

Texas Department of Transportation
TECHNICAL PROVISIONS

STATE HIGHWAY 71 TOLL LANES

Attachment 5-2
Municipal Maintenance Agreement
Highway Lighting
Execution Version

AGREEMENT FOR CONSTRUCTION, MAINTENANCE
AND OPERATION OF CONTINUOUS HIGHWAY ILLUMINATION
SYSTEM WITHIN MUNICIPALITY
(100% BLANKET)

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

THIS AGREEMENT dated this 2nd day of December, 19 83,
by and between the State of Texas, hereinafter referred to as the
"State", party of the first part, and the City of Austin,
Travis County, Texas, acting by and through its duly au-
thorized officers under an ordinance or resolution passed the 20th
day of October, 19 83, 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 requested the State to contribute financial
aid in the construction, maintenance and operation of a highway illu-
mination system on freeways and expressways as defined in highway
Commission Minute Order 61624. Within the City, said illumination
system hereinafter referred to as the "illumination system" is to
consist of continuous lighting to be built in sections as financed and
designated by the State Highway and Public Transportation Commission;
and

WHEREAS, the Engineer-Director, acting for and in behalf of the
State Highway and Public Transportation Commission, has made it known to
the City that the State will construct said highway illumination system,
conditioned that the City, as provided in Highway Commission Minute
Order No. 61624, will maintain and operate said illumination system.

AGREEMENT

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. CONSTRUCTION RESPONSIBILITIES

- a. The State will prepare or provide for the plans and specifications, advertise for bids, and let the construction contract, or otherwise provide for the construction, and will supervise the construction, reconstruction or betterment work as required by said plans and specifications. As the project is developed to the construction stage, either as a unit or in increments, the State will submit plans and specifications of the proposed work to the City and will secure the City's consent to construct the illumination system prior to awarding a contract; said City consent to be signified by the signature of the Superintendant of Engineering Design in the spaces provided on the title sheet of plans containing the following notation:

"Attachment No. _____ to special AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF CONTINUOUS HIGHWAY ILLUMINATION SYSTEM WITHIN MUNICIPALITY, dated _____."

The City-State construction, maintenance and operation responsibilities shall be as heretofore agreed to,

accepted, and specified in the Agreement to which these plans are made a part."

- b. All costs of constructing the street illuminating system including but not limited to such items as conduits, lamp standards, mast arms, reflector units, lamps, bowls, electrical conductors, wiring, supportive apparatus, etc., will be borne by the State, and the illumination system will remain the property of the State.
- c. The State's financing of the construction, maintenance, and operation of the street illumination system will not extend to nor include the construction and maintenance of any primary lines and incidental equipment necessary to connect the street illumination system with power stations.

2. MAINTENANCE AND OPERATION RESPONSIBILITIES

- a. The City hereby agrees to furnish at its expense the electrical energy required for proper operation of the illumination system, such electrical energy to be provided at points on the illumination system as designated in the Plans. The City further agrees to maintain and operate the illumination system in an efficient and sightly condition, including the furnishing of all equipment and labor and making any replacements which may become necessary, without cost to the State.
- b. The City will assume maintenance and operation on a date to correspond with the date construction of the illumination system is completed and accepted by the State. The

City hereby agrees to furnish at its expense the electrical energy consumed by the system during the period of trial operation prior to acceptance by the State. If the illumination system is constructed by sections, this provision shall apply to each such separately constructed section.

- c. The City will obtain written approval of the Engineer-Director before making any changes in the design and/or operation of the illumination system as designed and constructed by the State or before the removal of any part of the installation except for the purpose of replacements where identical or accepted equivalent equipment to that originally installed is used.

3. GENERAL

- a. This Agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City, and shall be automatically renewed for two year periods unless modified by mutual agreement of both parties.
- b. If at any time, the City does not maintain and operate the illumination system in a satisfactory manner the State reserves the right to arrange for maintenance at the expense of the City. For purposes of this paragraph satisfactory manner shall mean maintaining the system in an efficient and slightly condition, including the furnishing of all equipment and labor and making any replacements which may become necessary.

4. INDEMNIFICATION

The City agrees to indemnify the State against any and all damages to adjoining, abutting or other property for which the State is or may be liable arising out of, incident to or in any way connected with the use, the maintenance and/or operation of the illumination system. The State agrees to indemnify the City against any and all damages and claims for damages to adjoining, abutting or other property for which the City is or may be liable arising out of, incident to or in any way connected to the installation, construction and existence of the illumination system.

Nothing herein contained shall be construed to place upon the City any manner of liability for injury to or death of persons or for damages to or loss of property arising out of or in any manner connected with the construction, installation or existence of the illumination system and the State will save the City harmless from any damages arising from said construction, installation or existence of said illumination system.

Nothing herein contained shall be construed to place upon the State any manner of liability for injury to or death of persons or for damage to or loss of property arising out of or in any manner connected with the maintenance, operation or use of the illumination system and the City will save the State harmless from any damages arising from said maintenance, operation, and/or use of said illumination system.

