

ORDINANCE NO. 2025-255

AN ORDINANCE AMENDING CHAPTER 44, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, BY ADDING ARTICLE XIV REGARDING MICROTRENCHING; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 44, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to add Article XIV:

44-466. – General.

- (a) The city's public works department requires adherence to certain specifications and details for utility installation by microtrenching as set forth in this article. These standards for microtrench construction include width, depth, location, clearance from other existing utilities located in the city rights-of-way or easements, material cover, compaction requirements, backfill specifications and restoration.
- (b) The use of microtrenching in the roadways will be evaluated based on several key factors, including but not limited to roadway classifications (arterials, collectors, or local streets), traffic volumes, signalized intersections, condition/age of existing pavement, existing utility infrastructure and any other site-specific circumstances. The city will only approve the installation of microtrench abutting the lip of gutter on each side of the roadway with a minimum cover of 10-inches to the top of existing pavement on local streets and 12-inches on arterial roadways.
- (c) All fiber must be conduit. There shall be no stacking of conduits or secondary trenches allowed once this space has already been occupied. Perpendicular roadway trench crossings are prohibited without permission from the executive director of the public works department or designee.

44-467. – Purpose. The purpose of this article is to establish performance requirement by which the permittee will be allowed to work within the city owned rights-of-way by microtrenching operations.

- (a) The placement of utilities in city-owned rights-of-way is at the discretion of the city as set forth in section 44-270.
- (b) Fiber optic cable must be placed in conduit(s) when installed underground on city roadways or when installed in grass or dirt areas. A permitted utility company shall be required to utilize trenchless technology wherever the proposed construction crosses any portion of a paved public street, public or private driveways, public sidewalks, the critical root zone (CRZ) of protected trees or occurs in an area of the city that is significantly developed.
- (c) A permitted utility company shall use its best efforts to coordinate construction and installation of facilities, including relocation of poles for aerial facilities and joint trenching with any other utility companies which may be constructing in and along the same public right-of-way. The city shall mandate such coordination to the fullest extent allowed by law.

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2 **44-468. – Right-of-way permit.** The city's transportation division of the public works department monitors
3 and oversees utility work through the right-of-way permitting process. This includes management of
4 facilities placed in, on, under, or over the public rights-of-way to minimize congestion, inconvenience,
5 deterioration, visual impact and other adverse effects along with the costs to the citizens resulting from
6 the placement of said facilities within the public rights-of-way. Right-of-way permits govern the use and
7 occupancy of the public rights-of-way and conserve the limited physical capacity of the public rights-of-
8 way within the city.
9

10 (a) Permit requirements. Any work within a city owned right-of-way which disturbs pavement,
11 curb & gutter, driveways, sidewalks, landscaping, irrigation, or grass areas requires a permit.
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13 (1) Application fee and costs. Any utility company seeking to place, replace or alter facilities
14 on, in, under, or over the public rights-of-way, shall pay a cost-based construction permit
15 application fee of \$400.00, excepting: 1) certified telecommunication providers and their
16 contractors pursuant to V.T.C.A, Local Government Code Chapter 283; and 2) holders of
17 a state-issued Certificate of Franchising Authority to provide cable or video services
18 pursuant to V.T.C.A, Utilities Code Chapter 66. If there are any other direct costs to the
19 city in processing the application, the city may recover said costs from the applicant prior
20 to the issuance of the permit.
21

22 (2) Construction permit application.
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24 (i) An application shall be filed with the executive director of the public works
25 department or designee. An applicant, by submitting such application, agrees to
26 abide by the terms and provisions of this article pertaining to the use of the public
27 rights-of-way.
28

