UTILITY EXCAVATION MANUAL
(UEM)

GENERAL REQUIREMENTS AND PROCEDURES

FOR

EXCAVATION IN THE CITY OF LUBBOCK
PUBLIC RIGHTS-OF-WAY

CITY OF LUBBOCK
ENGINEERING

DATE: October 26, 2018
NOTICE TO ALL EXCAVATORS IN THE CITY OF LUBBOCK
PUBLIC RIGHT-OF-WAY

The Utility Excavation Manual (UEM) has been prepared as a guide for City agencies, utility companies, contractors, Right-of-Way (ROW) Users and other excavators in the public right-of-way in the City of Lubbock, Texas.

The primary purpose of the Manual is to compile the various details, drawings, rules and regulations governing excavations in the public right-of-way into a single document. The primary regulation related to these excavations is Article 36.09 of the City of Lubbock Code of Ordinances, “Utility Construction in Public Rights-of-Way”. To assist the ROW Users, Article 36.09 is copied in its entirety, and is a part of this Manual. Certain specifications, such as materials and methods of concrete and asphalt construction, are not a part of this manual, but are available in the “City of Lubbock Public Works Engineering Design Standards and Specifications”.

The primary issues of concern related to these regulations and this manual are:

- Public health, safety and welfare
- Protection of the traveling public
- Improve coordination of work in the ROW
- Reduce damages to paved streets and alleys due to utility excavations

Before excavating in any public right-of-way within the City, ROW Users are encouraged to familiarize themselves with the requirements of this manual.

If you have any questions regarding work in the public right-of-way, please contact the City ROW Management Coordinator at 806-775-3157.

\[\text{Date: } 10/26/14\]

\[\text{Signature: Michael G. Keenum, P.E.}\]

City Engineer
City of Lubbock
# Utility Excavation Manual

## Table of Contents

<table>
<thead>
<tr>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice to Excavators</td>
<td>2</td>
</tr>
<tr>
<td>Table of Contents</td>
<td>3</td>
</tr>
<tr>
<td>Contact Information</td>
<td>4</td>
</tr>
<tr>
<td>Plate UEM-1 – Asphalt Pavement Cut Repairs</td>
<td>5</td>
</tr>
<tr>
<td>Plate UEM-2 – Concrete Street and Alley Cut Repairs</td>
<td>6</td>
</tr>
<tr>
<td>Plate UEM-3 – Brick Street Cut Repairs</td>
<td>7</td>
</tr>
<tr>
<td>Plate UEM-4 – Trench Backfill Requirements on Alleys to be Paved</td>
<td>8</td>
</tr>
<tr>
<td>Plate UEM-5 – Trench Backfill Requirements on Unpaved Streets and Alleys</td>
<td>9</td>
</tr>
<tr>
<td>Plate UEM-6 – Concrete Paving, Cap, or Alley Paving</td>
<td>10</td>
</tr>
<tr>
<td>Plate UEM-7 – Concrete Thoroughfare Pavement Repair</td>
<td>11</td>
</tr>
<tr>
<td>Plate G-1 – Typical Locations for Utilities in Alleys</td>
<td>12</td>
</tr>
<tr>
<td>Plate 36-4(a) – Asphalt Pavement Repair Adjacent to Curb or Driveway</td>
<td>13</td>
</tr>
<tr>
<td>Plate 36-4(b) – Concrete Pavement Repair Adjacent to Curb or Driveway</td>
<td>14</td>
</tr>
<tr>
<td>Compaction of Trenches</td>
<td>15-16</td>
</tr>
<tr>
<td>Survey of Location of Installed Utility</td>
<td>17-18</td>
</tr>
<tr>
<td>Sample Drawing of Permitted Work</td>
<td>19</td>
</tr>
<tr>
<td>Barricade Plan &amp; Traffic Control</td>
<td>20</td>
</tr>
<tr>
<td>Storm Sewers</td>
<td>21</td>
</tr>
<tr>
<td>Excerpt from City of Lubbock Engineering Minimum Design Standards and Spec.</td>
<td>22</td>
</tr>
<tr>
<td>Section 36.09, Code of Ordinances, “Utility Construction in Public ROW”</td>
<td>23-43</td>
</tr>
<tr>
<td>Public Right-of-Way Wireless Communications Facilities Design Manual</td>
<td>47-66</td>
</tr>
</tbody>
</table>
CONTACT INFORMATION

ROW Management Coordinator     775-3157
City Engineer                    775-2347
Assistant City Engineer          775-2347

Senior Construction Inspector - Public Works Engineering  775-3751
Stormwater Management Department  775-2347
Street Maintenance Department     775-2358
Water Customer Service (Dispatch)  775-2588

Water Engineering Department     775-2347
Solid Waste Department (Dispatch)  775-2495
Traffic Engineering Department    775-2132
LP&L Emergency Service            775-2555

TxDOT                            745-4411
Police Department (24 Hour)      775-2865
Fire Department (24 Hour)        775-2635
EMS                              775-9925
MINIMUM OF THE UPPER 12" (18" MINIMUM ON THOROUGHFARE STREETS) OF TRENCH BACKFILL-
1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL, IF USING COMPACTED BACKFILL.

BACKFILL COMPACTED TO 95%± MODIFIED PROCTOR (ASTM D 698) 2% OF OPTIMUM MOISTURE CONTENT (MAX. 6" LIFTS.)

PIPE BEDDING (IN ACCORDANCE WITH THE ENGINEERS AND MANUFACTURERS RECOMMENDATIONS).

ALTERNATIVE BACKFILL

FULL DEPTH OF TRENCH BACKFILL
1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL.

NOTE:
1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS.
2. GREATER THAN 5’ WIDTH LONGITUDE CUTS WILL REQUIRE PAVING REPAIR APPROVAL BY THE CITY ENGINEER.
CONCRETE PAVING
PREPARED METHOD

MAKE FULL DEPTH CUTS THEN
REPAIR UTILITY, BACKFILL
OR COMPACT TRENCH.
SAW CUT 18" PERIMETER
AND JACK OUT CONCRETE
TIE STEEL TO MATCH EXISTING.

DRILL AND DRIVE DEFORMED TIE BARS 10"
INTO EXISTING PAVING. EPOXY GROUT BAR
INTO EXISTING PAVING MATCH EXISTING BAR
SIZE AND SPACING.

PIPE EMBEDMENT (IN
ACCORDANCE WITH
THE ENGINEERS
AND MANUFACTURERS
RECOMMENDATIONS).

<table>
<thead>
<tr>
<th>BAR SIZE</th>
<th>MIN. SPlice LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>18&quot;</td>
</tr>
<tr>
<td>4</td>
<td>18&quot;</td>
</tr>
<tr>
<td>5</td>
<td>21&quot;</td>
</tr>
<tr>
<td>6</td>
<td>25&quot;</td>
</tr>
<tr>
<td>7</td>
<td>29&quot;</td>
</tr>
<tr>
<td>8</td>
<td>33&quot;</td>
</tr>
</tbody>
</table>

CONCRETE STREET
AND ALLEY
CUT REPAIRS

ALTERNATIVE BACKFILL
FULL DEPTH OF TRENCH
BACKFILL: 1 1/2 SACk
CONTROLLED LOW STRENGTH
MATERIAL (FLOWABLE FILL)
WITH PEA GRAVEL.

NOTE:
1. MIN RESIDENTIAL CUT 3' X 4' SEE UEM-07 FOR COLLECTOR
   AND THROUGHFARE
2. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN
   CONFORMANCE WITH CITY OF LUBBOCK STANDARD PAVING
   SPECIFICATIONS.
CONCRETE CAP CLASS 'B' CONCRETE 3000 PSI AT 7 DAYS.

BRICK JOINTS TO BE FILLED WITH SAND/CEMENT AT A 50-50 BLEND, OR AS APPROVED BY THE STREET SUPERINTENDENT.

DRILL AND DRIVE DEFORMED TIE BARS 10" INTO EXISTING PAVING. EPOXY GROUT BAR INTO EXISTING PAVING MATCH EXISTING BAR SIZE AND SPACING.

1" SAND CUSHION MINIMUM.

# 4 BARS, 12" O.C. MAX. SPACING IN BOTH DIRECTIONS.

BACKFILL COMPACTED TO 95%± MODIFIED PROCTOR (ASTM D 698) 2% OF OPTIMUM MOISTURE CONTENT. (MAX. 6" LIFTS.)

COMPROMISED SOIL DUE TO MOISTURE FROM A WATER LEAK OR RAIN EVENT

12"

ALTERNATIVE BACKFILL

1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL.

BRICK PAVING

PIPE BEDDING (IN ACCORDANCE WITH THE ENGINEERS AND MANUFACTURERS RECOMMENDATIONS).

<table>
<thead>
<tr>
<th>BAR SIZE</th>
<th>MIN. SPlice LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>18&quot;</td>
</tr>
<tr>
<td>4</td>
<td>18&quot;</td>
</tr>
<tr>
<td>5</td>
<td>21&quot;</td>
</tr>
<tr>
<td>6</td>
<td>25&quot;</td>
</tr>
<tr>
<td>7</td>
<td>29&quot;</td>
</tr>
<tr>
<td>8</td>
<td>33&quot;</td>
</tr>
</tbody>
</table>

NOTE:

1. SEE CONCRETE CAP DETAIL. PLATE NO. 36.09.05
2. #5 DOWELS NEEDED IF TIED INTO EXISTING CONCRETE BASE.
3. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK STANDARD PAVING SPECIFICATIONS.

BRICK STREET
CUT REPAIRS

City of Lubbock
Texas

REVISED
FEB. 2017

PLATE NO.
UEM-03
CONCRETE ALLEY PAVING.

BACKFILL COMPACTED TO 95%± MODIFIED PROCTOR DENSITY (ASTM D 698) 2% OF OPTIMUM MOISTURE CONTENT. (MAX. 6" LIFTS.)

THE ALLEY PAVING CONTRACTORS SHALL BE REQUIRED TO OBTAIN 95%± MODIFIED PROCTOR DENSITY (ASTM D 698) 2% OF OPTIMUM MOISTURE IN THE 6" DEPTH OF SUBGRADE IMMEDIATELY BELOW THE ALLEY PAVING.

ALTERNATIVE BACKFILL
FULL DEPTH OF TRENCH BACKFILL
1 1/2 SACK CONTROLLED LOW STRENGTH MATERIAL (FLOWABLE FILL) WITH PEA GRAVEL.

PIPE EMBEDMENT (IN ACCORDANCE WITH THE ENGINEERS AND MANUFACTURERS RECOMMENDATIONS).

NOTE:
1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS.
2. THE ALLEY PAVING CONTRACTOR SHALL BE REQUIRED TO OBTAIN 95%± MODIFIED PROCTOR DENSITY (ASTM D 698) 2% OF OPTIMUM MOISTURE IN THE 6" DEPTH OF SUBGRADE IMMEDIATELY BELOW THE ALLEY PAVING.
EXISTING GROUND SURFACE.

BACKFILL COMPACTED TO 95%±
MODIFIED PROCTOR DENSITY
(ASTM D 698) 2% OF OPTIMUM
MOISTURE CONTENT.
(MAX. 6" LIFTS.)

ALTERNATIVE BACKFILL
FULL DEPTH OF TRENCH BACKFILL
1 1/2 SACK CONTROLLED LOW
STRENGTH MATERIAL (FLOWABLE
FILL) WITH PEA GRAVEL.

PIPE BEDDING (IN ACCORDANCE
WITH THE ENGINEERS AND
MANUFACTURERS RECOMMENDATIONS).

NOTE:
1. ALL MATERIALS AND CONSTRUCTION
   PRACTICES SHALL BE IN CONFORMANCE
   WITH CITY OF LUBBOCK PUBLIC WORKS
   ENGINEERING DESIGN STANDARDS AND
   SPECIFICATIONS.

TRENCH BACKFILL REQUIREMENTS
ON UNPAVED STREETS AND ALLEYS
WITHIN RIGHT-OF-WAY
PLACE #4 BARS BOTH WAYS ALONG PAVING CUT AT 12" MAX. SPACING. AT LEAST 2 #4 BARS EACH WAY ARE REQUIRED.