It is further understood and agreed between the parties hereto that the State's participation in the construction, maintenance and operation of the illumination system is for the sole purpose of providing the traveling public a more adequate travel facility and shall not be the

basis of any claim for State assumption, or participation in the payment, of any of the obligations of the City incurred in the improvement, past or present, of any street project.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, The City of Austin on the 2nd day of December, 19 83 and the State Department of Highways and Public Transportation on the 23rd day of January, 19 84.

ATTEST:

James E. Aldridge
James E. Aldridge
Acting City Clerk

CITY OF Austin
By Jorge Carrasco
Jorge Carrasco
Deputy City Manager
(Title of Signing Official)

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 Alvin Plummer
Asst. Engineer / Director

Executed and approved for the State Highway and Public Transportation Commission under Authority of Commission Minute 78501.

APPROVAL RECOMMENDED:

R. G. B...
District Engineer

W. R. Castell...
Director, Finance

S. C. B...
Chief Engineer of Highway Design

Harold A. Tom...
Chief Engineer of Safety and Maintenance Operations



MEMORANDUM

TO: Russell Lenz, P.E.
FROM: Bubba Needham, P.E./Clayton Bridwell
SUBJECT: Agreements with City of Austin

Sept 4, 1998
~~April 22, 1999~~

A meeting was held on July 1 between TxDOT and the City of Austins' Austin Energy. One of the items of discussion was the process used to transfer maintenance responsibility of illumination systems from TxDOT to the City of Austin (COA).

Austin Energy has requested that a copy of the specs and as-builts be forwarded to them for any section of illumination that they will be maintaining. These documents, including the maintenance agreements, should be sent to Mr. Keith Harvill with Austin Energy.

Additionally, please forward a copy of the maintenance agreements to this office and to the Traffic Operations Division for the files. If you have any questions or require any assistance, please contact Clayton at 832-7124.

AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF CONTINUOUS HIGHWAY ILLUMINATION SYSTEM WITHIN MUNICIPALITY (100% BULKET)

Dated Dec. 2, 1983

Date # Issued	Attachment #	LOCATION
	1	Loop 1 SOUTH (3136-1-38)
	2	Loop 1 NORTH (3136-1-49, etc.)
	3	Loop 1 NORTH (3136-01-039) PHASE I (HNTB)
	4	IH 35 YAGER FM 1325 (15-10-317)
	5	PARMER LANE - FM 1325 - LP 275 (3417-01-001)
	6	Loop 1 SOUTH (3136-01-062)
	7	U.S. 183 () T.C.B.
	8	U.S. 183 (0151-06-076) HNTB PHASE II
	9	PARTRON SKINNER RD. LOOP 1 (3136-01-059)
	10	U.S. 183 (0151-06-075) LP1 to East of Industrial
	11	U.S. 183 (0151-06-083) Sta 41+50 ¹⁰²⁺⁰⁰ to NEAR LP 360
	12	U.S. 290 SH 71 & LP 1 (0113-09-046) E. INDUSTRIAL OAKS to W. WESTGATE BLVD. N. GAINES CREEK to US 290 INTERCHANGE (Phase I)
	13	PEDESTRIAN OVERPASS US 183 PURPLE SANDS (0151-06-042)
	14	U.S. 290/71/LP 360 - Fr Westgate Blvd to Fortview Rd - (113-09-047)
	15	US 183 (265-01-060) Fr. 0.4 mi. West of Balm Rd to south of Colorado River Bridge
	16	(US 290) Fr. Fortview Rd. to 0.2 mi. E. of S. Congress Ave. (113-1-134)
	17	US 183 (151-6-80) Fr. Williamson C/L S. to N. of Balcones Woods Dr. (Sts. 5+00 - 102+00) (H.D.R. Plans) <small>PHASE II</small>
	18	(US 183) Fr. E. of SPRR to IH 35 (Elevated Sections) (151-6-78 + 151-6-88)
	19	(US 183) Fr. Hunters Chase S. to Travis C/L (Phase I) (151-5-63)
	1-96	(US 290) Fr. East End of Williamson Crk. Br. to 0.5 mi. E. of of Industrial Oaks Blvd (113-9-48)
5/96	2-96	(RM 2304) Fr. Shiloh Lane to North of Slaughter Creek
	1-97	(US 290) Fr. 0.3 mi. E. of Industrial Oaks to 0.3 mi E. of Brodie Ln (LP 1 ML Bridges) (Phase III Constr.)

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WHEREAS, the Highway Illumination Policies of the State Department of Highways and Public Transportation have heretofore been established by the provisions of Minute Order No. 61624, dated November 1, 1968; and

WHEREAS, the provisions of this Order have, at various times, been supplemented by additional directions to classify, define and interpret the application, scope and intent of such provisions; and

WHEREAS, it is now considered expedient to revise the basic content and intent of this Policy Order to meet current illumination needs as now appear to be warranted.

NOW, THEREFORE, IT IS ORDERED that the provisions of the herein referenced Minute Order 61624, together with the previous directives relating thereto, be and are hereby canceled.

