the permit directly to TXDOT using the on-line permit system. If the developer chooses this option, the City must be notified of the permit submittal.

#### **B. Utility Companies**

The owner shall submit construction plans to the utility companies when facilities are proposed along perimeter streets or as offsite facilities serving the development to determine any conflicts. A list of utility companies and contact names may be obtained from the City's website.

#### **C. U.S. Army Corps of Engineers**

When work is proposed within waters of the United States, it may be necessary to obtain a 404 permit from the Corps of Engineers. It is the owner's responsibility to determine whether a 404 permit will be required or whether the project is permitted under a nationwide permit or whether the project does not fall within Corps of Engineers jurisdiction. The City may require documentation of the determination prepared by a qualified professional.

#### **D. FEMA**

For work within the floodplain, the owner may be required to submit a flood study to FEMA in accordance with the requirements in Chapters 4 and 5.

#### **E. Texas Department of Licensing and Regulation**

The owner is responsible for submitting all pertinent information with regard to sidewalk and access ramps to the Texas Department of Licensing and Regulation (TDLR) prior to construction as required. It is the owner's responsibility to determine if the submittal to TDLR is required.

### **SECTION 3.6 FLOODPLAIN DEVELOPMENT PERMITS**

The development permit ensures that all development activities proposed within the Special Flood Hazards Area (SFHA or Floodplain) will be in compliance with the Flood Hazards Ordinance of the City Code. A plan shall be submitted that shows the existing and proposed contours and all proposed uses of the property. This permit is intended for all development activities not governed by the Subdivision and Development Ordinance or Chapters 4 and 5 of this manual. A fee is charged for this permit.

## SECTION 3.7 TRAFFIC STUDY

### A. Purpose

The purpose of a traffic study is to assess the effects of specific development activity on the existing and planned roadway system. It is the intent of these requirements to make traffic access and circulation planning an integral part of the development process.

### B. Responsibility

When required, the owner shall submit at the owner's expense a traffic study that assesses the traffic impacts associated with a proposed development. The study must be prepared under the direction of a licensed professional engineer with experience in Transportation Engineering sufficient to assess traffic impacts.

### C. Determination of Need

The DPW will determine the necessity of a traffic study within five working days after receiving the following information:

- Existing or proposed zoning categories
- Tract location map
- Tract size in acres
- Existing and proposed land use (if known)
- Proposed types and locations of new roadways
- Location of proposed access points and signalization, if applicable

Generally, a traffic study shall be required for any development expected to generate traffic volumes that will significantly impact the capacity or safety of the street system.

A Traffic Impact Analysis (TIA) is a comprehensive study of all aspects of a development's probable impacts on the transportation system. This study will analyze how traffic generated by a development relates to traffic on internal and adjacent roadways. The following provides specific situations where a traffic study may be required:

#### 1. Zoning

- *Over 100 trips during the peak hour.* A traffic impact analysis shall be required for a zoning proposal when the expected traffic generation exceeds 100 trips during the peak hour of the development (typically a.m., noon, p.m., and/or weekend) or the current zoning trip generation is exceeded by 1,000 trips per day or more.
- *Over 1000 trips per day.* Developments expected to generate more than 1,000 trips per day, but less than 100 trips during the peak hour may be required to submit a traffic impact analysis at the City's discretion.

- The TIA requirement will be waived if increased traffic generation from the property being zoned has been previously considered in development of the MTP.

## **2. Platting**

- A TIA shall be required for a development when the expected traffic generation is greater than 100 trips during the peak hour.
- Developments expected to generate less than 1,000 trips per day may be required to submit a TIA.
- A TIA will not be required for developments generating less than 500 tpd unless the peak hour generation is greater than 100 trips.

## **3. Annexation**

A TIA shall be required when the trip generation of the fully developed land use scenario of the annexed land exceeds 100 trips during the peak hour. This requirement will be waived if the Master Thoroughfare Plan has adequately considered this traffic generation or if the City has initiated the annexation.

## **4. Master Thoroughfare Plan Amendment**

TIA may be required to support a request for amendment to the Master Thoroughfare Plan. If the City initiates a Master Thoroughfare Plan amendment, the City will be responsible for the necessary traffic study.

## **5. Building Permit, Driveway Permit or Development Plan**

A TIA may be required for any building permit, driveway permit or development plan. This requirement includes permits for sites with existing driveways.

## **6. Certificate of Occupancy**

A TIA may be required prior to the issuance of a certificate of occupancy on an existing structure if the new use is expected to increase traffic by more than 500 tpd or if the site's existing driveways create operational or safety problems.

## **7. Special Circumstances**

A traffic study may be required for a development if the DPW determines that one or more of the following conditions exist:

- Traffic generated from a non-residential development will significantly impact adjacent residential neighborhoods.

- Traffic operational impacts such as problems with driveways, left or right turns, signal timing, median openings or sight distance are anticipated. In such cases, the study will only be required to answer questions related to the specific impacts.
- Existing traffic problems on adjacent streets are expected to worsen due to traffic generated from the new development.
- Implementation of the Master Thoroughfare Plan in the area will not occur prior to development of the property.
- The proposed land use differs significantly from that contemplated in the adopted Comprehensive Plan.
- The internal street or access system is not anticipated to accommodate the expected traffic generation.
- A traffic study may be required at any stage of development at the discretion of the DPW, City Council or the Planning and Zoning Commission.

#### **8. Waiver**

A request for waiver of the traffic study may be submitted to the DPW. The waiver letter must include sufficient information documenting the justification for the waiver.

#### **9. Study Update**

Any previous traffic study relating to a development that is more than two years old shall be updated unless the DPW determines that conditions have not changed significantly. If an updated study is necessary, additional information will be required to:

- Update changes in the proposed development
- Update or refine assumptions made in a prior submittal
- Provide specific information not available at the time of previous submittal

### **D. Study Requirements**

#### **1. Preliminary Meeting**

A meeting shall be held between the engineer and the DPW to discuss the development project prior to beginning the study. Topics for discussion at the meeting include:

- trip generation
- directional distribution of traffic
- trip assignment

- definition of the study area
- intersections requiring critical lane analysis (all major intersections within one-half mile of the site, subject to the approval of the DPW)
- methods for projecting future volumes and conditions to be analyzed
- special site related issues
- auxiliary lanes

## **2. Study Submission and Review**

A study shall be submitted to the DPW in accordance with the following:

### **a. Zoning cases**

The traffic study shall be submitted no later than the submission of the zoning case application.

### **b. Subdivision plats**

The traffic study shall be submitted no later than the submission of the first plat application.

### **c. City Council agenda**

The final traffic study shall be submitted 20 working days prior to the City Council meeting to consider approval of the zoning case.

### **d. Fee**

A fee will be charged for the review of the traffic study in accordance with the fee schedule.

### **e. Others**

For development proposals not involved in a formal hearing process, DPW will review a traffic study within ten working days of the submittal or will notify the applicant in writing if additional review time is required.

Longer review periods may be necessary if TxDOT is involved. The DPW will be responsible for processing the traffic study through TxDOT.

Revisions to the traffic study shall be provided to address comments required by the DPW. If study revisions are required, they will be reviewed within five working days of submittal.

### **3. Traffic Impact Analysis Contents**

All TIAs shall be prepared under the direction of an engineer with experience in Transportation Engineering. In order to provide consistency and to facilitate staff review of traffic studies, the following format shall be used:

#### **a. Introduction**

The introduction shall clearly state the purpose of the study.

#### **b. Land Use, Site and Study Area Boundaries**

A brief description of the size of the land parcel, general terrain features and the location within the City and the region shall be included in this section. In addition, roadways that provide site access and are in the study area shall be identified.

The limits of the study area shall be based on existing and future traffic conditions surrounding the site and will be determined at the preliminary meeting. A vicinity map that shows the site and the study area boundaries, in relation to the surrounding transportation system, shall be included.

#### **c. Existing and Proposed Site Uses**

The existing and proposed zoning of the site shall be identified. In addition, the specific use for the site shall be identified if known, since a variety of uses may be permitted under a zoning category. The traffic study shall address traffic impacts for the most intensive use allowed by zoning.

#### **d. Existing and Proposed Uses in Study Area**

A complete description and map of the existing land uses and zoning in the study area shall be included. In addition, a complete description and map of the assumed future land use shall be provided. Generally, this information can be obtained from the Department of Community and Economic Development.