#4 BARS, 12" O.C. MAX SPACING IN BOTH DIRECTIONS, CENTERED IN SLAB

NO SCALE

DRILL AND DRIVE 12" DEFORMED #5 DOWEL BARS 6" INTO EXISTING SLAB ON 3'SPACING

NOTE:

1. ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH CITY OF LUBBOCK PUBLIC WORKS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS

2. ALL JOINTS SHALL BE DOWELED AS SPECIFIED

3. MAXIMUM OF TWO TRANSVERSE CUT JOINTS BETWEEN EXISTING 13" TOOLED JOINTS (ONE SLAB).

TYPICAL ALLEY PAVING CUT
LEGEND

- UTILITY/STREET CUT
- CITY STANDARD RESTORATION REQUIREMENTS FOR CONCRETE PAVEMENT

<table>
<thead>
<tr>
<th>BAR SIZE</th>
<th>MIN. SPLICE LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>18&quot;</td>
</tr>
<tr>
<td>4</td>
<td>18&quot;</td>
</tr>
<tr>
<td>5</td>
<td>21&quot;</td>
</tr>
<tr>
<td>6</td>
<td>25&quot;</td>
</tr>
<tr>
<td>7</td>
<td>29&quot;</td>
</tr>
<tr>
<td>8</td>
<td>33&quot;</td>
</tr>
</tbody>
</table>

NOTE:
DOWEL MAY BE USED IN LIEU OF SPlicing REBAR WITH APPROVAL, SEE UEM-02 FOR DOWEL SIZE SPACING.
TYPICAL LOCATIONS FOR UTILITIES IN ALLEYS

REVISED MAY 2014

DRAWING NUMBER G-1
NOTES:

1. MAINTAIN VERTICAL AND HORIZONTAL ALIGNMENT OF CURB, LIP, AND GUTTER FLOW LINE.
2. REMOVE CURB TO LIP LINE AND POUR NEW DRIVEWAY FLUSH AGAINST TOE FORM.
NOTES:

1. MAINTAIN VERTICAL AND HORIZONTAL ALIGNMENT OF CURB, LIP, AND GUTTER FLOW LINE.
2. REMOVE CURB TO LIP LINE AND POUR NEW DRIVeway FLUSH AGAINST TOE FORM.
COMPACTION OF TRENCHES

**General**
The requirement for trench compaction shown on the plates in this Manual is ninety five percent (95%) of Modified Proctor density. However, it is not the intent of the City to require the ROW User to have Modified Proctor tests and density testing performed on all trench compaction. The discussion below outline methods the ROW User and the City can utilize in performing “quick” checks of adequate trench compaction. The purpose of allowing these “quick” checks is an attempt to secure proper backfill compaction while not being overly burdensome in requiring the ROW User to enlist a Materials Testing Laboratory to perform Proctor and density tests.

**Moisture Content**
Moisture content is a vital ingredient in the ability to make density of compacted soil. The City Engineer or his designee will be available to schedule training sessions for the ROW User to view typical soils at optimum moisture content.

**Probe Tests**
City Inspectors, as a standard, will be performing probe rod tests as a “quick” check of adequate compaction of trench backfill. The probe rod being used is a thirty six inch (36”) long metal rod, having a one half inch (½”) diameter, with a “tee” handle. The training sessions can include a demonstration of the procedures City Inspectors will utilize in performing these probe tests. ROW Users are encouraged to acquire a probe rod for each of their crews so they can “self” test their backfill compaction results. Properly compacted typical soils, compacted at optimum moisture content, should not have a probe rod penetrate the soil more than two inches (2”). The top layers of the trench backfill may be removed or penetrated using a hammer probe, and testing performed in the lower portions of the trench, to assure that all lifts of the backfill were properly compacted.
**Density Testing**
City Inspectors may also perform spot testing with a nuclear density gauge. Typical soils within the City have a Modified Proctor density in the range of one hundred ten pounds (110 lbs.) to one hundred twenty-five pounds (125 lbs.) per cubic foot. This range will be used in checking ninety five percent (95%) of Modified Proctor density on soils that a Proctor test has not been performed.

**Failed Tests**
Areas of the trench that have failed backfill compaction tests, either by the probe rod or nuclear gauge test, shall be removed and re-compacted by the ROW User at their expense.

**ROW User Appeal of Failed Tests**
The ROW User may appeal the direction to remove and re-compact the failed backfill by engaging a Materials and Testing Laboratory to re-test the failed area. The City’s ROW Management Coordinator shall be notified of when the Lab will be collecting samples for Proctor tests, or performing density testing, so a City Inspector may be present to view the locations of the samples or tests.

Conflicting test results by the ROW User will not automatically be considered as compliance with specifications, but will be considered only as additional information to be used by the City to determine the compliance of the material or construction in question.

**Narrow Trenches**
The ability to properly compact narrow trenches, with mechanical compaction methods, is extremely difficult, and often labor intensive. However, if the ROW User can demonstrate that they have adequate equipment and methodology to properly obtain the required density of the trench backfill, mechanical backfill of narrow trenches will be allowed.

Suggested practice is to utilize full depth one and one half (1½) sack controlled low strength material (flowable fill) for any trenches less than twelve inches (12”) in width. Specialized compaction equipment will be needed if mechanical compaction is attempted to backfill narrow trenches.
Survey of Location of Installed Utility

(Section 36.09.043(a))

The following methods will be allowed to describe the location of the utility facility installed with a permit:

1. Submit coordinates of the beginning and ending points of the permitted work by use of Geographic Positioning System (GPS) equipment. The equipment used must have an accuracy resulting in less than one-half meter (½) error.

2. A survey tied to known property corners.

3. Submit measured distances from beginning and ending points of the permitted work from known points. For example, from lot corners or street right-of-way (ROW) lines.

Examples:

1. The beginning point of an underground utility is located in an alley behind 4501 77th Street. The point is seven feet (7’) south of the fence line at the rear of the lot, and twenty three feet (23’) east of the cross fence between 4501 and 4503 77th Street. The beginning point would be identified as seven feet (7’) south and twenty three feet (23’) east of the southwest corner of the property located at 4501 77th Street. The property could be described by either address or legal lot description (lot number and subdivision name).

2. The beginning point of an underground utility is located in a street on the east side of 4501 77th Street. The point is twenty feet (20’) east of the fence line of the property located at 4501 77th Street, or if the center line of the street is determined by measurement, it could be described as eight feet (8’) west of the center line of Richmond Avenue. The north-south dimension could be described as the number of feet south of the center line of 77th Street or the south ROW line of 77th Street, or the number of feet north of the north
ROW line of the alley south of 77th Street or the number of feet north of the center line of the alley south of 77th Street. So the beginning point in this example could be measured and identified as being eight feet (8’) west of the center line of Richmond Avenue and thirty seven and one half feet (37 ½’) north of the center line of the alley south of 77th Street.

If there are fence lines that do not appear to be on the street or alley ROW lines, other identified locations, such as center lines of paved streets, will have to be used as a reference to measure from. The City ROW Management Coordinator can assist with helping determine adequate reference points to measure from in locating the utility beginning and end points.

Note: The dimensions of the beginning and ending points of the permitted work from any reference points must be measured distances using a fifty foot (50’) or one hundred foot (100’) tape. Approximate or stepped off distances are not allowed.
Utility Excavation Manual

SAMPLE DRAWING

For Excavations Greater Than 25 Linear Feet

Sec. 36.09.036

INSTALL 6" C-900 ON 10TH STREET BETWEEN UNIVERSITY AND AVE.X

0+00 8" X 6" TAPPING
SLEEVE & VALVE
MATERIAL
6" REDUCER
6" TEE
NORTH 18" GATE VALVE
NORTH 18" FIRE HYDRANT

3+40 8" X 8" TEE
TIE TO EXISTING 8" C-900
6" X 6" TEE
NORTH 18" X 6" REDUCER
6" GATE VALVE
NORTH 18" FIRE HYDRANT

GENERAL NOTES:
1. PRIOR TO ANY CONSTRUCTION
   STARTED FROM THIS PLAN CALL
   DAVID DODDSON AT 548-4152.

2. TRACER LINE SHALL BE INSTALLED TO
   INDICATE LOCATION OF PIPE.

3. MANDATORY! CALL FOR LINES LOCATES
   48 HOURS PRIOR TO BEGINNING OF
   ANY CONSTRUCTION ACTIVITY.

4. FOLLOW BEST MANAGEMENT PRACTICES
   (BMP) TO COMPLY WITH EPA’S STORM
   WATER POLLUTION PREVENTION PLAN
   REGULATIONS.

LUCKBOCK WATER UTILITIES

WATER DIVISION

DRAWN BY: CH
REVISED BY: WF

ACRES DISTURBED LESS THAN 1

TABLE OF CONTENTS

SECTION MAP
DATE DESCRIPTION DRAWN BY

19
BARRICADE PLAN
&
TRAFFIC CONTROL

(Sec. 36.09.131 & 132)

Reference the most current Texas Manual on Uniform Traffic Control Devices (TMUTCD).

Texas Department of Transportation (TxDOT)
http://txdot.gov/txdot_library/publication/tmutcd.htm

Training for utility and contractor personnel may be available through Texas Engineering Extension Service (TEES).

Texas Engineering Extension Service
http://www.teex.org
800-723-3811
STORM SEWERS

The City does not participate in a One Call Excavation Call Center for storm sewers. Storm sewers are scattered through most of the City.

ROW Users are encouraged to look closely at areas they propose to excavate for storm sewer inlets, manhole covers indicating a storm sewer system, or other indicators that may be an alert of a storm sewer in the area.

If the ROW User suspects there may be a storm sewer within their proposed work area, they should contact the City’s Stormwater Management Department. A map is also available from the Stormwater Management Department indicating the general locations of storm sewers within the City. The ROW User is encouraged to furnish one of these maps to each of the crews they have excavating in the public ROW.
surfaces drain with flood testing and approved in writing by the City Engineer or designated staff.

8.07.18 Concrete Alley Paving Cuts

A. Refer to Standard Detail 37-2.

B. Transverse Cuts
   i. Minimum width between transverse joints shall be 4 feet.
   ii. No more than 2 transverse joints shall be added between existing 13 foot tooled joints.
   iii. Transverse joints shall be doweled 6 inches into existing pavement with #5 dowel bars at 3 foot spacing. When installed at expansion joints, slip dowels shall be used.

C. Longitudinal Cuts
   i. Longitudinal cuts along the edge of existing alley pavement shall be a minimum width of 3 feet.
   ii. Maximum width of longitudinal cuts shall be 4 feet.
   iii. Longitudinal cuts wider than 4 feet, regardless of location, shall replace the full width of existing alley paving.
   iv. Longitudinal joints shall be doweled 6 inches into existing pavement with #5 dowel bars at 3 foot spacing.

D. Potholing for Locating Existing Utilities
   i. Pavement cuts for potholing purposes shall be circular cored holes or clean square cutouts.
      a. Cored holes in asphalt pavement shall be filled with cold-mix asphalt to match the depth of existing pavement.
      b. Cored holes in concrete pavement shall be filled with concrete to match the depth of existing pavement.
      c. Cutouts shall be repaired as specified in Plate No. 37-3.

8.08 Subgrade and Base

8.08.01 Subgrade

A. Subgrade material for concrete or asphalt construction shall consist of suitable native soil or off-site soil, free from vegetation or other objectionable matter.

B. All unstable or objectionable material shall be removed from the subgrade and replaced with approved material.

C. Subgrade material shall be suitable for forming a stable embankment and shall meet the following requirements:

<table>
<thead>
<tr>
<th>Material Property</th>
<th>Wet (ASTM 4318 – 05.10.1)</th>
<th>Dry (ASTM 4318 – 05.10.2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquid Limit</td>
<td>Max 45</td>
<td>Max 45</td>
</tr>
<tr>
<td>Plasticity Index</td>
<td>Min 5; Max 20</td>
<td>Min 10; Max 25</td>
</tr>
<tr>
<td>Linear Shrinkage</td>
<td>Min 2; Max 10</td>
<td>Min 2; Max 10</td>
</tr>
</tbody>
</table>

D. Subgrade Construction
   i. All testing of subgrade will be completed prior to any placement of curb and gutter. Subgrade will be processed the entire width of the roadway including under the curb and gutter section.
ARTICLE 36.09 UTILITY CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY

Division 1. Generally

Sec. 36.09.001 Definitions
For purposes of this article, the following definitions shall apply:

*Business day* shall mean a day when the municipal building of the City of Lubbock is open to the public for business.

*Emergency* shall mean operations and repairs necessary to respond to a situation that endangers life, health and safety, or property, or a situation in which the public need for uninterrupted service and reestablishment of service, if the service is interrupted compels immediate action. Upgrading of facilities, new service installation and neighborhood improvement projects are not emergency operations.

*Excavation* shall mean an activity that removes or otherwise disturbs soil in the right-of-way at a depth of sixteen inches (16") or more, or disturbs any street or alley pavement of any depth.

*Major project* shall mean a utility project requiring installation or replacement of utility facilities in the right-of-way for a distance greater than one (1) mile.

