

**Texas Department of Transportation**  
**BOOK 2 – TECHNICAL PROVISIONS**  
**FOR**  
**LOOP 375 - BORDER HIGHWAY WEST EXTENSION**  
**PROJECT**  
**Design-Build Project**

**ATTACHMENT 5-4**  
**AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND**  
**OPERATION OF TRAFFIC CONTROL SYSTEM ON NON-**  
**CONTROLLED ACCESS HIGHWAYS IN EL PASO**

**December 20, 2013**

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STATE OF TEXAS ) AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND  
 ) OPERATION OF TRAFFIC CONTROL SYSTEM ON  
COUNTY OF TRAVIS ) NON-CONTROLLED ACCESS HIGHWAYS IN EL PASO

This AGREEMENT, dated this 16th day of July, 1991, by and between the State of Texas, hereinafter called the "State", Party of the First Part; and the City of El Paso, El Paso County, Texas, acting by and through its duly authorized officers under a Resolution, passed the 16th day of July, 1991, hereinafter called the "City", Party of the Second Part, is made to become effective when fully executed by both parties.

W I T N E S S E T H

WHEREAS, the City has authorized the installation of highway traffic signals by Resolution, passed on the 16th day of July, 1991, at the locations shown on EXHIBIT 1, attached hereto and made a part hereof; and

WHEREAS, the State under State Highway and Public Transportation Commission Minute Order has authority to install traffic signals on non-freeway locations within cities of over 50,000 population when the installations are eligible for reimbursement from Highway Traffic Safety funds or other related programs; and

WHEREAS, the State wishes to cooperate with the City in the installation of the traffic signals at the locations shown on Exhibit 1;

A G R E E M E N T

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

1. This Agreement shall apply to all highway traffic signal installations approved by both the State and the City, the City's approval being indicated by signature of the Mayor of the City on the plan title sheet for such installation. Highway traffic signal installations made a part of this agreement shall contain on the title sheet the following statement:



"The City hereby consents to the construction of this highway traffic signal as to location and manner of construction as indicated on these plans, said installation being a part of "Agreement (Traffic Signal NC-Type B)", dated July 16, 1991."

2. The State will furnish the necessary funds for the actual construction, prepare plans and specifications, install said highway traffic signals, and supervise construction. This construction and funding will apply only to highway traffic signals which are eligible to be funded by Highway Traffic Safety funds or other related programs.

3. The City hereby consents to the construction of the highway traffic signals shown on EXHIBIT 1 by the approval of the location and manner of construction as shown on the plans and described in the specifications.

4. The City will operate and maintain the highway traffic signals at City's expense upon completion of the installations by the State.

5. The City will pay all power costs for operating the signals.

6. The City will obtain written approval of the State Department of Highways and Public Transportation before making any changes in the design of operation of the signals or before removing any part of the installations.

7. The City will return any and all parts of said highway traffic signal installations to the State should they be removed by the City for any reason other than for installation on a State or

a Federal numbered highway route at a location approved by the State.

8. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signals.

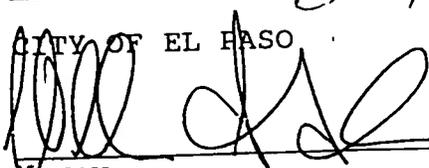
9. In the event the signals installed in accordance with this Agreement become unnecessary or are removed for any reason, this Agreement shall terminate.

10. To the extent permitted by law, the City shall indemnify and save harmless the State, its agents or employees, from all suits, actions or claims and from all liability and damages for any and all injuries or damages sustained by any person or property in consequence of any neglect in the performance, or failure of performance of the City, its agents and employees under this Agreement.

11. The State will not incur any financial obligation to the City as a result of this Agreement.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the dates shown herein below.

Executed on behalf of the City, this  
18<sup>th</sup> day of July, 1991.

CITY OF EL PASO  
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

*[Signature]*  
Assistant City Attorney

APPROVED AS TO CONTENT:

*[Signature]*  
J. Dryden Smith, Jr., P.E., Director  
Traffic and Transportation

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission:

APPROVED:

By: *[Signature]*  
Traffic Operations Engineer

Date: 9-27-91

NLM4/tdh  
TRAFFIC.AGR  
07/10/91

EXHIBIT 1

LOCATIONS

1. All Farm to Market, Ranch to Market, Loops, Spurs, and Business Routes within the El Paso City Limits.
2. All State Highways within the El Paso City Limits.
3. All Non-controlled access U.S. Highways within the El Paso City Limits. Agreement (Traffic Signal NC-Type B)

NLM4/klh  
EXHIBIT1.AGR  
07/10/91

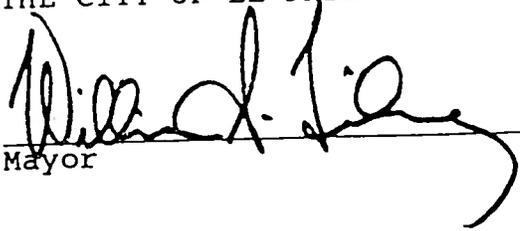
R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

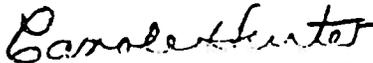
That the Mayor be authorized to execute, on behalf of the City of El Paso, an Agreement with the State Highway and Public Transportation Commission to install highway traffic signals on Farm to Market roadways, State Highways and U.S. Highways within the El Paso City Limits; and further to authorize the Mayor to sign a plan title sheet for each such installation indicating the City's approval of the traffic signal installation.

ADOPTED this 16<sup>th</sup> day of July, 1991.

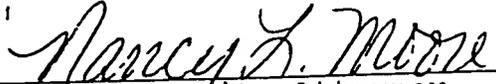
THE CITY OF EL PASO

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney