

## Agenda Item Details

Meeting	Sep 10, 2024 - Bryan City Council Second Regular Meeting
Category	5. Consent (Automatic Approval) Agenda - This agenda consists of ministerial or "housekeeping" items required by law such as routine bids, contracts, purchases, and resolutions. Items may be removed from the consent agenda for separate consideration at the request of two Councilmembers.
Subject	D. Adoption of a resolution approving the Municipal Maintenance Agreement between State of Texas (Texas Department of Transportation – TXDOT) and the City of Bryan for the maintenance, control, supervision and regulation of certain state highways and/or portions of state highways in the City of Bryan and authorizing the Mayor to execute the Agreement
Type	Action (Statutory)
Preferred Date	Sep 10, 2024
Absolute Date	Sep 10, 2024
Fiscal Impact	No
Budgeted	No
Budget Source	NA
Goals	<a href="#">Quality of Life</a> <a href="#">Public Safety</a> <a href="#">Infrastructure</a>

### Summary:

It is standard practice for the Texas Department of Transportation (TXDOT) to enter into Municipal Maintenance Agreements with cities to assign responsibilities for maintenance, control, supervision, and regulation of State Highways within and through the city limits. Chapter 311 of the Transportation Code gives cities the exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State and similarly Section 212.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities for these purposes.

The current executed agreement with TXDOT was executed in 2002 and is outdated. TXDOT has prepared and requested execution of a new Municipal Maintenance Agreement (MMA). Similar to previous MMA, the agreement outlines requirements for all highways and then subdivides the requirements by defining two (2) classifications of state highways within the City, "Non-Controlled" and "Controlled" with different requirements for each. An example of "Controlled" highway is Earl Rudder Freeway (State Highway 6) where access to the highway is controlled by on and off ramps and local access is taken from frontage roads or local streets. An example of "Non-Controlled" highway is Texas Avenue (State Highway 6 Business) where properties take direct driveway access to the highway. A map of the different state highways meeting these two definitions is included in the attached MMA as Exhibit A and Exhibit B. The MMA outlines the responsibilities for the two types of Highways in the City of Bryan.

Staff notified TXDOT of minor changes needed to the final document, including an updated City Limits map and modifications to the inventory provided as an attachment to the MMA including removal of a light and luminaires not within the City of Bryan jurisdiction (such as along FM60 and at Grassbur Road). These changes will be made before the document is executed by the Mayor.

A comprehensive list of requirements can be found in the attached MMA. Examples of the requirements of the MMA are listed below:

- All obligations of the State to maintain and operate a State highway covered by this agreement shall terminate if and when such highway ceases to be designated as part of the State highway system.
- Should either party fail to properly fulfill its obligations, the other party may terminate the agreement upon 30 days' notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, except the State shall retain all maintenance and operation responsibilities on controlled access State highways.
- Other signs or markings desired by City on State right-of-way shall require written authorization by the State and installed and maintained by the City.
- All signs and markings be in accordance with Texas Manual on Uniform Traffic Control Devices.
- Traffic control devices such as signs, signals, and pavement markings shall be determined by traffic and engineering studies as provided by regulation in the Texas Administrative Code.
- Highway lighting system may be installed by the City and the City pays for the installation cost, operation, and maintenance unless covered by separate agreement with State.
- New construction of sidewalks, shared use pathways, curb ramps, or other accessibility related items by either Party shall comply with current ADA standards. The City is responsible for maintenance of these items including keeping them clear of debris and vegetation but does not include pavement work typically.

State is responsible for:

- Maintenance of traffic signs and pavement markings including main lanes and frontage roads except for off-system approaches to State Highways.
- Installation, repair, and maintenance of any mailbox supports installed on State highway system.
- Installation, repair, and maintenance of any roadside barriers including guardrail, end treatments, cable barriers, and concrete barriers on the State highway system.
- Structural repairs at bridges, culverts, drainage pipes, embankments, and retaining walls on the State highway system.