#### **e. Existing and Proposed Roadways and Intersections in Study Area**

A complete description and map of the existing roadways and intersections including geometrics, traffic signal control, and volumes shall be included. It shall also identify improvements contemplated by government agencies and provide the following details:

- The nature of the improvement project
- Limits
- Implementation schedule
- The agency or funding source responsible

**f. Sight Distance**

Visibility triangles as shown in Appendix G must be maintained at all 90-degree intersections on straight roadway sections. For street or driveway connections onto curved street segments, a sight distance analysis must be provided. The sight distance requirements may be obtained from AASHTO's A Policy on the Geometric Design of Highways and Streets.

**g. Trip Generation and Design Hour Volumes**

A summary table shall be provided listing each type of existing and proposed land use, building size, average trip generation rates (total daily traffic and a.m./p.m. peaks), and the resultant total trips.

Trip generation shall be calculated for the maximum uses allowed under the existing and proposed zoning based on the latest edition of the ITE Trip Generation Manual. In the event that data is not available for the proposed land use, the City shall approve estimated rates. All sources must be cited in the report.

The calculation of design hour volumes used to determine study area impacts shall be based on:

- Peak hour trip generation rates as published in the ITE Trip Generation Guidelines and explained in the ITE publication, "Using the ITE Trip Generation Report."
- "Site Impact Traffic Evaluation Handbook," FHWA Report PL/85/004, U.S. DOT, June 1985.
- Traffic volume counts for similar existing uses, if no published rates are available.
- Additional sources from other jurisdictions or publications, if acceptable to the City. Possible sources include:
  - a) "Development and Application of Trip Generation Rates," FHWA Report PL/85/003, U.S. DOT, January 1985.
  - b) "San Diego Traffic Generators," San Diego Association of Governments.
  - c) ITE Journal articles.

Passerby factors are to be used to reduce the estimated additional total daily traffic to the street serving a proposed development. They are not to be applied directly to reduce trip generation and turning movement volumes at driveways serving the proposed development. The percentage rates for passerby traffic may be obtained from the latest ITE Trip Generation Manual.

Internal trip reductions and modal split assumptions will require analytical support to demonstrate how the figures were derived. Other documented rates to account for passerby traffic may be used upon approval by the City.

City studies indicate that daily trip generation from office/commercial mixed use developments can be accurately predicted by the application of ITE rates to each individual use. The City may allow reduction of the p.m. peak trip generation to eight to ten percent of the total daily generation.

#### **h. Trip Distribution**

The estimates of percentage distribution of trips from the proposed development to destinations in the metro region shall be clearly stated in the report. Market studies and information concerning origin of trips to the proposed development may be used to support these assumptions. A map showing the percentage of trips on each street shall be provided, clearly showing the percentage distribution through each studied intersection.

#### **i. Trip Assignment**

The direction of approach for site-generated traffic via the area's street system shall be presented in this section. The technical analysis, basic methods, and assumptions used in this work shall be clearly stated. The assumed trip distribution and assignment shall represent the most logically traveled routes for drivers accessing the proposed development. These routes can be determined by observation of travel patterns to existing land uses in the study area.

#### **j. Existing and Projected Traffic Volumes**

The specific time frames to be studied will depend on the individual development. Near term analysis shall be based on the anticipated earliest completion of the development. The analysis must account for traffic growth from existing volumes and roadway system changes during development of the site. The near term impacts are intended to reveal expected impacts of the development when it is ready for occupancy.

The long-term impacts shall be analyzed when the area is fully developed or 20 years from present, depending on the development location and available information.

An interim condition may also be requested in areas where the roadway system is not fully developed or ultimate improvements are not scheduled. These time frames will be determined at the preliminary meeting.

Graphics shall be provided showing the following traffic impacts for private access points, intersections and streets:

- A.M. peak hour site traffic (in and out) including turning movements.

- P.M. peak hour site traffic (in and out) including turning movements.
- A.M. peak hour total traffic including site generated traffic (in and out). These volumes should include through and turning movement volumes for near term and long term conditions.
- P.M. peak hour total traffic including site generated traffic (in and out). These volumes shall include through and turning movement volumes for near term and long term conditions.
- Any other peak hour which is critical to site traffic and the street system in the study area shall be included in the graphics and with the same information provided for the a.m./p.m. peak hours.
- Actual counts of existing total daily traffic for the street system in the study area at the time the study is prepared.
- Projected existing and long-term total daily traffic for the street system in the study area based on traffic from the proposed development and counts of existing daily traffic. The component of the existing daily traffic attributable to the existing uses shall be identified as well as the increase in total daily traffic from the proposed development.