29 (ii) The application shall identify the applicant and all affiliates that may have physical
30 control of facilities within the public rights-of-way, with plans of the proposed work
31 description of services to be provided as detailed in subsection 44-275 (6). Applicants
32 shall submit one set of construction plans in an electronic format acceptable to the
33 executive director of public works or designee. Construction plans shall clearly
34 display footage, reference points, tie-ins and proposed alignments of all items being
35 constructed. It is recommended that plans be drawn to scale but if not, they shall be
36 of a size and of sufficient detail that is reasonably clear and readable. These plans
37 must be stationed and show all features located within seven feet on either side of a
38 proposed facility. The features that are required to be shown on these plans include
39 existing underground and aerial wires or conduits, ducts, poles, wires, waterlines,
40 wastewater lines, stormwater lines, fire hydrants, curb inlet, curb & gutter, driveways,
41 sidewalks, ADA ramps, traffic signals, edge of pavement and width of right-of-way.
42 Traffic control plans shall also be submitted and be in conformance with the latest
43 revision of the Texas Manual on Uniform Traffic Control Devices (M.U.T.C.D). All
44 contractors listed on the permit application shall be registered with the city prior to
45 performing any work.
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47 (3) Permittee responsibility. The permittee agrees to comply with all the following
48 requirements:
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50 (i) Always have a copy of the approved construction permit and plans at the
51 construction site and made available for inspection by the executive director of the
52 public works department or designee all times when construction or installation work
53 is occurring.
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55 (ii) No deviation whatsoever from the approved permit shall be allowed without
56 approval in writing of a permit amendment or revision to the city. When conditions
57 warrant, such permit amendment may be accomplished in the field as an "as-built"
58 reference.

- 1 (iii) All construction or installation work authorized by an approved permit must be
2 completed in the time specified in the permit. If the work cannot be completed in the
3 specified time periods, the permittee may request an extension. The permittee shall
4 notify the City's contact specified on the approved permit application at least one (1)
5 business day and no more than three (3) business days prior to beginning the work
6 authorized by the permit, or prior to continuing the work if work has been suspended
7 for more than three (3) business days.
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9 (iv) Permittees must warranty the repairs for no less than two (2) years. If the
10 microtrench requires repairs before the remainder of the warranty period and
11 qualifies for resurfacing, then the permitted utility company shall be responsible for
12 making subsequent repairs by like methods or by City of Round Rock Design and
13 Construction Standards.
14
15 (v) Should a permitted utility company fail to maintain, repair, or reconstruct any such
16 surface within ten (10) days after written notice from the city's executive director of
17 the public works department or designee, the city may have such surface(s)
18 repaired or reconstructed and will charge the cost of said repairs including any cost
19 associated with the materials used in the restoration, to the owner or company
20 responsible for the initial repair(s).
21
22 (vi) All microtrench installed utilities must be able to be located by calling 811 Locating
23 System.
24
25 (vii) At no cost to the city, the permittee must replace any fiber/conduit that is damaged
26 or destroyed due to any city infrastructure maintenance or installation activities
27 performed by any/all city agencies. This shall include activities necessary to
28 maintain water distribution system, sanitary sewer system, storm water
29 infrastructure, sidewalks, ADA ramps, roadway paving maintenance, signal
30 installation, or other activities that may commence at the sole discretion of the city.
31
32 (viii) At no cost to the city, the permittee must replace all existing fiber/conduit damaged
33 or destroyed in the furnishing zone or shoulder of the roadway and ditch lines within
34 the city-owned right-of-way.
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36 (ix) The permittee shall be liable and responsible for all microtrenching excavations in
37 the roadway that are not backfilled, which may cause a hazard to pedestrians,
38 bicycles, and nonvehicular activities.
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40 (x) The city shall not be responsible for any damage claims resulting from the
41 installation of cable/conduits via microtrench construction activities by the permittee,
42 its contractor, and or others within the project areas.
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44 **44-469. - Supplementary requirements for microtrenching within the right-of-way.**
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- 46 (a) When using a microtrench, the permittee may follow traditional pavement repair guidelines
47 or, if requested and approved by the executive director of public works or designee, may use
48 alternative crack filling methods.
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50 (b) The city shall allow microtrenching construction in the right-of-way at a depth and
51 configuration as shown in the Standard Detail Drawings MT-01, MT-02, MT-03 and MT-04,
52 on file and available from the executive director of the public works department or designee.
53
54 (c) If requested in writing, the city shall notify all microtrench installation utility companies of the
55 upcoming year's paving and infrastructure maintenance plans to allow the utility companies
56 time to relocate or protect its utility prior to starting construction. No microtrench shall be
57 allowed on any new asphalt roadways.
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- (d) The city's transportation division of the public works department collects pavement condition data on a two (2) to five (5) year cycle. In the event that the microtrench is found to be failing or in disrepair, the contractor on the approved permit and permitted utility company will be contacted to make the required repairs.
- (e) At no cost to the city, the permittee must provide permanent on-going maintenance and repairs for any failures directly related to the fiber/conduit routes in the project areas. Maintenance shall include providing materials and labor to properly maintain in good condition pavement, sidewalks, curb and gutter, shoulders, ditch lines, and softscape areas (dirt and grass) per the City of Round Rock Design and Construction Standards.
- (f) The city's right-of-way inspection personnel must be notified by the permittee's contractor no less than twenty-four (24) hours prior to the request for any inspections.
- (g) Existing pavements, base courses, curb & gutters, sidewalks, and ADA ramps must be cut and brought to a neat line by use of a saw, air hammer, or other suitable equipment. All expansion joints removed must be replaced with like materials or an approved cementitious or asphaltic patch material.
- (h) Microtrenches are required to be installed at the edge of the gutter line and asphalt interface. Areas of roadways without curb & gutter, the trench will be in the softscape area three (3) feet from the edge of asphalt. The trench must be linear in nature and have a shape consistent with the roadway's horizontal alignment. Trenching of concrete roadways, curb and gutter, and valley gutters is prohibited.
- (i) For all microtrenches installed in the roadway asphalt pavement adjacent to the gutter, the width must be one-and-a-half inches (1 ½") to three inches (3") in width and be twelve inches (12") to eighteen inches (18") in depth on arterial and collector roadways; ten inches (10") to eighteen inches (18") in depth on residential roadways. The microtrench must be filled with 1000psi to 1200psi flowable fill, or approved equal material, the same day the conduit/fiber is installed.
- (j) Lane closures on major thoroughfares will be limited to between 9:00 a.m. to 4:00 p.m. Monday through Friday unless the executive director of the public works department grants prior approval. All traffic control devices shall conform to the Texas M.U.T.C.D, provided that the city may dictate restrictions due to rush hour traffic, unique events, rain or ice events, or other conditions that may warrant such restrictions.
- (k) Working hours in the public right-of-way are limited to the hours between 7:00 a.m. to 6:00 p.m. Monday through Friday. When working on Saturdays or city-observed holidays, seventy-two (72) hours advance notice shall be given and approved by the executive director of public works in advance. Saturday and city-observed holidays, working hours are limited to 9:00 a.m. to 6:00 p.m. Sunday work is discouraged. No micro trenching on weekends or city holidays.
- (l) Erosion control measures, advanced warning signs, markers, cones, and barricades must be in place prior to work beginning.
- (m) The permittee shall insure that dust control and good housekeeping measures are implemented at the site.
- (n) The permittee shall have a dedicated concrete wash out area per TCEQ requirements. Washing out on roadways or grassy areas is prohibited.
- (o) Construction equipment shall not be left by the permittee in city rights-of-way or impede traffic by blocking city streets or driveways.

