

**CHAPTER 16
TRANSPORTATION REGULATIONS**

ARTICLE 16.03 USE OF RIGHT-OF-WAY

Sec. 16.03.001 Purpose and definitions of use of right-of-way

The purpose of this article is to provide minimum standards for the safe movement of pedestrian and vehicular traffic through or around any activity which temporarily occupies a street, alley, sidewalk, pedestrian way, or thoroughfare. Subject to additional definitions contained in other chapters, sections, divisions, parts, or sections of the Cedar Park Code of Ordinances:

Public service agencies. The agencies whose primary function is to provide and maintain public utilities.

Roadway. The portion of public highway improved, designed, or ordinarily used for vehicular travel or parking. If a highway includes two or more separate roadways, the term “roadway” refers to such roadway.

Sidewalk area/pedestrian way. The portions of a street right-of-way not used as a roadway, generally located between the curb or edge of the roadway and the adjacent property line.

(1998 Code, sec. 9.1201)

Sec. 16.03.002 Use of right-of-way for certain construction activities

The director of public works may authorize construction activities by the city or a public service agency for the purposes of repair or maintenance of utilities, pavement structure, or surfaces within the public right-of-way without requiring compliance with section [16.03.003](#). (1998 Code, sec. 9.1202)

Sec. 16.03.003 Undergrounding Utilities

All utilities in the right-of-way shall be installed underground in accordance with Cedar Park Code of Ordinances Section 14.06.001, as amended.

Sec. 16.03.004 Lighting in Design Districts

All lighting facilities installed in the right-of-way shall comply with Cedar Park Code of Ordinances Section 14.08.006 Lighting in Design Districts, as amended.

Sec. 16.03.005 Permit required

(a) The director of public works shall have the authority to require any person undertaking to perform any activity upon, in, under, above or adjacent to any public street, which activity

requires the temporary closing or blocking in whole or in part of any city roadway, to secure a permit before closing or blocking any part of such street. (1998 Code, sec. 9.1203)

(b) A permit is required prior to the installation of any facilities in the City's right-of-way and an application for a permit must comply with Section 16.03.14(g), as applicable.

Sec. 16.03.006 Application for activity requiring the temporary closing or blocking of a City roadway

When a permit for the occupancy of public right-of-way is required pursuant to Section 16.03.003, the permit application shall be filed with the director of public works no less than nine (9) days before the day the applicant seeks to first block or close any part of the right-of-way unless otherwise authorized for good cause by the director of public works. (1998 Code, sec. 9.1204)

Sec. 16.03.007 Action on the application for activity requiring the temporary closing or blocking of a City roadway

(a) In passing upon an application for a permit pursuant to Section 16.03.003, the public shall take into consideration the following:

- (1) The need for the amount of space requested, taking into consideration the type of construction as shown by the application.
- (2) The period of time of occupancy of such space.
- (3) The public safety of the pedestrian and vehicular traffic in and adjacent to the space to be occupied.
- (4) The traffic congestion and the vehicular parking requirements at the location.

(b) No application shall be approved which does not show adequate protection of the pedestrian and vehicular traffic at the location of the requested space.

(c) The director of public works may disapprove applications for permits under this section for the following reasons:

- (1) The proposed barricading, signing, warning or other traffic control procedures or the equipment therefor do not comply with the requirements of the Manual on Uniform Traffic Control Devices and the Transportation Criteria Manual.
- (2) The nature of the activity to be performed or its location is such that the work without imposing any undue hardship on the applicant, can be performed without the necessity of blocking or closing the street.

- (3) The activity or the manner in which it is to be performed will violate a city ordinance or a state law.
- (4) Failure to furnish all of the information required by this section or, except for good cause shown, to file the application within the time prescribed by this section.
- (5) Misrepresenting or falsifying any information in the application.
- (6) The requested space assignments have already been reserved and the projects cannot be conducted simultaneously.
- (7) Activity would cause extreme safety hazard or traffic congestion.
- (8) A decision on an application for a permit may be appealed to the planning and zoning commission.

