



**FIRST ADDENDUM TO 2018 COALITION AGREEMENT BETWEEN
AUSTIN WATER
AND
DEVELOPMENT SERVICES DEPARTMENT
AND
AUSTIN TRANSPORTATION DEPARTMENT**

On December 6, 2018, the “Coalition Agreement between the Development Services Department and Austin Water with regard to commitments and responsibilities of the City’s development process” (“Coalition Agreement”) formalized an arrangement between the Development Services Department (“DSD”) and Austin Water (“AW”), with regard to both parties’ commitment and responsibilities associated with the City of Austin’s (“City”) development process. In the Coalition Agreement, both parties acknowledged that the agreement could be appended by future exhibits and addendums.

One of the responsibilities of the Austin Transportation Department (“ATD”) is issuing permits to perform work in the City’s right-of-way (“ROW”). City Code requires that a permit be issued prior to performing such work. ATD also inspects work zones to ensure compliance with permits and work times as well as for traffic safety and mobility issues.

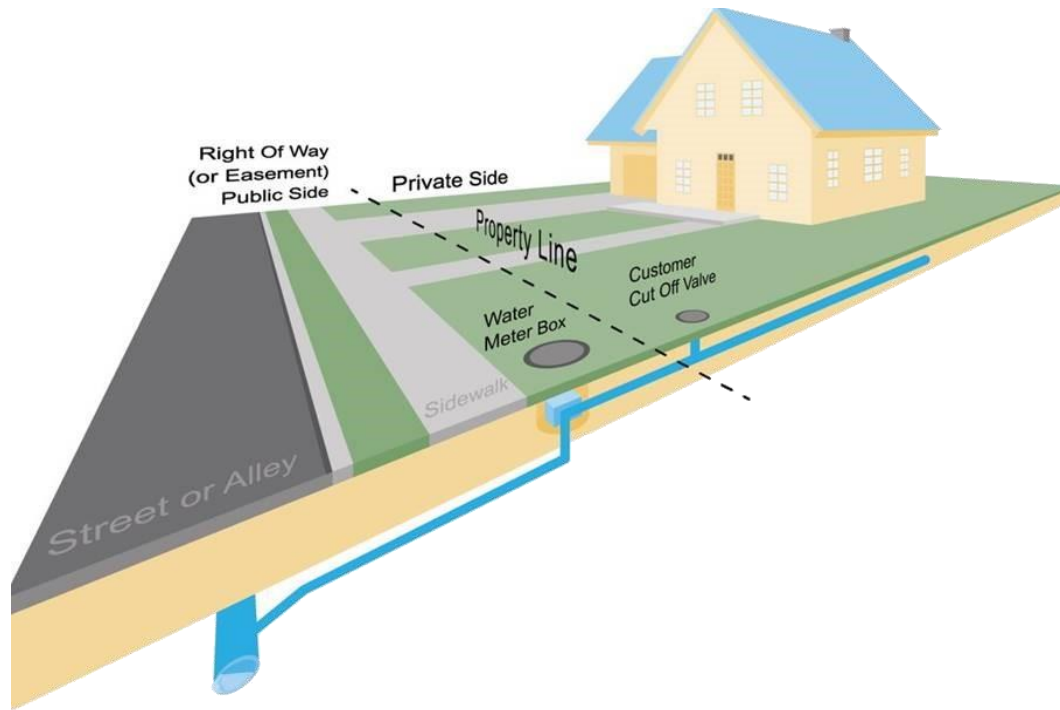
This addendum to the Coalition Agreement (“First Addendum”) details the commitments and responsibilities of AW, DSD, and ATD (collectively, the “Parties”) with regard to DSD’s permit and inspection processes, and ATD’s temporary use and site-specific ROW permits and inspection processes for AW’s Advanced Metering Infrastructure (“AMI”) Project. The objective of the AMI Project is to, over time, exchange all manually read City water meters (approximately 240,000 meters) with automated metering devices. AW has contracted with third-party vendors to replace the water meters and construct a wireless network throughout AW’s service area to collect meter reads and data automatically and transmit the data to AW. The replacement of the water meters will create the need for utility and plumbing work in the ROW, easements, as well as in Austin Water customer properties. The installation of a wireless network will create the need for utility and electrical work in the ROW, easements, as well as properties owned by the City.