All raw traffic count data (including average daily volumes and peak hour turning movements) and analysis worksheets shall be provided in the appendices of the report.

Volume projections for background traffic growth will be provided by the DPW, or a method for determining these volumes will be recommended by the DPW.

All total daily traffic counts shall be actual machine counts and not based on factored peak hour sampling. Latest available machine counts from TxDOT, the City and other agencies may be acceptable if less than two years old.

#### **k. Capacity Analysis**

A capacity analysis for appropriate peak periods shall be conducted for all public street intersections impacted by the proposed development and for all private property access points to streets within the study area. Capacity calculations shall include both near term and long-term projections. At each location studied, storage requirements shall be calculated for each vehicular movement.

Capacity calculations for near term conditions must be based on the operational analysis techniques contained in the most current edition of the Highway Capacity Manual (HCM). Long-term capacity calculations may be based on the planning analysis techniques in the latest edition of the HCM or the planning and operations procedures included in Transportation Research Circular No. 212. The technique used to calculate capacity will be discussed at the preliminary meeting.

All capacity analysis work sheets or computer print outs shall be included in the appendices of the report.

#### **I. Auxiliary Lanes**

In general, auxiliary lanes are required or allowed in accordance with the criteria included in the TXDOT Access Management Manual and the TXDOT Roadway Design Manual. The DPW may allow variances from the TXDOT manual upon adequate justification included within the TIA.

#### **m. Traffic Signals**

The need for new traffic signals shall be based on warrants contained in the Texas Manual on Uniform Traffic Control Devices. A minimum spacing of one-half mile for all signalized intersections shall be maintained, except as allowed by the DPW. This spacing is desirable to achieve optimum speed, capacity, and signal progression.

To ensure optimum two-way signal progression, a traffic signal analysis shall be performed to properly locate all access points that may require signalization. The analysis shall include all current and future signalized intersections within the affected area.

The progression pattern calculations must use a cycle consistent with current signal timing policies of the City. A desirable bandwidth of 50% of the signal cycle must be used where existing conditions allow. Where intersections are expected to have signals in the future, a 60% mainline and 40% cross street cycle split should be assumed. Cycle split assumptions must relate to volume assumptions in the capacity analysis for the intersection. Adequate pedestrian clearance shall be provided in the signal cycle split assumptions. Where computerized progression analysis techniques are used, turning and pedestrian movement volume data shall be considered. The City may require proposed signalized intersections to remain unsignalized and have turning movements limited by access design or median islands if the optimum bandwidth is reduced.

#### **n. Traffic Accidents**

Traffic accident data may be required for affected street corridors. The study period is typically three years. Accident data summaries may be obtained from the DPW. Estimates of increased or decreased accident potential shall be evaluated for the proposed development.

#### **o. Level of Service Determination**

A table indicating the level of service for near-term and long-term traffic projections for all streets within the study area shall be included. Level of Service "C" is the design objective for all movements. Under no circumstances shall the Level of Service be less than "D" unless deemed acceptable for site and non-site traffic.

**p. Conclusions**

This chapter of the report must include a summary of the study findings regarding impacts of the proposed development on the existing and proposed street system.

**q. Recommendations**

In the event that the analysis indicates unsatisfactory levels of service or safety problems, a detailed description of proposed improvements to remedy deficiencies shall be included. Assumptions regarding future capacity recommendations shall be approved by the City. The recommendation section shall include a sketch of each improvement showing pertinent geometric features.

## **SECTION 3.8 FRANCHISE UTILITIES**

All electric, telecommunications, and cable television utility lateral lines shall be placed underground and in dedicated easements or rights-of-way throughout new subdivisions for which final plats are approved or have had community facilities agreements executed and subject to the following conditions:

- A. Any transmission or feeder lines shall be placed in accordance with the following:
  - 1. Except in the Transit Oriented Development (TOD) District, all electrical transmission lines, meaning those electrical lines operated at normal voltages of 60,000 volts or higher, may be placed overhead. The placement of the electrical line shall be coordinated with the City. The intent of this provision is to minimize overhead utilities along the City's arterial roadways.
  - 2. Except in the Transit Oriented Development (TOD) District, any feeder lines shall be placed in accordance with the following:
    - a. The lines shall be placed underground; or
    - b. The lines shall be placed underground within 150 feet of each entry to the subdivision. In areas beyond 150 feet from the entry, a landscape buffer of at least 20 feet from right-of-way shall be provided. Landscaping shall be provided by the developer in accordance with the Oncor Electric Delivery publication "Plan Before You Plant" and the Public Utility Commission publication "All About Trees and Power Lines." The developer or homeowner's association shall irrigate and maintain the landscaping; or
    - c. The lines may be placed overhead if a landscape buffer of at least 20 feet from right-of-way is provided. Landscaping shall be provided by the developer in accordance with the Oncor Electric Delivery publication "Plan Before You Plant" and the Public Utility Commission publication "All About Trees and Power Lines." The developer or homeowner's association shall irrigate and maintain the landscaping; or

- d. The utility may be placed overhead if an alternate route outside of the City's road right-of-way is provided by the City or developer. The route shall be acceptable to the City and to the franchised utilities. Paved access adjacent to the utility line shall be provided; and
  - e. Poles used to support any overhead construction shall be armless construction when it is feasible from construction and operational perspectives.
3. All utilities in the Transit Oriented Development District shall be placed underground.
- B. Lateral utility/service lines, meaning those lines that emanate from feeder lines and are used for distribution to smaller areas of consumers, must be placed underground in the interior of all residential subdivisions. Lateral lines may be placed overhead in nonresidential developments upon approval by the City Manager or a designated representative. The plat shall provide that utility/service companies shall have the right of ingress and egress to perform maintenance on their lines.
  - C. Underground utilities, or adequate underground utility conduit located in or crossing streets shall be placed under or across all streets after the rough grades are made, but prior to the paving being placed. Paving operations will not be allowed to start until all underground utility work is completed and accepted by the City. Otherwise, underground utilities may cross streets only by boring without open cutting of pavement.
  - D. Temporary service during construction may be provided by overhead facilities prior to activation of the underground service. As soon as possible following activation of the underground permanent service, the temporary overhead service shall be removed.
  - E. Each of the utility service companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing prohibits or restricts utility/service company from recovering the difference in cost of overhead facilities and underground facilities from the owner or developer in accordance with the provisions of the utility service company's approved rate. No utility service company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the utility service company for the payment of the difference between the cost of overhead facilities and underground facilities.
  - F. The City shall not be held financially responsible for any portion of the cost to establish utility service lines, service connections, landscaping, or irrigation in compliance with this section.
  - G. All electrical, telecommunications, and cable television support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pad-mounted (except for common above ground buried telecommunications line closures/risers) or placed underground, and the difference in cost of the facilities shall be paid to the installing utility service company in accordance with provisions established under paragraphs (E) above.

- H. In special or unique circumstances or to avoid undue hardship, the City Council may authorize exception from these requirements in conjunction with final plat approval.
- I. The provisions of this section do not require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction
- J. The provisions of this section do not alter the requirements of any utility service company franchise agreement in effect on the effective date of this section.

## SECTION 3.9 CONSTRUCTION REQUIREMENTS

### A. Public Infrastructure

The owner shall construct all public infrastructure required for the development, including any necessary offsite facilities. The owner shall also acquire necessary offsite rights-of-way or easements. All City participation requests for offsite and/or oversized facilities must be authorized by City Council before beginning construction. All public infrastructure shall be in place and accepted by the City prior to the issuance of a building permit for residential development. For commercial sites, the public infrastructure may be installed concurrently with the private improvements. A Certificate of Occupancy for a commercial building will not be issued until the DPW has issued a letter of initial acceptance of the public improvements.

In accordance with the Subdivision and Development Ordinance, the City will not allow construction of any public improvement or issue permits for any construction activity until the plat is approved. Upon written request from the owner, the Director may allow the construction of public improvements prior to the plat being filed with accepted plans and inspection. Should the City allow the development of public improvements prior to plat filing, the improvements will not be accepted until a plat is filed of record. No grading, clearing or fill shall commence without a SWPPP and prior approval of the Public Works Department.