City is responsible for:

- Install and maintain street name signs except for those mounted on state-maintained traffic signals.
- Enforcing State laws governing movement of loads exceeding legal limit for weight, length, height, or width and by ordinance enforce weight limits when mutually agreed by City and State to avoid damage to the highway or for traffic safety.
- Preventing future encroachments within the right-of-way of State highways and assist in removal of any present encroachment when requested by the State and prohibit planting of trees or shrubbery or creation of construction of any other obstruction within the right-of-way without prior approval in writing from the State. Permitted landscaping and public art shall be handled through separate agreements.
- Issuing driveway permits if in accordance with State's Access Management Manual unless the City adopts a Local Access Management Plan by ordinance approved by the State.

Examples of the MMA requirements for the "Non-Controlled Highways" are listed below:

State will:

- Maintain travel surface and foundation of roadways including the shoulders.
- Assist in mowing and litter pickup within the right-of-way to supplement City resources, when requested.
- Assist in sweeping and cleaning traveled surface and shoulders to supplement City resources, when requested.
- Assist in snow and ice control to supplement City resources, when requested.
- Be responsible for structural maintenance and repairs of drainage facilities within the right-of-way. The City is responsible for drainage of the State highway system outside of the right-of-way or State easements but within its corporate limits.
- May provide for installation of traffic signals when the installation is financed in whole or in part with federal aid funds, if the City agrees to enter into an agreement setting forth responsibilities.

City will:

- Be responsible to prohibit angle parking within right-of-way unless approved by the State after traffic and engineering studies conducted.

- Be responsible for installation and maintenance of all parking restriction signs, pedestrian crosswalks, parking stripes, and guide signs when agreed to in writing by the State and install, operate, and maintain all school safety devices and school crosswalks.
- Be responsible for signing and marking of intersecting city streets with state highways.
- Be responsible to require installations, repairs, removals, or adjustments of publicly or privately owned utilities or services to be performed in accordance with TXDOT specifications and subject to approval of the State in writing.
- Be responsible for regular cleanup and litter control to ensure drainage facilities are clear.
- Install, maintain, and operate traffic signals.
- Perform mowing and liter pickup.
- Sweep and otherwise clean pavement, including grade separation structures including removal of litter, trash, discarded personal property, unauthorized temporary shelters.
- Perform snow and ice control.
- Retain all functions and responsibilities for maintenance and operations not specifically described as the responsibility of the State.
- When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance or resolution providing one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
- Secure the approval of the State before any utility installation, repair, removal, or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
- Pass necessary ordinances or resolutions and retain responsibility for enforcing the control of access to an expressway/freeway facility.
- Sweep and otherwise clean the pavement other than the traveled surface and shoulders, including underneath grade separation structures. This responsibility includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item.
- Mow and clean up litter between the right-of-way line and the outermost curb or crown line of the frontage roads, including drainage facilities in this area.
- Install and maintain all parking restriction signs, pedestrian crosswalks, and parking stripes, when agreed to in writing by the State
- Sign and mark intersecting City streets to State highways.

**Staff Analysis and Recommendation:**

Staff recommends approving a resolution approving the Municipal Maintenance Agreement between State of Texas (Texas Department of Transportation – TXDOT) and the City of Bryan for the maintenance, control, supervision, and regulation of certain State highways and/or portions of State highways in the City of Bryan and authorizing the Mayor to execute the Agreement.

**Options:**

1. Approve the resolution and authorize the Mayor to execute the Municipal Maintenance Agreement.
2. Do not approve the resolution and provide direction to staff.

**Attachments:**

1. Resolution
2. 2024 Municipal Maintenance Agreement between TXDOT and City of Bryan
3. 2002 previously executed Municipal Maintenance Agreement

[Attachment 1 - TXDOT MMA Resolution \(3\).pdf \(87 KB\)](#)

[Attachment 2 - TXDOT Bryan\\_Brazos\\_MMA\\_Final.pdf \(6,244 KB\)](#)

[Attachment 3 - 2002 MMA TXDOT.pdf \(447 KB\)](#)