As such, the Parties agree to the terms and conditions herein:

I. DEPARTMENT RESPONSIBILITIES

A. Scope of Work—Meter Replacements

The description and the figure below provide further details of the different areas and types of work to be performed related to the locations of water meters.



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Figure: Location of the ROW, water meter and water lines, and private (customer) property

Work Zone 1:

Most of the work performed for the AMI project will be within the boundary of the existing meter box (as shown on the figure above) and is considered a typical maintenance activity and not subject to additional permits other than a temporary use ROW permit. Work will consist of cleaning out the silt from the meter box with a vacuor truck, with an estimated 20 minutes of work at each meter box. Then, at a later date, the existing meter and lid will be exchanged for a new AMI meter and lid, with an estimated 20 minutes of work at each meter box.

Work Zone 2:

Some service relocation and excavation work may be performed within the ROW (as shown on the figure above indicating the right-of-way area to the left of the dashed line) to correct conditions discovered through the course of exchanging meters. Service relocation work performed in ROW by AW third-party contractors is subject to ATD's "ROW Permits" (includes the City-Wide Secondary Permit (see below), Excavation Permits, Driveway/Sidewalk Permits, and Site-Specific ROW Permits) and Traffic Control Plan processes and City inspection processes described below.

Work Zone 3:

On an as needed basis, and as approved by the property owner (AW customer), plumbing work may be performed on customer side (as shown on the figure above indicating the private side area to the right of the dashed line) to correct conditions discovered through the course of exchanging meters. Private plumbing work performed on customer property by AW third-party contractors is subject to DSD Plumbing Permit processes described below.

B. Scope of Work—Wireless Network

A dedicated AW wireless network will be created to gather data from each of the AMI meters using 'Data Collection Units'. Approximately 200 of these devices will be placed on AW facilities as well as within the ROW ("**Wireless Network Zone**"), as illustrated below.



Figures: Illustration of Data Collection Units in various locations

Construction of tank and roof mounted devices on City and AW property will be subject to City installation requirements. Pole mount devices installed on new or existing poles in the ROW will also be subject to City installation requirements and applicable ROW Permits and traffic control plan. Most of the Data Collection Units will be powered through solar panels, but some units will be powered through electrical service.

C. Inspection Option for Work Zones 1 and 2, and the Wireless Network Zone

DSD agrees that the City of Austin Public Works Department may inspect, instead of DSD, work conditions encountered in the ROW for **Work Zones 1 and 2, and Wireless Network Zone** activities. AW shall be responsible for the funding, scheduling, and documentation of such inspections with the Public Works Department.

D. Permitting Issues and Other Inspection Issues--DSD

1. DSD agrees that a General Permit or any other permit issued by DSD, both City-wide and site specific, will not be required for **Work Zone 1** activities as described above. DSD agrees, as of the date of execution of this First Addendum, for the AMI Project for all **Work Zone 1** activities as described above are authorized to proceed.
2. DSD agrees that a General Permit or any other permit issued by DSD, both City-wide and site specific, will **not** be required for **Work Zone 2** activities as described above. DSD agrees as of the date of execution of this First Addendum, for the AMI Project for all **Work Zone 2** activities as described above are authorized to proceed.
3. DSD agrees that a General Permit or any other permit issued by DSD, both City-wide and site specific, will **not** be required for **Wireless Network Zone** activities as described above except for those cases in which electricity is required to feed the Data Collection Units. DSD agrees as of the date of execution of this First Addendum, for the AMI Project for all **Wireless Network Zone** activities as described above is authorized to proceed. If an electrical feed is required to a particular Data Collection Unit, AW agrees to seek an electrical permit from DSD with the exception of Data Collection Units installed on the exterior of AW Facilities (such as, but not limited to, water and wastewater treatment plants, lift stations, pump stations, reservoirs, and ground and elevated storage tanks) using metered electrical service. In such instances, DSD agrees that AW may extend electrical service to a Data Collection Unit and inspect the connection in accordance with City and industry standards with AW's own licensed and experienced electrical journeymen, unless otherwise required by Austin Energy.

DSD agrees to not require a structural permit for installation on an existing asset such as a building or a streetlight pole unless specifically required by that asset's owner. AW agrees to retain signed and sealed installation details by a Texas licensed engineer for AW records.