(1998 Code, sec. 9.1205)

Sec. 16.03.008 Special requirements of permit for activity requiring the temporary closing or blocking of a City roadway

The director of public works may require that any of the following special traffic control devices, working hours, project layout, and operations be imposed upon a permit issued under this article:

- (1) The use of additional barricades, signals, signs, or other traffic control or safety devices;
- (2) That the activity be performed only at certain hours during the day or night or during specified days of the week;
- (3) That only a specified area or not more than a specified number of lanes shall be blocked or closed at the same time or at specified times of the day;
- (4) That materials and equipment used in the activity and materials removed from any excavation be located other than in the vehicle traffic lanes of such street; or
- (5) Any construction activity that will require traffic to be detoured will be coordinated with said director or department before such detour is implemented unless such detour is necessary under emergency conditions.

(1998 Code, sec. 9.1206)

Sec. 16.03.009 Insurance

(a) If it is determined that a permit is required for the occupancy of public right-of-way, each person applying for such permit shall furnish to the city evidence that he has procured public liability and property damage insurance or obtained self-insurance in the following amounts:

(1) For damages arising out of bodily injury to, or death of one person in any one accident: one hundred thousand dollars (\$100,000.00).

(2) For damages arising out of bodily injury to, or death of two or more persons in any one accident: three hundred thousand dollars (\$300,000.00).

(3) For injury to, or destruction of, property in any one accident: twenty-five thousand dollars (\$25,000.00).

(4) Such insurance shall be kept in full force and effect during the period of time for which a permit shall be issued or the space occupied. No insurance shall be required of a franchise holder if the franchise fee includes the cost of using the city streets, and said franchise includes an insurance or indemnification agreement between the city and the franchise holder.

(1998 Code, sec. 9.1207)

Sec. 16.03.010 Posting

(a) All permits issued under this article shall be kept available and shall be produced for inspection upon demand of any city official.

(b) A copy of a right-of-way use for construction permit shall be kept at an easily accessible place on the construction site or business premises at all times during the period for which the permit is valid.

(1998 Code, sec. 9.1208)

Sec. 16.03.011 Traffic control devices*

Any person undertaking to perform any activity upon, in, under, above, or adjacent to any public street, highway, roadway, alley, sidewalk, or any portions of public right-of-way shall use barricades, signals, flags, flares, and all other traffic control and warning devices and procedures about the area during the duration of the activity within the public right-of-way of the type and of the manner required by the Transportation Criteria Manual and Manual on Uniform Traffic Control Devices. (1998 Code, sec. 9.1209)

Sec. 16.03.012 Responsibility for barricades and signs

The permit holder shall provide, erect, place, and maintain all warning signs, traffic control devices, and barricades required by the Manual on Uniform Traffic Control Devices, the Transportation Criteria Manual, or the permit. All such signs, devices and barricades should be

in good condition, clean and legible, and shall be of the type required by the Manual on Uniform Traffic Control Devices and the Transportation Manual; provided, that the public works department may authorize the use of different or special devices and equipment if the director finds such equipment will be at least as effective for its intended purpose as that set forth for such purpose in the Manual on Uniform Traffic Control Devices and the Transportation Criteria Manual. When regulatory signs are required to be provided and installed by said manuals or are deemed necessary by said manuals or deemed necessary by said director, such signs will be installed by the city. (1998 Code, sec. 9.1210)

Sec. 16.03.013 Restoration of work site

(a) Upon completion of any or all activity requiring the blocking or closing of the public street, the public right-of-way will be restored to its original condition. If a permit issued pursuant to this section is revoked, the permit holder shall immediately commence operations to restore the activity area within the street to its original condition and complete such work within twenty-four (24) hours. Except as required to restore the activity area, the permit holder shall remove all equipment, persons, materials, and debris from the street. The activity area shall be restored according to the procedures contained within the Transportation Criteria Manual.

(b) If the restoration required by subsection (a) is not compiled as determined by the public works department, the city shall be authorized, at its election, to restore the premises to its proper condition and shall be entitled to recover from the permit holder by civil action the actual expenses incurred in such restoration, including without limitation the cost of labor, materials, overhead, rental of any equipment used in restoring the site, and attorney's fees, and for such purposes, the city shall have a right of action against any bonds in effect running from the permit holder to the city, conditioned upon compliance with all ordinances dealing with the performance of said work.