*New street* shall mean the paved portion of the street right-of-way that has been constructed or reconstructed in the last five (5) years.

*Pavement condition index (PCI)* shall mean a measure of the condition of the street, on a scale of 1 to 100. The PCI is available from the pavement management office of the city’s street maintenance department.

*Permit holder* shall mean any person, partnership, corporation, utility, ROW user or any other legal entity that has been granted a permit for construction work in the city’s right-of-way or other public property.

*ROW user* shall mean a franchised utility, a certificated telecommunications company, or any other privately or publicly owned utility authorized to conduct business using city right-of-way in order to install, construct, maintain or repair their facilities in the city right-of-way. The term “ROW user” shall also include any contractor or other agent or person engaged by a ROW user to work on facilities located in city right-of-way. The granting of a permit to a contractor or agent of a ROW user shall be deemed to be the granting of a permit to the ROW user for purposes of this article.

*Sanitary sewer service line* shall mean a service line that is a privately owned (typically) 4” diameter underground gravity pipe that extends from the city’s municipal sewer main to the residential/commercial/industrial structure receiving service. The service line conveys the wastewater generated by customers to the municipal wastewater collection system.

*Sewer main line* shall mean a municipally owned and maintained 6" or greater underground gravity pipeline located within public ROW or easement that collects
wastewater from sewer service lines via sewer taps and conveys wastewater toward sewer trunk lines and interceptors.

*Street in good condition* shall mean the paved portion of the street right-of-way that has a PCI of 92 or above.

*TMUTCD* shall mean the Texas Manual on Uniform Traffic-Control Devices, latest edition.

*Traffic control* shall mean the planning and installation of all signs, signals, markings, and other devices used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel, the purpose of which is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel throughout the state and the nation.

*Trenchless technology* shall mean a type of subsurface construction work that requires few trenches or no continuous trenches, utilizing various methods, materials, and equipment for the installation of new, replacement, or rehabilitation of existing underground infrastructure with minimal disruption to surface traffic, business, and other activities.

*Utility* shall mean any privately or publicly owned entity which uses public rights-of-way to furnish to the public any general public service, including, without limitation, sanitary sewer, storm sewer, gas, electricity, water, telephone, telecommunications, petroleum products, telegraph, heat, steam or chilled water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the right-of-way.

*White lining* means marking an excavation site with washable marking paint or flags prior to requesting a utility locate in order to further identify the site.


**Sec. 36.09.002  Penalties and correction of deficiencies**

(a) Any person who violates any provisions of this article shall be guilty of a misdemeanor in accordance with section 1.01.004 of the Code of Ordinances and upon conviction shall be subject to a fine not to exceed the amount specified by state law for such offenses. Each day of such violation shall constitute a separate offense. Said penalty is cumulative, and not exclusive, of any other rights or remedies said city may have.

(b) Any person who shall perform work on or about a public right-of-way and who shall violate any provision of this article or fail to comply with the barricade plan made a part of such permit shall cause said work to be subject to a cease work order and/or revocation of permit or civil legal remedies as provided by this article.

(c) Utility owner and the permittee are responsible to ensure that all utility construction work performed on its behalf is done in accordance with all requirements of this article and in conformance with all City of Lubbock Code of Ordinances, and correction is made to any deficiencies identified by the City of Lubbock. 

24
Lubbock. All utility owners and/or their agent(s) are required to document all phases of work, including pre- and post-construction, with photographs from a construction inspector hired on behalf of the utility owner to oversee all excavation(s) within the public right-of-way and dedicated city easements.


Secs. 36.09.003–36.09.030 Reserved

Division 2. Permits; Registration

Sec. 36.09.031 Permit required

(a) It shall be unlawful for any person, partnership, corporation, utility, ROW user or other business entity to engage in utility construction activities of any nature that will encroach upon or be located in, on or within a street, alley or other public right-of-way or other public property within the City of Lubbock without having first obtained a “construction permit” from the city engineer to perform the work unless said work is commenced in an emergency situation as authorized by this article.

(b) A permit shall be required for utility installations in the streets and alleys of new subdivisions that have been accepted by the city or that are in the process of being accepted by the city through the platting procedures for new subdivisions as described by chapter 38 of this code. This permit does not grant access rights to private property. Any access needed by the permit holder to private property will require permission and/or coordination of any construction activities with the developer or property owner. In the event of a joint trench for multiple utilities, the contractor excavating the trench will be responsible for securing the permit.

(c) However, no permit shall be required for the installation and connections necessary to initiate service to a customer’s property or routine repair and maintenance of existing facilities that will interfere with traffic for less than one hour or excavate less than sixteen (16) inches in depth, unless such activity requires the breaking of pavement, boring, or excavating with equipment greater than hand tools or a vibrating plow designed to install lines up to a three-inch diameter.

(d) Failure to provide any of the required information listed on the permit application will result in denial of the permit.

(e) The city engineer also may issue an annual “general permit” for routine maintenance or repair of existing and new facilities or service line utility work in the right-of-way for excavations that exceed sixteen (16) inches in depth or work that interferes with traffic for more than one (1) hour or an activity that requires breaking the pavement or boring. Notification of routine work shall be given to the city on a daily, weekly or such other schedule as may be prescribed by the city engineer.
(f) A permit issued under this section grants access to the city’s public right-of-way only on business days between the hours of 7:00 a.m. to 5:00 p.m. The utility owner and/or their contractor shall notify the City of Lubbock water/sewer dispatch at 806-775-2588 to report any emergency situations that will require work to be performed beyond 5:00 p.m. or any time on the weekend or holidays.

(g) A permit is required for installations in the downtown underground duct system of the central business district.


Sec. 36.09.032 Backfilling, compaction, etc.

All backfilling, compaction, pavement restoration, barricading and other traffic-control measures for work within the public right-of-way, and other city-owned properties, shall strictly comply with the requirements of this article. (1983 Code, sec. 24-174; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.033 Notice

Notice for purposes of this article shall be made to city and emergency service providers via electronic message (e-mail), overnight courier (generally used carrier with tracing available), or hand delivery with signed receipt or facsimile to the city department or emergency service provider. (1983 Code, sec. 24-175; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.034 Registration required

All ROW users and other persons obtaining a permit under section 36.09.031 must first register with the city and supply contact information and other requested information before they will be issued an initial permit. Registration information must be renewed annually thereafter. All ROW users or other registered persons shall report any changes in its registration information within thirty (30) days of such change. No ROW user or other person shall be authorized to engage in any utility construction activities without first registering and obtaining the applicable permit for the work from the city. (1983 Code, sec. 24-176; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.035 Registration information

The information required for registration includes the following:

1. Identity and legal status of ROW user and names of all operators of any facilities on or in the right-of-way;
2. Name, address, telephone number, fax number and email address of officer, agent or employee responsible for the accuracy of the registration information;
3. Name, address, telephone number, fax number and email address of the local representative of the right-of-way user who shall be available at all times to act on behalf of the ROW user in the event of an emergency;
4. If applicable, certification number issued by the public utility commission;
(5) General description of services to be provided; and
(6) Insurance information.


Sec. 36.09.036 Permit application

(a) Applications for a construction permit that will affect public right-of-way shall be made on forms provided by the City of Lubbock and such applications shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

(1) That construction will be in accordance with all applicable codes, rules and regulations.
(2) The location of all aboveground facilities to be installed, including poles.
(3) The location, depth and other characteristics of all facilities to be installed under the surface of the ground, including lines which are within the public right-of-way.
(4) The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are known by the applicant at the time of application to be within the right-of-way along the underground route proposed by the applicant.

(b) The city engineer or his or her designee may, in his or her discretion, require additional information to determine whether:

(1) The construction methods to be employed will adequately protect existing structures, fixtures, facilities within or adjacent to the public rights-of-way.
(2) A landscape plan for protecting or restoring any areas to be disturbed during construction is necessary.

(c) All permit applications shall be accompanied by a certification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

(d) Should a contractor be engaged by a franchised utility, utility or certificated telecommunications company authorized to perform work in the city’s public right-of-way, the contractor’s registration information shall include information applicable to both the franchised utility, utility or telecommunications company and the contractor if the employer is not already registered with the city. The permit will be issued to the person, contractor or legal entity actually performing the work in the right-of-way.


Sec. 36.09.037 Insurance

(a) The applicant for permit shall furnish a certificate of insurance evidencing general liability provided by an insurance company that carries an AM Best Rating A or better. The company, or companies, must be authorized to do
business in this state, or evidence of self-insurance satisfactory to the city evidencing that the city is adequately protected from any liability or damages resulting by virtue of applicant’s construction. The certificate of insurance shall be filed with each application for a permit. The general liability required herein shall have a minimum limit of one million dollars ($1,000,000.00) per occurrence limit with a two million ($2,000,000.00) general aggregate limit. The general liability will also extend additional insured status to the City of Lubbock.

(b) By acceptance of a permit, the applicant agrees to indemnify and hold harmless the city, its officers, agents, servants, and employees from any and all claims, damages, suits, attorneys’ fees, causes of action, and judgments which may result in any manner from the construction or laying of any improvements upon any public street, alley, or right-of-way in the city.

(c) By acceptance of a permit, the applicant agrees to, during the period of construction and prior to the acceptance of such improvements by the city, maintain such public street, alley, or right-of-way in a safe condition and issue all necessary instructions and take all precautions as may be reasonably required to maintain such public streets or alleys in a safe condition for all public use.

(d) Permits for utility work performed by city crews within the public right-of-way or on public property shall not require insurance.


Sec. 36.09.038 Issuance

(a) The city engineer shall issue a permit under this section within five (5) business days of the submittal of the application when the following conditions are met:

(1) The plans for the proposed construction are in conformity with the standards and specifications of the city for such work, and the applicant has paid such fees required by section 36.09.036.

(2) The applicant has submitted a duly executed application, containing all of the information and data called for by section 36.09.036, including the proposal by the applicant, as part of such application, to indemnify the city against all loss, damages and liability as provided in subsection (b) of section 36.09.037, and to maintain the streets or alleys in safe condition and to issue instructions and take the precautions for public safety as provided in subsection (c) of section 36.09.037.

(3) That the certificates of public liability and property damage insurance have been furnished to the city engineer for permits issued under section 36.09.031 all in accordance with the provisions of section 36.09.037.

(4) The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means and access to and from the property affected and adjacent properties.
(5) That the health, welfare, and safety of the public will not be unreasonably impaired.

(b) The city engineer may require more time than five (5) days to issue the permit for major utility projects in the ROW. A major project is installation or replacement of a utility facility greater than one (1) mile in length. Meetings to review the project may be required between the permit applicant and the city engineer or his or her designee for major projects.


Sec. 36.09.039 Construction schedule

The permit holder shall submit a written construction schedule if required by the permit to the city engineer or his or her designee two (2) business days before commencing any work in or about the public rights-of-way. (1983 Code, sec. 24-181; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.040 Notice to affected property owners and emergency responders

(a) The permit holder shall notify property owners of intended work if the work may impact the owner’s ability to access their property, or impact their normal daily activities, such as accessing their solid waste dumpster to dispose of household trash.

(b) The permit holder shall place door hangers on the front door of businesses and residences adjacent to the affected route that shall include: the name of the franchise utility for which the work is being performed, the type of work, expected work schedule, and a name and contact information, including daytime and emergency contact names and numbers, for both the permit holder and the franchise utility. Such notification shall be done at least five (5) business days prior to commencing the permitted work and record of such notifications shall be retained by the permit holder.

(c) Should damage occur to abutting private property, or damage occur to utility service to the private property, the permit holder will contact the property owner immediately and coordinate the repairs to the property or service with the owner.

(d) The permit holder shall contact emergency response agencies, such as police, fire and ambulance service prior to commencement of any work that may impact access to a street or alley. Emergency response agencies shall be notified by the permit holder if a residential or commercial street is to be closed for any length of time, or one lane or more of a collector or thoroughfare street is to be closed for any length of time, or if an alley is to be blocked for more than 48 hours. Service agencies that may be impacted, such as solid waste collection, shall be contacted, and alternate service coordinated, prior to the beginning of work that may impact these services.

(e) Service shall be returned to the city customer within twenty-four hours from notice of damage and the cost of repairs shall be borne by the utility owner. Only a licensed plumber registered with the City of Lubbock Building Safety
Department shall perform temporary repairs to city water and sewer taps and repair private water lines and gas lines in the alleys and streets. The licensed plumber shall certify in writing that repairs to these service line(s) were performed in accordance with the most recent version of City of Lubbock Plumbing Ordinance (Article 28.10).