Upon AW's written request, DSD agrees to expedite the electrical permit and the inspection process for work in the ROW; otherwise, normal permitting issuance and inspection review times from DSD will apply. In such cases that AW seeks expedited processes, AW will provide a task order for DSD to charge and DSD agrees to approve or return review comments for the electrical permit within three business days and the inspection within three business days after work is completed and the DSD electrical inspector is notified by AW. DSD shall only issue review comments for major deficiencies that cannot be corrected during the inspection process; otherwise, minor deficiencies shall be noted as a condition on the permit to be corrected in the field.

4. DSD agrees that a City Plumbing Permit will be required for the AMI Project for **Work Zone 3** activities as described above. Typically, a plumbing permit is issued for each address, but DSD agrees, to the greatest degree possible, that area-wide Plumbing Permits shall be issued, upon AW's written request, to AW's third-party contractor if multiple projects are located in the same zip code or census tract. AW will not be required to apply for a Site Plan Exemption for any address. Upon AW's written request, DSD agrees to expedite the permit and the inspection; otherwise, normal permitting issuance

and inspection review times from DSD will apply. In such cases that AW seeks expedited processes, AW will provide a task order for DSD to charge and DSD agrees, for residential addresses, to provide next business day approval of the Plumbing Permit and the next business day inspection after work is completed and the DSD plumbing inspector is notified by AW. DSD agrees, for commercial addresses, to approve or project review comments for the Plumbing Permit within three business days and the inspection within three business days after work is completed and the DSD plumbing inspector is notified by AW. DSD shall only issue review comments for major commercial plumbing deficiencies that cannot be corrected during the inspection process; otherwise, minor deficiencies shall be noted as a condition on the permit to be corrected in the field.

5. DSD agrees that for **Work Zones 2 and 3, and Wireless Network Zone** activities that this First Addendum shall suffice with regard to work related to trees including Protected Trees and Heritage Trees, as defined by City Code, and that a separate tree permit and reviews from DSD's Tree Protection Review Division shall not be required. AW agrees to hire a certified tree arborist for the duration of the AMI Project to provide guidance and procedures to work within an area affected by Protected or Heritage trees. All such guidance and procedures shall be in accordance with the provisions of the City's Environmental Criteria Manual.
6. DSD acknowledges that AW infrastructure is located within non-City rights-of-way and outside of the permitting authority of the City. AW acknowledges that it will be required to obtain approval and permits from applicable entities.

E. Permitting and Inspection Issues--ATD

1. ATD agrees to issue a temporary use ROW permit ("Secondary Permit") for **Work Zone 1** activities subject to the terms described in Exhibit A hereto. A permit (see Exhibit A for a permit example) for each address shall not be required. This permit is secondary in nature to other permits. Accordingly and to be able to maintain the credibility of the City to manage multiple entities desiring to occupy the same ROW area, if another permitted activity needs access, AW crews or contractors are required to vacate the ROW as promptly as is reasonable to safely return the ROW to the traveling public (approximately 15 minutes). ATD agrees, as of the date of execution of this First Addendum, for the AMI Project for all **Work Zone 1** activities as described above are authorized to proceed once the AWU permit application has been received and issued.
2. ATD agrees to issue a site-specific ROW Permits and approve Traffic Control Plans for **Work Zone 2 and Wireless Network Zone** activities. To the greatest degree possible, AW will use City standard 800 series details for Traffic Control Plans. Upon AW's written request, ATD agrees to expedite the permit and the Traffic Control Plans; otherwise, normal permitting issuance and review times from ATD will apply. In such cases that AW seeks expedited processes, AW will provide a task order for ATD to charge and ATD agrees to review **Work Zone 2 and Wireless Network Zone** Traffic Control Plans and site-specific ROW permits within five business days, to the greatest degree possible. If the application is complete and there are no comments, ATD will target issuing an approved Traffic Control Plan and ROW permit within five business days.

3. ATD acknowledges that work performed in the **Wireless Network Zone** may require the installation of a new pole or the installation of a Data Collection Unit on an existing pole in the ROW. For a new pole, AW shall use City of Austin (Austin Energy) specifications for the type of pole to be installed. AW will retain ownership of the new pole but will have its third-party contractor install the pole. ATD agrees to the Traffic Control Plan and permitting review terms above in Section E2 related to installing the new pole and/or the Data Collection Unit in the ROW. ATD agrees to initiate inspection services within five business days, to the greatest degree possible, after the ATD inspector is provided information necessary to conduct the inspections. AWU shall provide a task order for ATD to charge when expedited inspection processes are sought. AW will be required to comply with any applicable ordinances relating to new pole construction, such as underground utility zoning districts, etc., and should indicate such compliance in the permit application.
4. ATD acknowledges that AW infrastructure is located within non-City rights-of-way and outside of the permitting authority of the City. AW acknowledges that it will be required to obtain approval and permits from applicable entities.
5. AW agrees that in those cases in which an excavation permit from ATD is required, AW shall have the DSD (or the Public Works Department) inspector close the permit and document such in the City's permitting database (AMANDA).

