

Use of Right-of-Way by Others Manual

Manual Notices

Manual Notice 2021-1

From: James Stevenson, P.E., Director, Maintenance Division

Manual: *Use of Right of Way by Others Manual*

Effective Date: June 30, 2021

Purpose

The *Use of Right of Way by Others Manual* has been updated to include additional information relating to providing assurances that pipelines meet minimum federal standards. The manual has also been updated to change the function code for removal of unauthorized signs. Other miscellaneous formatting changes were made and links to existing documents and regulations were also added.

Contents

Chapter 1 - Section 3: “Additional Requirements for High Pressure Pipelines” section was updated to include a statement of assurances that must be provided to show compliance with minimum federal safety standards found in 49 CFR part 192

Chapter 3 - Section 3: A hyperlink was added to Form 2057 and sign approval applications were changed from area engineer to district engineer.

Chapter 3 - Section 4: Function code and title were updated for removal of unauthorized signs.

Chapter 3 - Section 8: Reference was added that the Railroad Commission of Texas (RRC) is the primary agency for certain hazardous substances. Agreement for access heading was updated to include the RRC.

Chapter 3 - Section 12: Language was added stating property owners must sign Form 2047 for agricultural use agreements.

Contact

Address questions concerning information contained in this Manual Notice to Samuel Glinsky at (512) 968-7385 or samuel.glinsky@txdot.gov.

Archives

Past manual notices are available in a [PDF archive](#).

Manual Notice 2018-1

From: Daniel L. Stacks, P.E., Director, Maintenance Division

Manual: *Use of Right of Way by Others Manual*

Effective Date: October 22, 2018

Purpose

The *Use of Right of Way by Others Manual* has been revised to add new sections based on policy memos that had not previously been incorporated into the manual.

Contents

Chapter 3, Section 13: Debris on Private Property. This new section makes clear that the dumping of materials from TxDOT projects on private property is prohibited, but spells out the rare cases in which exceptions may be made if an agreement is entered into with an adjacent property owner.

Chapter 3, Section 14: Temporary Utility Permits. This section clarifies that temporary above ground utility line plans must be reviewed and approved within the District using Form 1082-T and General Special Provisions for Temporary Utility Installation. It also makes clear that 1082-T may not be used for Temporary Saltwater Pipelines.

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196 or randy.ormsby@txdot.gov.

Archives

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Manual Notice 2015-1

From: C. Michael Lee, P.E., Director, Maintenance Division

Manual: *Use of Right of Way by Others Manual*

Effective Date: December 01, 2015

Purpose

The Use of Right of Way by Others Manual was been revised to match the provisions enacted through HB 463, 84th Texas Legislature.

Contents

- ◆ Chapter 3: makes revision to Section 11, Mowing and Baling Hay on Highway Right of Way to exempt counties with a population of 10, 000 or fewer inhabitants.

Supersedes

Revised manual supersedes prior versions.

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196 or randy.ormsby@txdot.gov.

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Manual Notice 2013-2

From: F. Howard Holland, P.E., Director, Maintenance Division

Manual: *Use of Right of Way by Others Manual*

Effective Date: October 01, 2013

Purpose

The Use of Right of Way by Others Manual was revised to update with current policy and standards and to make some sections clearer. New forms are discussed and how to use the proper form for the proper context is clearly stated. Authorization for policies are clearly stated throughout.

Contents

Chapter 1: Utility Policy

- ◆ Various references to Texas Administrative Code were changed for accuracy throughout this chapter and remaining chapters.
- ◆ Section 2: Authority for Installation on Highway Right of Way: added documentation department may require if an entity's legal authority to install, adjust, or relocate facilities longitudinally within a highway ROW. Also adds more information on the Railroad Commission's Form T-4 for oil and gas lines.
- ◆ Section 3: Utility Installation Request Forms. This section has been rewritten to include information that was previously part of Section 4 (which has been deleted as a separate section.)
- ◆ (New) Section 4: (Previously Section 5): Drawing for Utility Installation Request Forms. Two requirements added to "Requirements for Drawings": depth of cover (if applicable) and "a north arrow and the scale." Recommendation added for a vicinity map from an internet source with GPS coordinates.
- ◆ Section 5: Utility Lines on Bridges: This section has been simplified to state that, to the degree possible, utility lines should not be attached to bridges and separation structures, but, when considered necessary, points out location of guidelines and where to submit agreements.
- ◆ Section 6: Other Utility Topics: adds information about how to submit requests to locate utility facilities to MNT.

Chapter 2: Uses of Right of Way (Long Term)

- ◆ Section 3: Adds information on when to use Form 2044-FED. Also adds brief section on authority to execute Multiple Use Agreements.
- ◆ Section 6: Adds a sentence stating that the permitting process for highways within a municipality's jurisdiction may be transferred to the municipality at their request and TxDOT's approval.