- 1 (p) The permittee shall always maintain access to properties adjacent to the work. The permittee
2 shall control the parking of its employees' vehicles and equipment not in use.
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4 (q) All backfill of excavations shall be compacted in lifts no more than twelve inches (12") of pre-
5 compacted thickness to the acceptance of the city inspector.
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7 (r) All excavations must be closed by the end of each workday or properly barricaded and/or
8 plated.
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10 (s) No excavations may be left open overnight, weekend, or Holiday unless approval barricading,
11 plating, fencing and safety plan has been requested by permittee and approved by the
12 executive director of the public works department or designee.
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14 (t) Site clean-up by the permittee shall include dress-out to pre-existing grades, erosion controls,
15 fertilizer, grass seeding or sodding, removal, and disposal of spoils, and sweeping and
16 washing of the pavement. Grassy areas disturbed during construction will also be included in
17 the site clean-up.
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19 II.

20 A. All ordinances, parts of ordinances, or resolutions in conflict herewith are
21 expressly repealed.

22 B. The invalidity of any section or provision of this ordinance shall not
23 invalidate other sections or provisions thereof.

24 C. The City Council hereby finds and declares that written notice of the date,
25 hour, place and subject of the meeting at which this Ordinance was adopted was posted
26 and that such meeting was open to the public as required by law at all times during
27 which this Ordinance and the subject matter hereof were discussed, considered and
28 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
29 Government Code, as amended.
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READ and **APPROVED** on first reading this the _____ day of

_____, 2025.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of

_____, 2025.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

ANN FRANKLIN, City Clerk