Accordingly, IT IS NOW ORDERED that the following Highway Illumination Policies be and are hereby established to set forth and describe the criteria which shall govern the installation of highway illumination and those facilities on which such installations may be authorized.

A. Types and Description of Eligible Highway Illumination and Lighting Systems

1. Continuous Illumination Systems.

Systems installed to provide for the uniform illumination of a continuous section of an urban highway route the eligibility of which will be hereinafter specified.

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2. Safety Lighting Systems.

Systems installed at urban or rural interchanges, highway intersections and points of nighttime hazard to the extent necessary to provide for safer and more efficient movement of nighttime traffic. For special cases as hereinafter described, continuous lighting of highways may be classified as safety lighting.

B. Types of Highways on Which State Funds May Be Spent for Continuous Illumination and Safety Lighting Systems.

1. Continuous Illumination Systems.

- a. Interstate and non-Interstate urban freeways which are multi-lane divided facilities for which full control of access is provided.
- b. Urban expressways which are defined as multi-lane arterial highways, with partial control of access, where access is provided to abutting property, where at-grade crossings are provided at minor streets and roads; and where grade separation structures are provided at the major crossings of arterial highways, streets and roads.

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2. Safety Lighting Systems.

- a. Complete interchange lighting, partial interchange lighting or "spot" lighting may be installed on any designated highway or marked highway route where the installation of Safety Lighting is deemed necessary, in either urban or rural areas, at highway intersections, interchanges and points of hazard to enhance the safety of nighttime traffic movements in order that the incidence of nighttime accidents might be minimized or eliminated.

- b. Continuous lighting may be classified as a Safety Lighting System and may be installed on freeways having full control of access where (1) such freeways pass through unincorporated areas or such freeways pass through incorporated areas where the city's population is less than 50,000 and (2) a special study of the traffic volume or nighttime accident rate of such freeways indicates that continuous lighting will improve traffic safety and efficiency of nighttime traffic.

C. Highway Illumination Systems Which May Be Installed and Financed by Other Governmental Agencies.

Local governments may finance, install and operate Illumination Systems on those portions of designated and/or marked highway routes in cities and towns where such highway facilities are not eligible for Departmental financial participation in the cost of such Illumination Systems. It will be the policy of the State Department of Highways and Public Transportation to cooperate with local Governments in the consideration of such Illumination Systems. Roadway lighting systems

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installed by local governments on freeways, expressways and major high-speed arterials should meet all safety-related requirements of then current Federal and State guidelines. Personnel of the Department will be permitted to assist and advise in the development of planning and design of such Systems when requested to do so by a local Government.

D. Method of Financing for Highway Illumination and Safety Lighting Systems.

1. Continuous Illumination Systems.

Continuous Illumination Systems require participation by a local government in the installation, maintenance and operation of the Continuous Illumination System as hereinafter described.

a. 100 Per Cent Agreements.

The State Department of Highways and Public Transportation will assume the total cost of designing and installing Continuous Highway Illumination Systems provided the local government will agree to assume all of the cost of the subsequent operation and maintenance of such a System in accordance with the established terms of an Illumination Agreement between the Department and the local government.

b. 50-50 Agreements.

The State Department of Highways and Public Transportation will assume one-half the total cost (not including preliminary engineering cost) of installation, maintenance and operation of a Continuous Highway Illumination System provided the local

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government will agree to assume one-half of the above-prescribed total cost, in accordance with the established terms of an Illumination Agreement between the Department and the local government. The cost of the preliminary engineering performed by the State in preparing plans and specifications, advertising for bids and letting of the construction contract will be borne by the Department.

2. Safety Lighting Systems.

- a. The State Department of Highways and Public Transportation will bear the cost of installation, operation, and maintenance of Safety Lighting Systems at interchanges, highway intersections, freeway sections and points of nighttime hazard in both urban and rural areas, as the traffic needs may dictate.
b. In those instances where Safety Lighting Systems have been installed by the Department at its expense and such Systems are later incorporated within the limits of a Continuous Illumination System, the cost of operation and maintenance of the Safety Lighting System shall be shared by the State Department of Highways and Public Transportation and the local government on the same basis as they share the cost of operation and maintenance of the Continuous Illumination System.
c. In those instances where a Safety Lighting System has been installed by the State Department of Highways and Public Transportation at its expense and such System is later incorporated within the limits of a continuously illuminated section of highway in which the Department did not participate in the cost, the State Department of Highways and Public Transportation will continue to pay the entire cost of operation and maintenance of the Safety Lighting System but will not participate in the cost of operation and maintenance of the continuously illuminated section into which the Safety Lighting System is incorporated.

Submitted by:

Frank A. Holmann (Title) Chief Engineer, Highway Design

Examined and recommended by:

[Signature] Deputy/Assistant Engineer-Director

Approved

M. G. [Signature] Engineer-Director

Approved:

Commissioner
Commissioner
Commissioner

Minute Number

82420

Date Passed

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