(f) The utility owner and/or their contractor shall notify the City of Lubbock water/sewer dispatch at 806-775-2588 to report all Orangeburg service lines encountered. The City of Lubbock will replace Orangeburg sewer lines at no cost to the utility owner and/or their contractor.

(g) damaged main lines will be repaired by the City of Lubbock. The City of Lubbock will issue a claim to the utility owner, contractor, or their insurance company for cost reimbursement.

(h) If solid waste dumpsters have to be relocated in the alleys due to construction activates the utility owner and/or contractor shall notify the affected customers and the City of Lubbock Solid Waste dispatch at 806-775-2482. The notice shall specify the address, number of the dumpster being relocated, and the duration of service interruption.

Sec. 36.09.041 Compliance with permit
All construction activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city engineer and his or her representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements. (1983 Code, sec. 24-183; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.042 Display of permit and signage
(a) The permit holder shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the city engineer or his or her representatives at all times when construction work is occurring.

(b) All permitted utility owner and contractor vehicles and equipment must be clearly marked with the company name while performing construction or other work. Signage, with minimum dimensions of 4 feet by 4 feet, with the utility's name and contact phone number must be displayed at the beginning and the end of the traffic-control work zone on the thoroughfare.

Sec. 36.09.043 Survey of underground facilities
If the construction permit specifies the location of new facilities by depth, line, grade, proximity to other facilities or other standard, the city engineer or his or her designee may require the permit holder to provide written verification, if reasonably necessary, of the location of such facilities by a registered surveyor. If requested by the city engineer or his
Sec. 36.09.044 Noncomplying work

Upon order of the city engineer or his or her designee, all work that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this article, shall be removed. (1983 Code, sec. 24-186; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.045 Completion of construction

The permit holder shall promptly complete all construction activities so as to minimize disruption of the public rights-of-way and other public and private property. All construction work authorized by a permit within the public rights-of-way, including restoration, must be completed within one hundred twenty (120) calendar days of issuance, or by such other date as may be agreed upon by the city engineer and his or her designee. (1983 Code, sec. 24-187; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.046 Utility construction as-built drawings

Within sixty (60) calendar days after completion of construction, the permit holder shall furnish the city engineer with a complete set of plans, certifying to the city that they accurately depict the location of all utility facilities constructed pursuant to the permit. (1983 Code, sec. 24-188; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.047 Restoration of right-of-way improvements

(a) Upon completion of any construction work, the permit holder shall promptly repair or restore any and all public street rights-of-way, including any and all public and private fixtures, structures and facilities lawfully located therein, to as good as or better a condition as before the start of construction. Unpaved portions of alley rights-of-way shall be leveled, filled, bladed and worked in such a manner as to leave the alley in a safe and usable condition. Complete preconstruction photographs or videos of the work site are required of all permit holders and shall be submitted to the city engineer upon request.

(b) Persons placing physical obstructions such as landscaping objects, irrigation systems and fences within the right-of-way without legal authorization shall bear the risk of damage to such obstructions due to utility construction work. The repair or replacement of such unauthorized physical obstructions unavoidably damaged by utility construction work shall be the sole responsibility of the adjacent property owner or other person placing such unauthorized physical obstruction in the right-of-way.


Sec. 36.09.048 Restoration of trees, shrubs and other vegetation
(a) All landscaping trees, shrubs and other vegetation damaged or disturbed within the street right-of-way as a result of the construction, installation, maintenance, repair or replacement of utility facilities in the street right-of-way shall be replaced or restored as nearly as may be practicable, to at least as good a condition as prior to performance of work by the permit holder. Trees may be replaced with trees of similar size and the same or similar species up to four (4) inches in caliper. Trees larger than four (4) inches in caliper shall be replaced with trees of the same or similar species with a caliper of no less than three (3) inches and no more than four (4) inches.

(b) All restoration work within the public rights-of-way shall be done in accordance with landscape plans approved by the city engineer or his or her designee, if such landscape plan is required by section 36.09.036(b)(2) of this article.

(c) Pruning or trimming of trees or shrubs by the city, a ROW user or a utility deemed necessary due to any imminent threat to public safety or that may potentially damage overhead utility lines does not require a permit under this article.


Sec. 36.09.049 Responsibility of permit holder or ROW user

The permit holder, ROW user or a contractor hired by the permit holder or ROW user shall be responsible for performance of and compliance with all provisions of this article.


Sec. 36.09.050 Conformance with master thoroughfare plan

A permit holder or ROW user shall consult the city’s master thoroughfare plan (“MTP”) prior to the acquisition of any interest in real property in the city for the installation or relocation of utility service lines or other utility equipment or facilities along or adjacent to any street, right-of-way, thoroughfare, highway, or any proposed street, right-of-way, highway or thoroughfare to attempt to minimize any future conflict regarding the location of such facilities. All permit holders or ROW users are charged at all times with constructive notice of the MTP. The city shall have no liability for the value of or loss by a permit holder or ROW user for any improvements constructed in the area shown in the MTP subsequent to the effective date of this article. All permit holders and ROW users placing utility equipment or facilities that conflict with the MTP at the time of permit issuance shall be responsible for moving such equipment or facilities without cost to the city. (1983 Code, sec. 24-192; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.051 Rights of utility in event of closure or abandonment of right-of-way

In the event the city closes, vacates, abandons or conveys any right-of-way containing facilities of a ROW user, any such closure, vacation, abandonment or conveyance of land shall be subject to the rights of the ROW user. (1983 Code, sec. 24-193; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)
Sec. 36.09.052  Denial of permit

A permit may be denied for any of the following reasons:

(1) Failure to provide proof of liability insurance acceptable to the city.
(2) Failure to secure any required permit for work of the nature required.
(3) Failure to perform in accordance with the requirements of these provisions and to correct any deficiencies after notice.
(4) The excavation would be in a new street and not otherwise permitted by this article.
(5) The proposed warning or other traffic-control procedures or equipment do not comply with the requirements of the TMUTCD or the requirements of the city engineer.
(6) The proposed activity would violate a city ordinance or state or federal statute.
(7) The permit application contains false or misleading information.
(8) The activity would cause a public health or safety hazard.
(9) The ROW user is not authorized to do business within the city.
(10) The ROW user is in violation of this article relative to work in progress.


Sec. 36.09.053  Revocation or suspension of permit

(a) The city reserves its right, as provided herein, to revoke or suspend any permits of the utility owner and/or contractor, without refund of the permit fee, in the event of a breach by the permit holder of the terms and/or conditions of the permit or of this chapter or any city ordinance. A breach of the terms of the permit shall include, but not be limited to, the following:

(1) The violation of any provision of this article;
(2) An evasion or attempt to evade any provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
(3) Any material misrepresentation of any fact in the permit application;
(4) The failure to meet insurance or indemnification requirements;
(5) The failure to complete the work in a timely manner;
(6) The failure to correct a condition indicated on an order issued pursuant to this article;
(7) Repeated offenses, including but not limited to, traffic-control violations;
(8) Failure to repair facilities damaged in the right-of-way; or
(9) Violation of any provision of this article.
(b) If the city engineer, or his or her designee, determines that the permit holder has committed a breach of any law or condition of the right-of-way construction permit, the city engineer shall first make a written demand upon the permit holder to remedy such violation. The city engineer may provide specifications to cure the breach. Continued violation may be cause for suspension or revocation of the permit, civil legal action, or both. The city engineer may suspend the permit upon failure to correct the breach. Within five (5) business days of receiving notification of the breach, the permit holder shall contact the city engineer with a plan, acceptable to the city engineer, for correction of the breach. The permit holder’s failure to provide a plan or the permit holder’s failure to implement the approved plan within the time stated in the written demand for remedy shall be cause for revocation of the permit.

(c) The city engineer, or his or her designee, may immediately suspend the work and issue an immediate stop-work order for all current permits issued if there is major damage to another utility caused by the utility owner or its contractor on or about a public right-of-way and/or there is an imminent and immediate threat to the health, safety and welfare of the public in his or her opinion. In the event the stop-work order is not obeyed, the failure to immediately stop work shall be deemed a criminal violation of this article and the permit may be revoked. In addition, civil legal action for trespass, injunction and damages may result.

(d) Utility permits may be denied or a stop-work order issued to the utility owner for failure to relocate its utilities within six months of notification from the city in order for the city to complete its capital improvement projects.


Sec. 36.09.054 Appeal of permit denial or revocation

A ROW user or other applicant that has been denied a permit or a permit holder that has had a permit revoked may appeal the denial or revocation upon written request as follows:

(1) Appellant shall provide, within five (5) business days of denial or revocation, a written notice of appeal filed with the city engineer. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The city engineer shall provide a written decision within five (5) business days of receipt of the appeal. Failure to render a decision within five (5) business days shall constitute a denial.

(2) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal with the director of public works within five (5) business days. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The director of public works shall provide a written decision within the ten (10) business days. Failure to render a decision within ten (10) business days shall constitute a denial.
(3) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal to the permit and license appeal board of the City of Lubbock with the city secretary within five (5) business days of receipt of the director of public works’ written decision. The city secretary shall notify the director of public works and the appellant of the time and place of hearing of the appeal by the permit and license appeal board of the City of Lubbock.


Sec. 36.09.055 Utility emergency excavations

(a) Nothing in this article shall be construed to prevent any person, utility, permit holder or ROW user from maintaining any pipe, conduit, or duct in or under any street, or right-of-way by virtue of any law, ordinance or permit, from making an emergency excavation as may be necessary for compliance with law or in response to a situation endangering life, health and safety, or property, or in a situation in which the public need to reestablish interrupted service compels immediate action. The excavator is required to notify the city engineer, with submittal of the permit application information, the next business day following an emergency excavation within the public right-of-way. Except as specifically provided otherwise in this section, excavations authorized by this section shall be subject to all requirements of this article.

(b) If a permit holder in the course of an excavation cuts or damages another ROW user’s facilities, the damaged ROW user may perform the work necessary to repair their facility without obtaining a permit. The original permit holder for the excavation is the responsible party for ensuring that the backfilling and paving repairs meet the requirements of this article.


Sec. 36.09.056 Reporting

When the work under any permit hereunder is completed, the permit holder shall contact the City of Lubbock’s Construction Inspector Supervisor at 806-775-3751 and furnish the city engineer a completion certificate. (1983 Code, sec. 24-198; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.057 Work done without permit

No cut, excavation, grading or disturbing of the right-of-way in any way shall be made other than excavations necessary for emergency work without first securing a permit. No permit holder, utility or ROW user shall at any time open or encumber more of the right-of-way than shall be reasonably necessary to complete a project in the most expeditious manner. (1983 Code, sec. 24-199; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Secs. 36.09.058–36.09.090 Reserved

Division 3. Standards for Excavation, Backfill and Paving Repairs
Sec. 36.09.091  Excavation under supervision of city engineer

(a) Any permit holder, utility or ROW user engaged in making or backfilling any excavation in any right-of-way shall at all times while such work is in progress keep at the job location the permit, or a copy thereof, and shall, on demand, exhibit the permit to the city engineer or his or her designee. At all times while the work is in progress the permit holder, utility or ROW user shall also maintain at the job location, a sign, barricade, or other device bearing the permit holder’s, utility’s or ROW user’s name.

(b) All excavations and other construction in the rights-of-way, streets and alleys shall be conducted so as to interfere as little as practicable with the use of rights-of-way and with the use of private property, in accordance with any lawful and reasonable direction given by or under the authority of the governing body of the city under the policy and regulatory powers of the city necessary to provide for public convenience. The permit holder, utility or ROW user shall reasonably protect and prevent any damage to utility facilities, sewer facilities, water facilities, lawns, shrubbery, trees, fences, structures, or other property encountered in his work. The permit holder, utility or ROW user shall not trespass upon private property. The permit holders, utilities or ROW users shall determine the boundary between public right-of-way and private property.

(c) All transmission and distribution structures, lines, equipment and facilities erected by a permit holder, utility or ROW user within the city shall be so located as to cause minimum interference with the proper use of the public rights-of-way, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets.

(d) The city reserves the right to lay, and allow to be laid, electricity, sewer, gas, water and other pipelines or cables and facilities, as well as drainage pipes and channels and streets and to perform, and allow to be performed, any underground and overhead installation or improvement that may be deemed necessary or proper by the governing body of the city, in, across, along, over or under any right-of-way or public place occupied by a utility or ROW user and to change any curb or sidewalk or the grade of any street and to maintain all of the city’s facilities. In allowing such work to be performed by others, the city shall not be liable to a utility or ROW user for any damage caused by those persons or entities. Nothing herein shall relieve any third party from responsibility for damages caused to a permit holder, utility or ROW user by such third party.