F. Exceptions to City of Austin Standard Work Processes

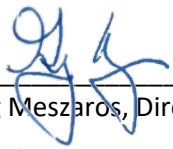
In the case of emergency water repairs that are required to maintain customers in-service, DSD, ATD, and AW agree that applicable permits required under this First Addendum will be filed by AW by noon the next business day following commencement of emergency work, as specified by City Code.

II. TERMS, TERMINATION, OR MODIFICATIONS

- A. This First Addendum is effective when signed and shall be in full force and effect until the completion of the AMI project concludes which is estimated to be on June 30, 2024 ("Completion Date").
- B. This First Addendum may be terminated by AW, ATD, or DSD prior to the estimated Completion Date, subject to prior written notification to all the Parties by the terminating department of at least 30 calendar days.
- C. This First Addendum may be modified by the Parties, but the amendment need only to be executed by those parties affected by the content of such amendment.
- D. To the extent this agreement contradicts a city ordinance, rule, or other applicable regulation, the ordinance or regulation controls unless a waiver has been granted.

This First Addendum is executed in multiple counterparts, each of which shall constitute an original. By signing below, the Parties indicate concurrence with the terms and conditions of this First Addendum:

Austin Water:




Greg Meszaros, Director

07/27/2020

Date

Development Services Department:




Denise Lucas, C.P.M., Director

August 21, 2020

Date

Austin Transportation Department:

Robert Spillar 

Robert Spillar, P.E., Director

07/20/2020

Date

“Exhibit A”

Conditions for Secondary Permit

****THE SECONDARY PERMIT ALLOWS AW CREWS OR CONTRACTORS TO USE CITY OF AUSTIN RIGHT OF WAY FOR WORK LIMITED TO NO MORE THAN TWO HOURS IN DURATION****

****THIS PERMIT IS SECONDARY IN NATURE TO OTHER PERMITS. ACCORDINGLY, IF ANOTHER PERMITTED ACTIVITY NEEDS ACCESS, AW CREWS OR CONTRACTORS WILL BE REQUIRED TO VACATE THE ROW AS PROMPTLY AS IS REASONABLE TO SAFELY RETURN THE ROW TO THE TRAVELING PUBLIC (APPROXIMATELY 15 MINUTES FOR STANDARD TRAFFIC CONTROL SET UPS)UNLESS CO LOCATION CAN BE PERFORMED WHILE MAINTAINING THE APPROVED TRAFFIC CONTROL PLAN.****

ROW TYPE: All City of Austin Owned and Maintained Right of Way

WORK HOURS/DAYS: Closures SHALL NOT be set during prohibited work times unless approved by ATD:

For CRITICAL ARTERIALS, 6am to 10am and 3pm to 7pm, Monday – Friday.

For ARTERIALS and COLLECTORS, 6am to 9am and 4pm to 6pm, Monday – Friday.

For RESIDENTIAL roadways, no restrictions.

For SCHOOL ZONES, no work is allowed when active.

TRAFFIC CONTROL PLAN: COA standard details, approved special details, or TMUTCD typical applications are permitted where conditions allow. This work is NOT permitted for activity performed under an engineered TCP.

ADA accessibility MUST be maintained. No pedestrian detours longer than 500 feet shall be implemented. Parallel sidewalks on the same street cannot be closed at the same time.

Work activity SHALL NOT extended into/close more than 1 lane at any time. Permit holder SHALL NOT close a critical arterial lane if there is an existing closure within 1,500 feet in either direction, or on any roadway where such closure would negatively impact traffic or safety due to proximity of other work, such as by creating chicane maneuvers or routing traffic into existing detours or closures.

MISC: NOTIFY CAPMETRO if any CAPMETRO stops or routes will be affected by the proposed work – service.impacts@capmetro.org. If work will occur in a TRANSIT LANE, a minimum of 3 days’ notice to CAPMETRO is required.

See <http://bit.ly/2y5uz0k> for a complete list of right of way permit conditions. *(Exhibit C)*