(1998 Code, sec. 9.1211)

Sec. 16.03.014 Deployment of Network Nodes in Public Rights of Way

(a) Applicability. This Section shall apply to the deployment of all Network Nodes, Network Support Poles, and Transport Facility in the City rights-of-way in accordance with Texas Local Government Code Chapter 284, as amended. In the event that this Section conflicts with Article 14.09 Wireless Telecommunication Facilities, this Section shall govern.

(b) Definitions. The definitions of the following terms shall be the definitions of those terms pursuant to Texas Local Government Code Chapter 284, as amended:

- (1) Network Node;
- (2) Network Provider;
- (3) Network Support Pole;
- (4) Public Right-of-Way;
- (5) Public Right-of-Way Rate;
- (6) Service Pole; and

(7) Transport Facility.

- (c) **Public Right-of-Way Rate.** A Network Provider shall pay the Public Right-of-Way rates for use of the public right-of-way in accordance with Appendix A of this Code.
- (d) **Collocation on Service Poles.** A Network Provider may collocate on a Service Pole subject to a license agreement with the City and upon payment of fees in accordance with Appendix A of this Code.
- (e) **Design Manual.** Any Network Provider installing Network Nodes in the City shall comply with a design manual on file with the Public Works Department, and as amended by the Director of Public Works or their designee.
- (f) **Prohibited Installation.** Installation of Network Node support poles is prohibited in the Public Right-of-Way of municipal parks and adjacent to certain streets or thoroughfares pursuant to Texas Local Government Code Section 284.104, as amended.
- (g) **Permit Required.**
 - (1) A Network provider shall obtain a permit from the City before installing a Network Node, Node Support Pole, or Transport Facility in Public Right-of-Way.
 - (2) A Network Provider who submits a permit application to install or collocate multiple Network Nodes may file a consolidated permit application with the Engineering Department for not more than 30 Network Nodes.
 - (3) **Application.** A Network Provider shall complete and submit to the City a right-of-way permit application, pursuant to the requirements set forth in the Design Manual, as amended. All relevant fees in accordance with Appendix A of this Code shall be submitted in accordance with the application.
- (h) **Application Review Process.**
 - (1) **Determination of Completeness.** The City shall determine whether an application is complete and notify the application of that determination not later than:
 - (A) The 30th day after the City receives an application for a permit for a Network Node or Network Support Pole; and
 - (B) The 10th day after the City receives an application for a permit for a Transport Facility.

If the City determines that the application is not complete, the City shall specifically identify the missing information.

(2) Action on Application. The Director of Public Works, or their designee shall approve or deny an application:

- (A) for a Node Support Pole not later than the 150th day after the date the City receives the complete application;
- (B) for a Network Node not later than the 60th day after the date the City receives the complete application; and
- (C) for a Transport Facility, not later than the 21st day after the date the City receives a complete application.

An application shall be deemed approved if the application is not approved or denied on or before the applicable date for approval or denial prescribed by this Subsection.

(3) Denial of Application.

- (A) If the Director of Public Works, or their designee, denies a complete application, the Director of Public Works, or their designee, must document the basis for denial, including the specific applicable Code provisions or other municipal rules, regulations, or other law on which the denial was based. The Director of Public Works, or their designee shall send the documentation by electronic mail to the applicant on or before the date the Director of Public Works, or their designee denies the application.
 - (B) Not later than the 30th day after the date the Director of Public Works or their designee, denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying an additional application fee, other than a fee for actual costs incurred by the City. Notwithstanding, Subsection (2) herein, the Director of Public Works or their designee, shall approve or deny the revised completed application after a denial not later than the 90th day after the date the City receives the completed revised application. The Director of Public Work's, or their designee's, review of the revised application is limited to the deficiencies cited in the denial documentation.
- (i) Notice for other work. While a permit is not required for the following work, the Network Provider shall provide the Director of Public Works, or designee, notice that the Network Provider will be performing the work no fewer than 30 days prior to the work commencing:

- (1) Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a Public Right-of-Way;
- (2) Replacing and upgrading a Network Node or pole with a node or pole that is substantially similar in size (as defined by Texas Local Government Code Chapter 284, as amended) or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a Public Right-of-Way; or
- (3) The installation, placement, maintenance, operation, or replacement of micro Network Nodes that are strung on cables between existing poles or node support poles, in compliance with the National Electrical Safety Code.

Work that is necessary to restore existing service may be performed without notice.