(e) If the city requires a utility, permit holder or ROW user to adapt or conform its facilities, or in any way or manner to alter, relocate or change its property to enable any other corporation or person, except the city, to use, or to use with greater convenience, any right-of-way or public place, the utility or ROW user shall not be required to make any such changes until such other corporation or person shall have undertaken, with solvent bond or cash payment, to reimburse a utility or ROW user for any loss and expense which will be caused by or arise out of such removal, change, adaptation, alteration, conformance or relocation of a utility or ROW user’s facilities; provided, however, that the city shall never be liable for such reimbursement.
(f) Any utility owner and/or their contractor performing construction in any city right-of-way have maintain a representative at the site at all times while such work is in progress, and who shall be able to clearly communicate with the city staff and the citizens of Lubbock.

(g) In dedicated easements, only the dedicated utility shall be allowed into such easements, unless the land owner and city engineer grant written approval.

(h) Utility construction in city-dedicated easements shall require a ROW utility construction permit.

(i) All excavation work shall be performed during business hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, unless written approval is granted by the city engineer, or in the case of an emergency. Installations by boring will not be allowed after 2:00 p.m. on Fridays.


Sec. 36.09.092 Field utility coordination

(a) The permit holder, utility or ROW user shall notify the department at each of the following times during a project:

(1) Two (2) business days before the start of construction;

(2) Two (2) hours before beginning the initial backfill;

(3) Two (2) hours before beginning the paving of the street or alley;

(4) Twenty-four (24) hours prior to commencement of any boring activities, by calling the City of Lubbock Construction Inspector Supervisor at 806-775-3751; and

(5) Upon completion of the project.

(b) The permit holder, utility or ROW user shall mark the site of the proposed excavation with white lining and/or flags prior to making a request for locates and actual excavation.

(c) The permit holder, utility or ROW user shall make a request for a utility locate not more than 14 days and not less than 48 hours prior to the commencement of the proposed excavation. Such request shall be made to the state one-call center. Such requests shall be made by telephone or facsimile and shall include the date, location, extent and reason for such proposed excavation.

(d) The use of markers, stakes, poles, barricades or other devices shall be used in such a way to avoid damage to adjoining property. The use of "nonpermanent" or "biodegradable" markers is required.

(e) The permit holder, utility or ROW user shall mark the proposed excavation site with paint and/or flags in colors established by the one-call system. The markings shall be placed a distance of not less than five (5) feet in all directions from the outside boundary of the site to be excavated.
(f) All excavations shall commence within 14 day of the date of the utility locate. In the event that the excavator fails to commence work within 14 days or the utility locate marks are not visible at the time the excavation is scheduled to commence, the permit holder, utility or ROW user is required to request a new utility locate.

(g) Compliance with the Texas Utilities Code is required at all times.

(h) All barricades, plates, cones, traffic directional equipment, and all other traffic-control devices owned by the permit holder, utility or ROW user and used on or near any excavation shall be clearly and visibly marked with the name of the permit holder, utility or ROW user, as applicable, at all times such equipment is used on or near the right-of-way. An exception to the marking requirement may be made in the event the traffic-control equipment is not owned by the permit holder, utility or ROW user.

(i) If work is being performed that will block any lanes of traffic in a street or deny access to an alley or driveway and the work site will be left unattended, the permit holder, utility or ROW user shall place a sign at each end of the work site with the name and contact information of the permit holder, utility or ROW user performing the work. Such signs may be placed on barricades or freestanding.

(j) The permit holder shall prominently display the utility owner’s and contractor’s names and phone numbers on a sign, having minimum dimensions of 4 ft. by 4 ft., at the beginning and ending of the traffic-control work zone.

(k) All open pits shall be backfilled within three (3) calendar days or covered with materials of sufficient strength and construction (H 20 load rated steel plate(s)) to permit vehicular traffic to pass over such excavation(s).

(l) All existing water and sewer mains shall be physically located prior to boring by way of potholing with a hydro excavation method.


Sec. 36.09.093 Excavation details; backfill; compaction; pavement restoration

(a) Details related to trench excavation, backfill, compaction and pavement restoration are described in plates 1-07, 2-07, 3-07, 4-07, 5-07, 6-07, and 7-07. These plates are included in and a part of this article.

(b) Paving shall be repaired in accordance with the City of Lubbock Utility Excavation Manual and the City of Lubbock Minimum Design Standards and Specifications.


Sec. 36.09.094 Standard location of utilities in alleys

The standard location for municipally owned utilities, public utilities, and telecommunications are shown on plate 8-07, included in this article. (1983 Code, sec. 24-203; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)
Sec. 36.09.095 Supervision by city of location of poles and conduits

(a) All poles in the right-of-way shall be of sound material and straight, and all other utility facilities, either along the ground surface or above ground, such as manholes, valve boxes, vault covers, risers, boxes, etc., shall not interfere with the flow of water in any gutter or drain, and shall be placed so as not to unduly interfere with either vehicular or pedestrian travel.

(b) Any aboveground utility facility shall be placed in a manner that will be compliant with the Americans with Disabilities Act (ADA) in order to maintain the required clear width for pedestrians with disabilities. Should a utility facility encroach into an existing sidewalk, additional sidewalk construction shall be required if necessary to maintain clear width for an ADA accessible route. Aboveground facilities shall also be located so they will not violate the city’s right-of-way visibility requirements.

(c) The location and route of all conduits, fiber, cables, utilities and facilities placed and constructed within the city’s rights-of-way by a utility, permit holder or ROW user in the construction and maintenance of its system within the City of Lubbock shall be subject to the reasonable and proper control, direction and approval of the city.


Sec. 36.09.096 Backfill of excavated area

(a) Open trenches may be temporarily backfilled for the convenience of the permit holder or the public safety. At least two (2) hours prior to beginning permanent backfill operations, the permit holder shall notify the city engineer of the time the backfill will begin.

(b) All excess water and mud shall be removed from the trench prior to backfilling. Any backfill placed during a rainy period or at any other times, where water cannot be prevented from entering the trench, will be considered temporary and shall be removed as soon as weather permits. All disturbed base material or any base that has been undermined shall be removed and discarded.


Sec. 36.09.097 Restoration of pavement

(a) Unless otherwise specified in the permit, restoration of the asphalt pavement of any street, alley, right-of-way or other public place shall be performed by the permit holder, utility, ROW user or by the city street maintenance department, upon request by the permit holder, utility or ROW user. Nothing in this section shall relieve the permit holder, utility or ROW user from the responsibility to maintain the excavation or installation in a safe condition until it is repaved by the city or otherwise restored. If the permit holder, utility or ROW user making the excavation requests repaving by the city, the permit holder, utility or ROW user shall pay for repaving at a rate to be established by the city.
(b) No trench shall be opened in any street for the purpose of laying pipes, conduits or ducts more than four hundred (400) feet in advance of the pipe, conduit or ducts being placed in the trench, other than with the prior written consent of the city engineer.

(c) All excavations shall comply with the standards and requirements established from time to time by the city engineer for compaction, backfill and pavement restoration.

(d) Any excavated pavement, debris and other rubble shall be removed, together with any surplus material, during the same business day from the time such material is placed upon the street. After backfilling is completed, and prior to repaving the cut, the permit holder, utility or ROW user shall remove all loose paving material and saw cut the edges of the excavation at the street surface to the satisfaction of the city engineer.

(e) Whenever any caving occurs in the sidewalls of any excavation, the pavements above such caving shall be cut away, trench backfilled and pavement restored. In no case shall any side or lateral tamping fill any void under a pavement.

(f) All materials and construction practices shall be in conformance with City of Lubbock Standard Paving Specifications.

(g) Any paving failures, including surface, base, or subgrade failures that occurred due to the ROW user’s work in the street shall be repaired by the ROW user, regardless of whether the damage is caused by equipment, construction methods, detour of traffic or any other reason.


Sec. 36.09.098 Cleanup of right-of-way

(a) In every case and at all times, the work of removing from the right-of-way all obstructions, surplus materials, debris and waste matter of every description caused by and accumulated from the excavation shall be the responsibility of the permit holder, utility or ROW user. Streets shall be cleaned by use of a street sweeper or other acceptable means. The permit holder, utility or ROW user shall clean the surrounding area, as outlined above, within one (1) business day upon completion and approval of all trench work and pavement restoration unless the city engineer, sufficient reason therefore having been given to his satisfaction, grants an extension of time.

(b) Phasing of construction clean-up must be done in a manner to completely clean the alleyway prior to moving into the next alleyway. Any hand holes left open to pull cable after clean-up must be covered to protect the public.


Sec. 36.09.099 Substandard repair of pavement or right-of-way due to utility work
In case the pavement or the surface of the street, alley, or right-of-way in, over or near any excavation should become depressed, cracked, or broken any time or fails in any way at any time after the excavation has been made and during the remaining life of the street, the permit holder, utility or ROW user who performed the excavation shall be required to repair such defective work commencing within fifteen (15) business days after receipt of notification from the city to bring the work into compliance with applicable obligations of this article. Failure to complete the repair within a reasonable time after notification may result in the permit holder, utility or ROW user being required to reimburse the city for the cost to restore the street, right-of-way or alley. “Life of the street” is defined as until such time as the street is reconstructed or the PCI (pavement condition index) of the street has a value of less than 50. (1983 Code, sec. 24-208; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.100 Inspection
The permit holder, utility or ROW user shall make the work site accessible to the city, and others as authorized by law, for inspection at all reasonable times during performance of the work. (1983 Code, sec. 24-209; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.101 Materials testing
The city engineer or his or her designee may require testing of materials used in construction in or near the right-of-way to determine conformance to required specifications, including, but not limited to, compaction tests on backfill materials, subgrade, concrete, asphaltic concrete and other construction materials as may be deemed necessary. (1983 Code, sec. 24-210; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.102 Utility excavation in ROW restored to good condition
(a) The permit holder, utility or ROW user shall complete pavement restoration of the excavated area within thirty (30) days on thoroughfare streets, collector streets, industrial streets, residential streets and alleys after final backfill is completed and accepted by the city engineer. The permit holder, utility or ROW user shall conduct the work with a minimum disturbance to existing utilities and shall coordinate all work in or near the existing utilities with the utility owners.

(b) Excavation in new streets. There shall be no excavation in new streets (less than five years of age) without the prior approval of the city engineer. Any request for a permit to excavate a new street shall include a description of the proposed work and proposed restoration of the area, as well as a statement as to why alternate procedures cannot or should not be used in lieu of excavating a new street. However, prior approval will not be required for excavations of up to fifty (50) linear feet for utility tie-ins needed from an existing subdivision to a new subdivision during development.

(c) Excavation of streets in good condition. A permit holder, utility or ROW user shall perform jacking and boring operations in a manner that does not weaken or impair the right-of-way upon completion of restoration of the excavation.
(1) Excavation in all streets in good condition regardless of age shall not occur without a permit and prior approval of the city engineer. Streets assigned to a PCI (pavement condition index) of 92 or above by the pavement management system are deemed to be in good condition and are subject to the same review procedures as excavation of new streets. The PCI can be obtained from the city’s pavement management office of the street maintenance department.

(2) Restoration of the excavated area of streets in good condition shall be in accordance with this article.

(3) If excavation of an asphalt street in good condition is approved, and 25% or more of the asphalt street surface (50% of more of a designated thoroughfare street) is disturbed, a complete block to block, curb to curb pavement repair, including removal and replacement of the complete pavement surface, will be required. An alternative surface treatment may be submitted for consideration by the city engineer.

(d) Excavation in Portland cement concrete (PCC) pavement surface. If the existing pavement is PCC, the concrete shall be cut first with a saw to a minimum depth of half the thickness of the concrete which shall also cut the reinforcing steel. The concrete can then be broken out with an air chisel or pavement breaker. No more than 6" of PCC shall be broken back beneath the saw cut.

(e) Responsibility for excavated area maintenance. A permit holder, utility or ROW user shall maintain their repairs in the right-of-way for the life of the street as defined in this article.


Secs. 36.09.103–36.09.130 Reserved

Division 4. Barricades

Sec. 36.09.131 Submission of plan

(a) After the issuance of a right-of-way construction permit, or any other permit involving the placement of barricades, the contractor, subcontractor, corporation, firm, company, utility, permit holder, ROW user or other person who shall undertake to perform any work upon, in, under, above, or about any street, alley, curb, gutter, sidewalk, or any public right-of-way or for any other reason desires to place barricades on right-of-way within the city, shall furnish the city traffic engineer with a scale “barricade plan” or sketch showing the work area, the space within the right-of-way required for the work, and a proposed plan, referred to in this section as a “barricade plan” for the use of barricades, signals, signs, flags, flares, and other traffic-control and safety devices about the work area.

