



Central Texas Regional
Mobility Authority

AGENDA ITEM #10 SUMMARY

Approve a policy to establish permitting requirements and processes relating to use of CTRMA-provided public utility encasements on the 183A Turnpike.

Department: Law and Engineering

Associated Costs: None

Funding Source: None

Board Action Required: YES

Description of Matter:

On April 27, 2011, the Board approved a change order for the 183A Phase II construction contract with Webber LLC to install two utility encasements for future utility facilities under Hero Way and the 183A mainlanes on the north side of RM 2243, at a cost not to exceed \$270,791.08. Installing these utility encasements during the 183A Phase II project construction activity was seen as more cost effective than doing so after that project was completed, and would also reduce future impacts to the facility. Also, this action was seen as providing continued support for future development along the 183A Corridor and for the City of Leander.

The proposed policy establishes a requirement that any utility facility to be installed in CTRMA right-of-way for 183A between its intersections with RM 2243 and Hero Way will be required to locate the facility in a utility encasement installed and owned by CTRMA. Use of the CTRMA utility encasement will require an agreement between the owner of the utility facility and CTRMA that includes, among other provisions, payment terms that fully reimburse CTRMA for its actual costs of providing the encasements for use by the utility provider.

Attached documentation for reference:

Proposed Utility Encasement Policy

Draft Resolution

Contact for further information:

Andrew Martin, General Counsel or Wesley Burford, P.E., Director of Engineering

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 12-___

**APPROVING A POLICY TO ESTABLISH PERMITTING REQUIREMENTS AND
PROCESSES RELATING TO USE OF CTRMA-PROVIDED PUBLIC UTILITY
ENCASEMENTS ON THE 183A TURNPIKE.**

WHEREAS, CTRMA has, at its cost, installed two encasements for public utilities in the right-of-way for the 183A Extension between the intersections of 183A with RM 2243 and Hero Way; and

WHEREAS, the availability of these encasements should facilitate future development along the east side of 183A in this area by providing a more certain and cost-effective method of extending needed public utility facilities to serve new development; and

WHEREAS, the terms and conditions of reimbursement payments to CTRMA for providing the encasements are best determined when there is more information available concerning actual development proposals and when those who will immediately benefit using the encasements are identified; and

WHEREAS, the Executive Director recommends approval of the proposed encasement policy to clearly establish CTRMA policy on this matter.

NOW THEREFORE, BE IT RESOLVED that the proposed "Policy And Procedures For Installation Of A Utility Facility In Encasement Protected Right-Of-Way" attached to this resolution as Attachment A is approved and adopted as CTRMA policy.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of January, 2012.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 12-___
Date Passed: 1/25/12

ATTACHMENT “A” TO RESOLUTION 12-

**Policy And Procedures For Installation Of A Utility Facility
In Encasement Protected Right-Of-Way**

SECTION 1. APPLICABILITY

This policy applies only to a utility facility constructed in Encasement Protected ROW after January 25, 2012.

SECTION 2. DEFINITIONS

In this policy:

“CTRMA” means the Central Texas Regional Mobility Authority.

“Board” means the board of directors of the Central Texas Regional Mobility Authority.

“Utility Facility” means: (a) a water, wastewater, natural gas, or petroleum pipeline or associated equipment; (b) an electric transmission or distribution line or associated equipment; or (c) telecommunications information services, or cable television infrastructure or associated equipment, including fiber optic cable, conduit, and wireless communications facilities, used to provide a utility service.

“CTRMA Encasement” means an encasement installed under a roadway within CTRMA right-of-way and owned by CTRMA.

“Encasement Protected ROW” means CTRMA right-of-way for 183A between its intersections with RM 2243 and Hero Way.

SECTION 3. UTILITY FACILITY IN ENCASEMENT PROTECTED ROW.

(a) A Utility Facility installed in Encasement Protected ROW shall be installed only within a CTRMA Encasement.

(b) This section does not apply to a Utility Facility that CTRMA determines cannot reasonably be installed within a CTRMA Encasement because the CTRMA Encasement has insufficient capacity to contain the proposed Utility Facility.

SECTION 4. AGREEMENT TO INSTALL A UTILITY FACILITY IN A CTRMA ENCASEMENT

(a) A Utility Facility may not be installed in a CTRMA Encasement unless the owner of the Utility Facility executes an agreement with CTRMA.

(b) An agreement under this section must:

ATTACHMENT “A” TO RESOLUTION 12-

- (1) include such terms and conditions as are reasonably necessary to protect the interests of CTRMA and its customers, as may be recommended by the Executive Director and approved by the Board;
 - (2) include payment terms that fully reimburse CTRMA for its actual costs incurred to design, construct, and maintain the CTRMA Encasement; and
 - (3) be competitively neutral and nondiscriminatory among similarly situated users of the Encasement Protected ROW.
- (c) A requirement of this section that directly conflicts with another law relating to use of CTRMA right-of-way for a Utility Facility shall be subject to the provisions of the other law to the extent of such conflict.