### B. Release for Early Grading

In accordance with the Subdivision and Development Ordinance, the City will not allow construction of any public improvement or issue permits for any construction activity until the Community Facilities Contract is executed, except that the DPW may allow early grading upon written request from the owner. In order to receive permission for early grading, the following must occur:

1. A preliminary plat must be approved by the Planning and Zoning Commission and City Council.
2. The following items must be submitted to the DPW:
  - a. Notification of Grading Form,

- b. Erosion Control Plan,
  - c. Copy of the SWPPP,
  - d. Copy of the NOI (if applicable), and
  - e. A detailed grading plan if public or private streets are proposed.
3. All erosion control BMPs shall be installed prior to starting the grading operation.
4. Following is the policy when fill is placed within public or private streets:
- a. The contractor must notify the DPW at least 48 hours prior to starting the grading operation,
  - b. The City inspector will test densities of all fill areas,
  - c. The City will pay for the initial density testing, and
  - d. The contractor will be billed for all failed tests.

#### **C. Standard Specifications**

Public facilities shall be constructed in accordance with the most recent Standard Specifications for Public Works Construction as issued by the North Central Texas Council of Governments (NCTCOG), which is commonly referred to as the standard specifications or NCTCOG specifications.

#### **D. Typical Details**

Typical details for public infrastructure are contained in the Appendix of this manual and are also available on the City's website.

## **SECTION 3.10 CONTRACTOR REQUIREMENTS**

#### **A. Contract Requirements**

A Community Facilities Contract executed by the owner, contractor, and the City are required for construction of all infrastructure improvements. The contract shall provide for 100-percent performance, payment and maintenance bonds, except when the contract is less than \$25,000. When the contract is less than \$25,000, only a maintenance bond is required. The bonds shall not be executed prior to the date of execution of the contract. An insurance certificate with coverage approved by the City is also required with the contract documents. The expiration date of the insurance policy shall not be prior to the completion of the project. Additionally, an administration and inspection fee as established by the City shall be paid prior to commencing construction. A trench safety plan sealed, signed, and dated by an engineer shall also be submitted with the contract. A copy of the Community Facilities Contract (CFC) is included in the Appendix of the Subdivision and Development Ordinance.

## **B. Inspection Requirements**

The contractor shall notify the DPW at least 48 hours prior to the start of any construction of public facilities. The contractor shall also ensure that, when applicable, proper authorities with TxDOT, franchised utility companies, railroads, or any other affected entities are notified.

## **C. Permits**

No building permits for residential lots will be issued until all infrastructure is initially accepted. Building permits for commercial and multi-family development may be issued prior to the acceptance of the public infrastructure. A certificate of occupancy will not be issued until all public infrastructure has been constructed and accepted by the City. There may be conditions placed on the issuance of a building permit based on the type of public construction required for the development. In general, no construction may occur above the slab unless required fire hydrants and fire lanes have been installed and hydrants are operational.

## **D. Traffic Control Plan**

When construction impacts existing roadways, a detailed traffic control plan shall be submitted with the CFC. All traffic control plans shall be in accordance with the Texas Manual on Uniform Traffic Control Devices. The site specific plan shall be submitted to the DPW for approval at least 10 working days prior to beginning construction.

## **E. Trench Safety Requirements**

1. A trench safety system must be provided for all trench excavations according to current OSHA requirements.
2. On all public projects bid by the City or private projects to be constructed within right-of-way or easements to be conveyed to the City, compliance with the current minimum Occupational Safety and Health Administration (OSHA) or other governmental agencies standards for trench safety will be required as part of the plans and specifications. Prior to start of construction a detailed trench safety system must be provided to the City by the contractor. This detailed trench safety system must meet all requirements by OSHA or other governmental agencies, and be designed and certified by a professional engineer licensed in the State of Texas.
3. A pay item shall be included in the plans and specifications for the trench safety system. Payment will be on a linear-foot basis and will be full compensation for labor, tools, materials, equipment and incidentals necessary to complete the work, including the removal of the trench safety system and back-filling the trench.

## SECTION 3.11 ITEMS AVAILABLE ON WEBSITE

The following items are available on the City's website, [www.burlesontx.com](http://www.burlesontx.com):

- Subdivision Design Checklist
- Commercial Plan Design Checklist
- Easement/Right-of-Way Use Agreement Application
- Easement/Right-of-way Abandonment Form
- Early Grading Notification
- Utility Contact List
- Floodplain Development Permit
- Standard Construction Details in .pdf and .dwg format
- Community Facilities Contract
- Subdivision and Development Ordinance
- Design Standards Manual (this document)