(b) The barricade plan shall conform to the requirements set forth in the barricade manual adopted below, and such plan shall be deemed a part of said permit.
(c) This section shall not apply to the utility companies or the city when either are engaged in work involving overhead signals, communications, and/or electric circuits; provided that said utility companies or city shall establish and maintain adequate warning devices when engaging in work involving overhead signals, communications, and/or electric circuits.


Sec. 36.09.132  Adoption of manual


Sec. 36.09.133  Additional requirements

(a) The city may require that the work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from any excavation be located other than adjacent to the work area where feasible, and that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirement shall be deemed necessary in the interest of safety and to avoid traffic congestion.

(b) Traffic control shall be placed on site no more than twenty-four (24) hours prior to construction beginning. Traffic control will be taken down, and the street reopened, if permit holder is not onsite for two business days. Traffic-control devices shall only be placed around the current construction area, and not around the entire project.


Sec. 36.09.134  Continuing validity of permit

Prior to or upon institution of or during the proceeding of or prior to completion of any work for which a permit is required hereunder, as an express condition precedent to the continuing validity of said permit, all specifications of the barricade plan and all regulations set forth in the barricade manual in connection therewith including, but not restricted to, proper maintenance of barricades, signals, signs or other traffic-control or safety devices, must be complied with, carried out and conformed to in their entirety. Failure to do so will render said permit null and void and of no further force or effect as if no permit had ever been issued or granted. (1983 Code, sec. 24-215; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)
ARTICLE 36.10 WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Sec. 36.10.001 Definitions

City. The City of Lubbock, Texas and its officers and employees.

Collocation. The installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Design manual. The City of Lubbock, Texas Public Right-of-Way Communication Facilities Design Manual. The design manual is incorporated by reference into this article and the terms and conditions of the design manual are binding upon any entity acting under any portion of this article. In the event of any discrepancy or ambiguity between this article, this code, or the design manual, the design manual will control.

Director. The City of Lubbock Public Works Director or his designee.

Entity. Means, but is not limited to, any person, business, company, agency, or other group or individual, whether or not formally established, that acts or affects any activity contemplated under this article.

Network node. Equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes, but is not limited to: Equipment associated with wireless communications; a radio transceiver, an antenna, a battery-only backup power supply, or comparable equipment, regardless of technological configuration; and Coaxial or Fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation. The term does not include: an electric generator; a pole; or a macro tower.

Node support pole. A pole installed by a network provider for the primary purpose of supporting a network node.

Permit. A new wireless communication facility permit issued by the city authorizing the installation, removal, modification, or other work in accordance with the design manual.

Pole. A service pole, municipally owned utility pole, node support pole, or utility pole.

Right-of-way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or waterway. The term does not include a private easement, private property, publicly-owned property, or the airwaves above the city’s right-of-way with regard to wireless telecommunications.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.002 Design manual incorporated into this article

The design manual is incorporated by reference into this article, and the terms and conditions of the design manual are binding upon any entity acting under any portion of this article. In the event of any discrepancy or ambiguity between this article, this code, the design manual, or chapter 284 of the Texas Local Government Code, the later shall control. (Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.003 Penalties and correction of deficiencies
(a) Any entity that violates any provision of this article shall be guilty of a misdemeanor in accordance with section 1.01.004 of the Code of Ordinances and upon conviction shall be subject to a fine not to exceed the amount specified by state law for such offenses. Each day of such violation shall constitute a separate offense. Said penalty is cumulative, and not exclusive, of any other rights or remedies the city may have.

(b) Any entity who shall perform work on or about a public right-of-way and who shall violate any provision of this article shall cause said work to be subject to a cease work order and revocation of permit or civil legal remedies as provided by this article.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.004 Permit required

It shall be unlawful for any entity to engage in the installation, modification, or repair of a network node, node support pole, pole, or other wireless communication facility that will encroach upon or be located in, on, or within a street, alley, or other public right-of-way within the city without having first obtained a permit in order to perform the work, unless said work is commenced in an emergency situation as authorized by this article.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.005 Permit application; fee

(a) Applications for a permit required under this article shall be made on forms provided by the city and such applications shall be accompanied by drawings, plans, and other responsive documents, with such application forms and documents being subject to the design manual, which is incorporated into this article by reference.

(b) The director or his designee may, in his sole discretion, require additional information from the applicant of a permit required under this article before the director issues said permit.

(c) All applications for a permit under this article shall be subject to an application fee, with such fee being listed in the design manual, which is incorporated into this article by reference. City departments and contractors hired by the city for work related to this article shall be exempted from payment of the application fee.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.006 Insurance

The applicant for a permit shall furnish a certificate of insurance for public liability and property damage, issued by a solvent insurance company or companies authorized to do business in this state, or evidence of self-insurance satisfactory to the city evidencing that the city is adequately protected from any liability or damages resulting by virtue of applicant’s construction. The insurance requirements of this article are subject to the insurance requirements listed in the design manual which is incorporated into this article by reference. Upon receipt of the permit, an applicant assumes the insurance and indemnity requirements provided in the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)
Sec. 36.10.007  Issuance

According to the design manual, the director shall issue a permit to an applicant upon the applicant’s submission to the director of a complete application including any application documents required under the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.008  Other fees and regulations provided in the design manual

The design manual contains fees and charges applicable to work performed under this article. The design manual also contains all allowable regulations for any work related to this article. An applicant for a permit is responsible for the applicable fees and regulations provided in the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)
City of Lubbock, Texas

I. Purpose

A. The standards and procedures provided in this Public Right-of-Way Wireless Communication Facilities Design Manual (this “Design Manual”) are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City’s Right-of-Way, and to minimize and reduce impacts to the City, its residents, and visitors.

B. This Design Manual is applicable to all Wireless Service Providers, Network Providers, or any entity desiring to use the City’s Right-of-Way in any way related to Wireless Communication (collectively, the “Provider”) as defined by Chapter 284 of the Texas Local Government Code.

C. In addition, the City has adopted this Design Manual to provide technical criteria and details necessary for a Provider seeking to install and construct network nodes and node support poles in the City’s Right-of-Way.

D. To the extent of any conflict with other City Right-of-Way permitting requirements, this Design Manual shall control with regard to a Provider.

II. Definitions

For purposes of this Design Manual the following terms shall have the same meanings herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

A. “Abandon” means the network nodes and node support poles, or portion thereof, that have been left by the Provider in an unused or non-functioning condition for more than sixty (60) consecutive days unless, after notice to the Provider, the Provider has established to the reasonable satisfaction of the City, that the network node or node support pole, or portion thereof, has the ability to provide communications.

B. “City” means the City of Lubbock, Texas and its officers and employees.

C. “Colocation” means the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public Right-of-Way on or adjacent to a pole.

D. “Director” means the City of Lubbock City Engineer or his designee.

E. “Height” shall be measured from top of the curb or crown of roadway if no curb to the top of all appurtenances.
F. “Interference” means physically or electronically affecting the operation, views, signals or functions of City equipment or third party equipment.

G. “Network node” means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

The term includes, but is not limited to:

1. Equipment associated with wireless communications;
2. A radio transceiver, an antenna, a battery-only backup power supply, or comparable equipment, regardless of technological configuration; and
3. Coaxial or Fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation.

Does not include:

1. An electric generator;
2. A pole; or
3. A macro tower.

H. “Node support pole” means a pole installed by a network provider for the primary purpose of supporting a network node.

I. “Park” means the various properties under the direction, control, and supervision of the City’s Parks and Recreation Director pursuant to the authority granted by City Council and the City Code of Ordinances.

J. “Permit” means a document issued by the City authorizing the installation, removal, modification, or other work for a Provider’s network nodes or node support poles in accordance with the approved plans and specifications.

K. “Pole” means a service pole, municipally owned utility pole, node support pole, or utility pole.

L. “Right-of-Way” means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or waterway. The term does not include a private easement, private property, publicly-owned property, or the airwaves above the City’s Right-of-Way with regard to wireless telecommunications.

M. “Storm Water Pollution Prevention Plans (SWPPP)” means a document that outlines how a construction project will minimize stormwater pollution. Construction sites are a well-known source of sediment and other pollutants which can cause significant harm to rivers, lakes, coastal waters, and flood control facilities.

N. “Substantial Change” – Occurs when:
1. The modification of the proposed WCF installation would increase the structure’s existing height by more than ten percent (10%) or ten feet (10’), whichever is greater;

2. The modification of the proposed WCF installation would protrude from the edge of the structure by more than six feet (6’) or would encroach on private property unless the applicant has a letter of authorization from the land owner where the encroachment occurs;

3. The modification of the proposed WCF installation involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets, or more than one (1) new equipment shelter;

4. The modification of the proposed WCF installation would entail any excavation or deployment outside the current site;

5. The modification would defeat the existing concealment elements of the WCF installation; or

6. The modification does not comply with conditions associated with the prior approval of the WCF unless the non-compliance is due to an increase in existing height, width, addition of cabinets, or new excavation that does not exceed the corresponding substantial change thresholds.

O. “Traffic Signal” means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

P. “Transport Facility” means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Q. “Underground Utility District (UUD)” means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground.

R. “Wireless Communication Facility (WCF)” means any facility established for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular telephone service, personal communications service, and paging service. A WCF can consist of one (1) or more antennas and accessory equipment

**III. Permitting**

**3.1 Attachment to Existing Poles**

Prior to installation or modification of a network node or node support pole, the applicant shall submit an application on a City-approved form to the Director that is substantially similar to the Sample Permit Application that is attached to this Design Manual as “Exhibit B.” The application must satisfy the requirements of this Design Manual and include all required attachments. An
application will be rejected if all required attachments are not included with it at the time of submittal. The Director has the discretion to require an application to be submitted by appointment only and to set the frequency and number of appointments that will be granted each day. If approved, the Permit authorizes the Provider to use of the City’s Right-of-Way, but neither the Permit nor this Design Manual authorize the Provider to use for any purpose any private property, State property, or City property located outside of the City’s Right-of-Way. The Provider shall complete and submit to the City a Right-of-Way permit application along with the following items:

A. **Permit Fee.** The City of Lubbock’s Right-of-Way Department shall govern all application fees according to the Permit Fee Schedule attached to this Design Manual as “Exhibit A” (the “Fee Schedule”). All fees must be paid in full before any permit shall be issued by the City. Review fees must be paid at the time that the application is submitted. Review fees are for permit processing and issuance only, and are in addition to any other applicable fee or any separate payments that may be required for rent of City infrastructure.

B. **Attachments.** Unless otherwise required by the City, the Provider shall submit attachments to the permit application that relate to the following:

1. Documentation that the Provider shall not locate, or cause to be located, more than three (3) network nodes on any pole unless otherwise approved by the City in writing;

2. Documentation that the Provider’s proposed nodes are in compliance with Section 40.02.002(h) of the City of Lubbock Code of Ordinances;

3. An aerial map showing the specific location of the existing pole to which the network node is proposed to be attached, and a street view image, with such map being in XY Grid coordinates or latitude and longitude coordinates;

4. Plans and drawings prepared by a professional engineer licensed in the State of Texas that can confirm that the existing pole or infrastructure has the structural stability to carry proposed network nodes, can bear the local wind load without pole modification, and whether the installation will require pole reinforcement; and, if pole reinforcement is necessary, then the Provider shall provide engineering design and specification drawings for the proposed alteration to the existing pole;

5. Scaled dimensioned drawings or pictures, including a before-and-after image of the pole and all proposed attachments and standalone equipment, of the proposed attachments of the network node to the existing poles or structures as well as any other proposed equipment, which indicates the spacing from existing curb, driveways, sidewalk, and other existing light poles and any other poles or appurtenances;

6. Scaled dimensioned construction plans indicating the current Right-of-Way line and showing the proposed underground conduit and equipment, and its spacing from existing utilities, with such construction plans showing a sectional profile of the Right-of-Way and identifying all existing utilities and existing utility conflicts;

7. Analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components;
8. A traffic control plan, a SWPPP, and a trench safety plan if requested by the Director;

9. Documentation showing that facilities above ground or on a pole or structure shall be concealed or enclosed to the maximum extent practicable in an equipment box, cabinet, or other unit that may include ventilation openings, and that all cabling and wiring must be contained in conduit affixed directly to the face of the pole, and no aerial wire or cable extending from the pole or structure;

10. Documentation showing that all projecting pole attachments, any equipment, or appurtenance mounted on the ground, shall comply with the Texas Accessibility Standards, American Disabilities Act as amended and shall not obstruct an existing or planned sidewalk or walkway;

11. Documentation showing that all proposed projecting pole attachments shall provide a minimum vertical clearance of eight feet (8’);

12. Documentation showing that the color of the network node shall match the existing pole color such that the network node blends with the color of the pole to the maximum extent practicable; and

13. Any other documentation or analysis that the Director shall require that does not conflict with any applicable law.

3.2 Installation of New Poles

Prior to the installation or modification of any pole, the Provider shall complete and submit to the City a permit application for the pole on a City-approved form to the Director that is substantially similar to the Sample Permit Application that is attached to this Design Manual as “Exhibit B,” as well as a Right-of-Way permit application as required in section 3.1 of this Design Manual. Along with the standard required documents, the following items will also be required for the Public Right-of-Way Permit application:

A. Permit Fee. The City of Lubbock’s Right-of-Way Department shall govern all application fees according to the Permit Fee Schedule attached to this Design Manual as “Exhibit A” (the “Fee Schedule”). All fees must be paid in full before any permit shall be issued by the City. Review fees must be paid at the time that the application is submitted. Review fees are for permit processing and issuance only, and are in addition to any other applicable fee or any separate payments that may be required for rent of City infrastructure. At the City’s discretion, the City may charge the Provider a lower fee if the lower fee is:

1. Nondiscriminatory;

2. Related to the use of the City’s Right-of-Way; and

3. Not a prohibited gift of the public property.

B. Attachments. Unless otherwise required by the City, the Provider shall submit attachments to the permit application that relate to the following:
1. A scaled site plan, a sealed elevation view, supporting drawings, calculations, and other documentation, signed and sealed by appropriate professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to ensure compliance with this Design Manual;

2. An aerial map showing the specific location of the new pole to which the network node is proposed to be attached, and a street view image, with such map being in XY Grid coordinates or latitude and longitude coordinates;

3. Documentation showing that the Provider pole shall not be within three hundred feet (300’) of an existing pole unless otherwise approved by the City in writing, and that the proposed new node support pole is spaced at least three hundred linear feet (300 LF) from another pole that is capable of supporting network nodes along the proposed location;

4. Plans and drawings prepared by a professional engineer licensed in the State of Texas showing that the new network pole has the structural stability to carry proposed network nodes and can bear the local wind loads;

5. Scaled dimensioned drawings or pictures, including a before-and-after image of the pole and all proposed attachments and standalone equipment, of the proposed attachments of the network node to the existing poles or structures as well as any other proposed equipment, which indicates the spacing from existing curb, driveways, sidewalk, and other existing light poles and any other poles or appurtenances;

6. Scaled dimensioned construction plans indicating the current Right-of-Way line and showing the proposed underground conduit and equipment, and its spacing from existing utilities, with such construction plans showing a sectional profile of the Right-of-Way and identifying all existing utilities and existing utility conflicts;

7. A traffic control plan, a SWPPP, and a trench safety plan if requested by the Director;

8. Analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components;

9. Plans and drawings showing that a proposed pole is set back a distance equal to the height of the pole from any off-site residential structure;

10. A Street Use License issued by the City to the Provider, if required for the Provider’s activities in the City’s Right-of-Way;

11. Documentation showing that facilities above ground or on a pole or structure shall be concealed or enclosed to the maximum extent practicable in an equipment box, cabinet, or other unit that may include ventilation openings, and that there shall be no external cable or wire on any pole or structure, and no aerial wire or cable extending from the pole or structure;
12. Documentation showing that all projecting pole attachments, any equipment, or appurtenance mounted on the ground, shall comply with the Texas Accessibility Standards, American Disabilities Act as amended and shall not obstruct an existing or planned sidewalk or walkway;

13. Documentation showing that all proposed projecting pole attachments shall provide a minimum vertical clearance of eight feet (8’);

14. Documentation showing that the proposed poles are not wooden poles, are breakaway; and are black powder-coated;

15. Documentation showing that the color of the network node shall match the existing pole color such that the network node blends with the color of the pole to the maximum extent practicable; and

16. Any other documentation or analysis that the Director shall require that does not conflict with any applicable law.

3.3. Installation of Transport Facilities

The Provider shall not install or modify a new transport facility within the City’s Right-of-Way without first obtaining a Permit from the City. Before beginning excavation in any of the City’s Right-of-Way, the Provider shall be responsible for complying with all laws relating to verifying the location of existing utility lines and facilities and avoiding encroachment thereon. If the work proposed in the Right-of-Way Permit application involves more than three hundred feet (300’) of continuous trenching or boring or the installation of a node support pole or an electrical meter pedestal or ground box, then the Provider shall coordinate its work schedule with the Director before work can begin.

3.4. Electrical Permit

The Provider shall be responsible for coordinating with the appropriate electrical utility to ensure compliance with any rules or regulations affecting a node or pole.

IV. Network Node and Node Support Pole Requirements

4.1. Installation

The Provider shall, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by this Design Manual within six (6) months of City approval of the Permit Application, and all other applicable laws, ordinances, codes, rules, and regulations of the City, the State, and the United States, as such may be amended from time to time. As provided by this Design Manual and all applicable laws, the Provider’s work shall be subject to the regulation, control, and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, or replacement of the network nodes and node support poles shall be in compliance with all applicable laws.
4.2 Inspections

The City may perform visual inspections of any network nodes and node support poles located in the Right-of-Way, as the City deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the City shall provide written notice to the Provider within five (5) business days of the planned inspection. The Provider may have a representative present during such inspection.

In the event of an emergency situation, the City may, but is not required to, notify the Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify the Provider as soon as practically possible after remediation is complete.

4.3 Placement

A. Parks. The placement of network nodes and node support poles in any park, park road, sidewalk, or property is prohibited unless such placement is specifically allowed in Chapter 284 of the Texas Local Government Code and the placement complies with all other applicable laws, private deed restrictions, and other public or private restrictions on the use of the park.

B. City Infrastructure. The Provider shall neither allow nor install network nodes or node support poles on any City property that falls outside the definition of Public Right-of-Way in Chapter 284 of the Texas Local Government Code.

C. Residential Streets. The Provider shall neither allow nor install network nodes or node support poles in Right-of-Way that are adjacent to a street or thoroughfare that is not more than fifty feet (50’) wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions, unless otherwise approved by the City in writing. In no case shall placement be anywhere other than alleys in residential areas.

D. Historic District. The Provider shall neither allow nor install network nodes or node support poles in Right-of-Way that is within a Historic District as defined by Chapter 284 of the Texas Local Government Code, unless approved by the City in writing.

E. Decorative Poles. The Provider shall neither allow nor install network nodes on a Decorative Pole as defined by Chapter 284 of the Texas Local Government Code, unless approved by the City in writing. This standard shall be applicable to all proposed nodes and poles in the Central Business District, the North Overton District, the South Overton National Registered District, the 34th Street Corridor, and all other applicable districts as they now exist or may be created subsequent to the implementation of this Design Manual. The City will only approve applications affecting the districts considered in this section if the applications use camouflage techniques approved by the City. See examples below.
F. **Poles.** Wireless Facilities on node support poles shall be installed at least eight feet (8’) above the ground.

G. **Right-of-Way.** Unless otherwise approved in writing by the City, node support poles and ground equipment shall be placed within eighteen inches (18”) of the outer edge or eighteen inches (18”) from the back of curb of the Right-of-Way line. Node support poles and ground equipment or network nodes shall not impede pedestrian or vehicular traffic in the Right-of-Way. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable laws, including the American Disabilities Act as Amended, then the Provider shall remove the noncompliant node support poles, ground equipment, or network nodes.

### 4.4 Fiber Connection

The Provider shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.

### 4.5 Generators.

The Provider shall not allow or install generators or back-up generators in the Right-of-Way.

### 4.6 Equipment Dimensions

The Provider’s node support poles and network nodes shall comply with the dimensions set forth in Chapter 284 of the Texas Local Government Code.

### 4.7 Tree Maintenance

The Provider and its contractors and agents shall obtain written permission from the City before trimming trees hanging over its node support poles and network nodes to prevent branches of such trees from contacting node support poles and network nodes. When directed by the City, however,
the Provider shall trim under the supervision and direction of the Parks Director. The City shall not be liable for any damages, injuries, or claims arising from the Provider’s actions under this section.

4.8 Signage

A. The Provider shall post its name, location, identifying information, and emergency telephone number in an area on the node support pole and network node that is visible to the public. Such signage required under this section shall not exceed four inches by six inches (4” x 6”) unless otherwise required by law or the City.

B. Except as required by law or by the utility pole owner, the Provider shall not post any other signage or advertising on any node support pole, network node, or utility pole.

4.9 Overhead Lines Prohibited

In an UUD, the Provider shall neither allow nor install any overhead lines connecting to a node support pole. All overhead lines connecting to the node support pole where other overhead telecommunications or utility lines are or planned to be buried below ground as part of a project shall be buried below ground.

4.10 Repair

Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of a node support pole, network node, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the City to be damaged in any way or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any law, then the Provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If the Provider does not repair such property or perform such work as described in this section, then the City shall have the option, upon ten (10) days’ prior written notice to the Provider, or immediately if there is an imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of the Provider and to charge the Provider for the reasonable and actual costs incurred by the City for such repair and work. The Provider shall reimburse the City for the costs associated with this section.

4.11 Graffiti Abatement

As soon as practical, but not later than ten (10) days from the date the Provider receives notice thereof, the Provider shall remove all graffiti on any of its node support poles and network nodes located in the Right of Way.

4.12 Inventory

A. The Provider shall maintain a list of its network nodes and node support poles, and shall provide to the City an inventory of the locations of such nodes and poles within ten (10)
days of their installation. The inventory of network nodes and node support poles shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and a description of the type of installation for each network node and node support pole installation.

B. The Provider shall provide an inventory of its network nodes and node support poles within thirty (30) days of City’s written request. Concerning network nodes and node support poles that become inactive, the inventory shall include the same information as active installations in addition to the date the network node or node support pole was deactivated and the date the network node or node support pole was removed from the Right-of-Way. The City may compare the inventory to its records to identify any discrepancies.

4.13 Reservation of Rights

The City reserves the right to install, and to permit others to install, utility facilities in the Rights-of-Way. In permitting such work to be done by others, the City shall not be liable to the Provider for any damage caused by those persons or entities. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and to protect the public safety. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the Right-of-Way in the manner that best enables the City’s operations.

V. Interference with Operations

5.1 No Liability

A. The City shall not be liable to the Provider for any damage caused by other Providers with Wireless Facilities sharing the same pole, or for failure of the Provider’s network nodes for whatever reason, including but not limited to damage resulting from vehicular collisions, weather related events, or malicious attacks.

B. The City shall not be liable to the Provider by reason of inconvenience, annoyance, or injury to a network node, node support pole, or activity conducted by the Provider therefrom, arising from the necessity of repairing any portion of the Right-of-Way, or from the making of any necessary alteration or improvement in, or to, any portion of the Right-of-Way, or in or to the City’s fixtures, appurtenances, or equipment. The City will use reasonable efforts not to cause material interference to the Provider’s operation of its network nodes or node support poles.

5.2 Signal Interference with City's Communications Infrastructure Prohibited

A. No interference. In the event that any of the Provider's network nodes interferes with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on a spectrum where the City is legally authorized to operate, then the Provider shall promptly cease operation of the network nodes causing said interference upon receiving notice from the City and refrain from operating. The Provider shall respond
to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.

B. Protocol for Responding to Event of Interference. The protocol for responding to events of interference will require the Provider to provide to the City an Interference Remediation Report that includes the following items:

1. A remediation plan that outlines a plan to stop the event of inference;
2. A time frame for execution that provides the expected time frame for execution of the remediation plan; and
3. Any additional information that is relevant to the execution of the remediation plan.

In the event that interference with the City facilities cannot be eliminated, the Provider shall shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by the City.

C. Following installation or modification of a network node, the City may require the Provider to test the network node’s radio frequency and other functions to confirm it does not interfere with the City’s operations.

VI. Abandonment, Relocation and Removal

6.1 Abandonment of Obsolete Network Nodes and Node Support Poles

The Provider shall remove any network node or node support pole when such facility is abandoned, regardless of whether or not the Provider receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of sixty (60) days of the network node or node support pole being abandoned, or within ninety (90) days of receipt of written notice from the City. When the Provider removes or abandons permanent structures in the Right-of-Way, the Provider shall notify the City in writing of such removal or abandonment and shall file with the City the location and description of each network node or node support pole removed or abandoned. The City may require the Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

6.2 Relocation and Removal at the Provider’s Expense

A. The Provider shall remove and relocate its network nodes and node support poles at its own expense to an alternative location not later than sixty (60) days, or as otherwise specified, after receiving written notice that removal, relocation, or alteration of the network nodes or node support poles is necessary due to:

1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project or other public improvement project;
2. Maintenance, upgrade, expansion, replacement, removal or relocation of the City’s pole or structure upon which the Provider’s network nodes are attached;

3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights, or other City property as described in section 5.2 of this Design Manual;

4. Closure of a street or sale of City property;

5. Projects and programs undertaken to protect or preserve the public health or safety;

6. Activities undertaken to eliminate a public nuisance;

7. The Provider fails to obtain all applicable licenses, permits, or certifications required by law for its network nodes or node support poles; or

8. Any duty otherwise arising from any applicable law.

B. The Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent on the availability of an alternative location acceptable for relocation. The City will make reasonable efforts to provide an alternative location within the Right-of-Way for relocation, but regardless of the availability of an alternative site acceptable to the Provider, the Provider shall comply with the notice to remove its network nodes and node support poles as instructed.

C. The City may remove the network node or node support pole if the Provider does not remove such network node or node support pole within sixty (60) days. In such case, the Provider shall reimburse the City for the City’s actual cost of removal of its network nodes and node support poles within thirty (30) days of receiving the invoice from the City.

6.3 Removal or Relocation by Provider

A. If the Provider removes or relocates at its own discretion, it shall notify the City in writing not less than ten (10) business days prior to such removal or relocation. The Provider shall obtain all permits required for the relocation or removal of its network nodes and node support poles prior to such relocation or removal.

B. The City shall not issue any refunds for any amounts paid by the Provider for network nodes and node support poles that have been removed.

6.4 Restoration

The Provider shall repair any damage to the Right-of-Way, and the property of any third party, resulting from the Provider’s removal or relocation activities, or for any other of Provider’s activities hereunder, within ten (10) days following the date of such removal or relocation, at the Provider’s sole cost and expense, including the restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date the Provider was granted a permit for the applicable location, including restoration or replacement of any damaged trees,
shrubs, or other vegetation. Such repair, restoration, and replacement shall be subject to the sole, reasonable approval of the City.

6.5 Provider Responsible

The Provider shall be responsible and liable for the acts and omissions of the Provider’s employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, sub-lessees, and subcontractors in connection with the performance of activities within the City’s Right-of-Way, as if such acts or omissions were the Provider’s acts or omissions.

VII. Insurance and Indemnity

7.1 Insurance

A. Each Provider shall procure and carry, at its sole cost and expense, throughout the duration of the Permit, insurance protection in a form and substance satisfactory to the City, carried with an insurance company authorized to transact business in the State of Texas, covering all foreseeable aspects and operations in connection with the Permit, including, but not limited to, all aspects, operations, or occurrences to which the Provider has indemnified the City as required in this Design Manual. A Certificate of Insurance specifying each and all coverages shall be submitted to the City prior to the provision of any Permit. The Provider shall provide to the City proof of the below-described insurance on or before thirty (30) days prior to the expiration date of each expiring policy, and cause each required policy to require the insurer to (i) give notice to the City, as specified herein, of termination of any such policy sixty (60) days before such termination is to be effective; and (ii) contain a waiver of any and all of the insurer’s rights to subrogation that any such insurer or insurers may acquire by virtue of payment of any loss under such insurance. Each Provider is required to obtain the following coverage:

1. **Commercial General Liability Insurance.** The Provider shall have commercial general liability insurance and such coverage must have either a minimum limit of five hundred thousand dollars ($500,000) bodily injury per person, five hundred thousand dollars ($500,000) bodily injury per occurrence, and five hundred thousand dollars ($500,000) property damage; or one million dollars ($1,000,000) combined single limit coverage. The City shall be named as an additional insured on a primary and non-contributory basis in such policy.

2. **Automotive Liability Insurance.** The Provider shall have auto liability insurance, with limits of five hundred thousand dollars ($500,000) combined single limit. The City shall be named as an additional insured on a primary and non-contributory basis in such policy.

B. If the City’s Right-of-Way or any fixture or property located in the City’s Right-of-Way shall be partially destroyed by any casualty insurable under the Provider’s insurance policy, the Provider shall, upon receipt of the insurance proceeds, repair the same. If the City’s Right-of-Way or any fixture or property located in the City’s Right-of-Way shall be damaged as a result of a risk which is not fully covered by the Provider’s insurance, then
the Provider shall either (a) repair or rebuild the damaged improvements to the extent of available insurance proceeds, or (b) terminate the Permit and assign the insurance proceeds to the City. If the Provider fails to repair or rebuild the damaged improvements to the extent of available insurance proceeds or terminate the Permit and assign any insurance proceeds to the City, the City shall have the right to terminate the Permit.

7.2 Indemnity

A. THE PROVIDER SHALL INDEMNIFY AND HOLD THE CITY AND ITS OFFICERS AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES (INCLUDING REASONABLE ATTORNEY’S FEES AND COSTS OF DEFENSE), PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY, AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE CAUSED SOLELY BY THE NEGLIGENT ACT, ERROR, OR OMISSION OF THE PROVIDER, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE, OR SUBCONTRACTOR OF THE PROVIDER, OR ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES, WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES IN A PUBLIC RIGHT-OF-WAY. THE INDEMNITY PROVIDED BY THIS SUBSECTION DOES NOT APPLY TO ANY LIABILITY RESULTING FROM THE NEGLIGENCE OF THE MUNICIPALITY, ITS OFFICERS, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS. IF A PROVIDER AND THE CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THIS STATE WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE MUNICIPALITY UNDER STATE LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER STATE LAW. THIS SECTION IS SOLELY FOR THE BENEFIT OF THE CITY AND THE PROVIDER AND DOES NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

B. A PROVIDER OR CITY SHALL PROMPTLY ADVISE THE OTHER IN WRITING OF ANY KNOWN CLAIM OR DEMAND AGAINST THE PROVIDER OR THE CITY RELATED TO OR ARISING OUT OF THE PROVIDER’S ACTIVITIES IN A PUBLIC RIGHT-OF-WAY.

C. THE CITY SHALL NOT BE LIABLE FOR, FROM, OR AGAINST, AND THE PROVIDER HEREBY RELEASES THE CITY FOR, FROM, AND AGAINST, ANY LOSSES, DAMAGES, CLAIMS, OR LIABILITIES TO THE PROVIDER, ON ANY THEORY OF LEGAL LIABILITY, INCLUDING, BUT NOT LIMITED TO, THE NEGLIGENCE, OF ANY TYPE OF DEGREE OR FAULT, OF THE CITY ARISING FROM, OR RELATED TO, IN ANY WAY, MANNER, OR FORM, THE UNENFORCEABILITY OR VOIDANCE, FOR ANY REASON, OF ALL OR ANY PORTION OF, THE PERMIT.

D. THE INDEMNITY AND RELEASE PROVIDED HEREIN SHALL SURVIVE THE TERMINATION OR VOIDANCE OF THE PERMIT.
VIII. Miscellaneous

A. Termination

1. The Permit may be terminated by the City upon five (5) days' written notice to the Provider, should the Provider fail to substantially perform in accordance with this Design Manual through no fault of the City. A Permit may be terminated with or without cause by the City upon thirty (30) days' written notice to the Provider.

2. The termination of the Permit shall not relieve the Provider from the payment of any sum or sums that shall then be due and payable or become due and payable to the City, or any claim for damages then or therefore accruing against the Provider, and any such sums or claim for damages by any remedy provided for by law, or from recovering damages plus reasonable attorney’s fees from the Provider for any default hereunder. All rights, options, and remedies of the City contained in this Design Manual shall be cumulative, and the City shall have the right to pursue any one or all of such remedies or any other remedy or relief available to it by law or in equity, whether or not stated in this Design Manual. No waiver by the City of a breach of any of the covenants, conditions, or restrictions of this Design Manual shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant condition, or restriction herein contained.

3. In the event a Permit is terminated for any reason, the Provider shall vacate the area associated with the Permit immediately upon receipt of the written notice by the City. If the Provider fails to vacate the area associated with the Permit upon termination of the Permit, the City shall not be responsible for any damage that might occur to the Provider’s property by virtue of the City forcibly removing the Provider’s property from the Permitted Area.

B. Force Majeure

The City is not responsible for the delay, interruption, damage, or termination of the Provider’s work that occurs as a result of force majeure. Force Majeure shall mean an act of God, fire, calamity, strike, lockout, material or labor restriction by any governmental authority, civil unrest, riot, flood, or any other cause not reasonably within the control of the City by which the City is unable, wholly or in part, to prevent or overcome. In such event, the Provider’s work authorized by the Permit will be suspended until, in the City’s sole discretion, the force majeure no longer affects the Provider’s ability to perform its work. The Provider waives any claim against the City for damages by reason of such suspension.

C. Reservation of Rights

The City reserves the right to exercise any right or remedy available to it by law, contract, equity, or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further, the City shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are
cumulative and not exclusive, and may be exercised concurrently. To the extent of any conflict between this provision and another provision in, or related to, the Permit, the former shall control.

D. Public Information

The Permit is public information. To the extent, if any, that any provision of this Design Manual is in conflict with the “Texas Public Information Act” the same shall be of no force and effect.

E. No Joint Enterprise

A Permit is entered solely by and between, and may be enforced only by and among the City and the Vendor. Except as set forth above, the Permit shall not be deemed to create any rights in or obligations to any third parties. The Permit is not intended, and shall not be construed, to create any joint enterprise between or among the Parties.

F. No Personal Liability

Nothing in the Permit is construed as creating any personal liability on the part of any employee, officer or agent of any public body that may be a party to the Permit.

G. No Waiver

EACH PARTY EXPRESSLY ACKNOWLEDGES AND AGREES THAT NO PROVISION OF THE PERMIT OR THIS DESIGN MANUAL IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY A PARTY OF ITS IMMUNITIES FROM SUIT OR LIABILITY THAT IT MAY HAVE BY OPERATION OF LAW. THE CITY RETAINS ALL OF ITS GOVERNMENTAL IMMUNITIES.
Exhibit A – Permit Fee Schedule

Any fee, rate, or charge required under this Design Manual shall be subject to the statutory limits provided in Chapter 284 of the Texas Local Government Code.

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Public Right-of-Way Fee</td>
<td>$250 per node/year</td>
</tr>
<tr>
<td>Collocation of a Node on a Pole</td>
<td>$20 per pole/year</td>
</tr>
<tr>
<td>Transport Facility</td>
<td>$28 per node/year</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Node Bundle (5 or less Nodes)</td>
<td>$500</td>
</tr>
<tr>
<td>Extra Node (Every Node beyond the Bundle)</td>
<td>$250</td>
</tr>
<tr>
<td>Pole (For every new Pole)</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
Exhibit B – Sample Permit Application

WIRELESS COMMUNICATION FACILITY PERMIT APPLICATION

Date: ____________________  For City Use: Permit Number: ________________

Applicant

Company: ____________________

Contact Name: ____________________

Address: ____________________

Office Phone Number: ____________________ Cell Phone Number: ____________________

Email: ____________________

Description of work

Project Work Dates

Start Date: ____________________ Anticipated Completion Date: ____________________

Job Site Address/Cross Streets: ____________________

Work Description: ____________________

Type of facility

☐ Network node ☐ Node support pole ☐ Transport facility ☐ Other

Purpose

☐ Install ☐ Remove ☐ Maintenance ☐ Other

Co-locate on existing poles? ☐ Yes ☐ No

Number of nodes proposed: ________________
Carrier on Behalf of Whom Application is filed

Company: _______________________________________________________
Contact Name: ___________________________________________________
Address: _________________________________________________________
Phone Number: ___________________________ E-mail: ___________________

A complete application will include the following documents

- Construction plans to include a site plan, load calculations, and line diagrams (if plans include excavation, site plan must show the location and depth of all utilities in the adjacent, public right-of-way). Include number of attachments per pole and spacing from existing poles (if applicable).
- Photo or computer simulations representing the above ground facility before and after installation (include pedestals, cabinets and/or vents in the simulations).
- Analysis of non-interference with city facilities
- Aerial map showing specific location of existing or new poles
- Traffic control plan, SWPPP, trench safety plans as applicable
- Street Use License (if applicable)
- Documentation showing concealment methods
- Documentation indicating pole color and pole material
- Documentation showing compliance with Texas Accessibility Standards and American Disabilities Act

This is an application for the installation of a new wireless facility or Wi-Fi device located at the Job Site Address(es). The applicant certifies that the information contained herein and the attached documents are in compliance with State Law and the City of Lubbock Design Manual.

By entering my first and last names below, I, the applicant certify and agree that I am authorized to represent the company listed herein and have read and agree to all terms in the City of Lubbock Design Manual.

Applicant first and last name: __________________________________