- ◆ Section 7: The paragraph on aluminum historical markers has been rewritten to state that cleaning and maintenance of these is the responsibility of the Texas Historical Commission and how to handle damaged or vandalized markers.
- ◆ Section 8: Added a sentence about Form 2489 to be used for wastewater discharges in the ROW.

Chapter 3: Uses of Right of Way (Temporary)

- ◆ Section 2: changes the wording under "Policy" to make policy statements clearer and less subject to interpretation and spells out form to use for application.
- ◆ Section 3: adds statement that the area engineer may approve applications for signs on the ROW, "subject to any additional terms and conditions deemed necessary to protect the safety of the traveling public." Deletes flowchart approval process.
- ◆ Section 4: Makes clearer when to use Forms 2055, 2052 and 2054 for unauthorized sign placement. Clarifies how to calculate estimated removal costs. Spells out how to use Form 2059 for record keeping of billing and payment received or disposal. Deletes Illegal sign removal process flowchart.
- ◆ Section 5: Adds additional detail about when agreements are needed or not needed for closures of state ROW. Adds information about multi-year agreements for annual events.
- ◆ Section 8: This section has been rewritten to clarify current standards and policies regarding petroleum or hazardous substance investigations and/or remediation agreements.
- ◆ Section 10: Adds a sentence to indicate that special programs for memorial markers honoring victims of impaired drivers, victims of motorcycle crashes and peace officers killed in the line of duty have been set up. Adds new sections on each of these programs. Clarifies that hazardous or non-conforming markers may be relocated by the department, instead of being removed.
- ◆ Section 11: Refers to Form 2041 and recommends a 6-month time frame for letters of agreement for mowing or baling hay in the ROW, discouraging openended agreements and simplifies the process at the district level.
- ◆ Section 12: Adds "other matters" to list of uses for which an agricultural use agreement may provide for.
- ◆ Section 13: Spells out the use of Form 2049 as the Letter for Use of Highway Rights of Way for Geophysical Survey.

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196 or randy.ormsby@txdot.gov.

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Manual Notice 2013-1

From: F. Howard Holland, P.E., Director, Maintenance Division

Manual: *Use of Right of Way by Others Manual*

Effective Date: January 01, 2013

Purpose

The Use of Right of Way by Others Manual has been revised to clarify TxDOT policy on the discharge of wastewater directly to TxDOT property. A new Section 8 has been added to Chapter 2 that states TxDOT's policy "is to deny requests that seek permission to discharge wastewater directly to department property." It also lays out the conditions under which a District Engineer can make an exception to this policy.

Contents

Chapter 2, Section 8: new section added to detail the new policy and allowable exceptions.

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196.

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Manual Notice 2005-1

To: All Users of the *Use of Right of Way by Others Manual*

From: Zane L. Webb, P.E.
Director, Maintenance Division

Manual: *Use of Right-of-Way by Others*

Effective Date: April 1, 2005

Purpose

The *Use of Right of Way by Others Manual* (electronic version) has been updated to correct links to three forms that have been revised and moved to new server locations.

Contents

Chapter 3: Uses of Right of Way, Temporary

- ◆ Section 5: Incorporated Agreement
Updates link to Form 2045, "Agreement for the Temporary Closure of State Right of Way," to new Form TRF/TEA 30
- ◆ Section 5: Unincorporated Agreement
Updates link to Form 2069 "Agreement for the Temporary Closure of State Right of Way (Unincorporated)," to new Form TRF/TEA 29
- ◆ Section 6: Filming/Video Production on State Right of Way
Updates link to Form 2046, "Agreement for Film/Video Production on State Highway Right of Way," to new Form TRF/TEA 28

Supersedes

Forms 2045, 2046 and 2069 mentioned in Chapter 3: "Uses of Right of Way, Temporary," Section 5, "Closure of State Right of Way."

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196.

Manual Notice 2003-1

To: All Holders of the Maintenance Manual

From: Zane L. Webb, P.E.
Director, Maintenance Division

Manual: *Use of Right-of-Way by Others Manual*

Effective Date: October 1, 2003

Purpose

The online version of the *Use of Right-of-Way By Others Manual*, last revised December 1, 2002, has been updated to include new links to electronic forms contained in the GSD Online Forms database. This revision of links will ensure that all external and internal users of the manual have access to all forms mentioned in the manual.

Instructions

No actions are required of users.

Contents

The Maintenance Manual comprises three separate online manuals:

- ◆ *Maintenance Management Manual*
- ◆ *Maintenance Operations Manual*
- ◆ *Use of Right of Way By Others Manual.*

Links in all three online manuals have been updated to reflect the new names of files. No other revisions have occurred.

Contact

Address questions concerning information contained in the Manual Notice to Randy Ormsby at (512) 416-3196.

Manual Notice 2002-2

To: All Users of the *Use of Right-of-Way by Others Manual*

From: Zane L. Webb, P.E.
Director, Maintenance Division

Manual: *Use of Right-of-Way by Others Manual*

Effective Date: December 1, 2002

Purpose

To revise Chapters 1 and 3 of the *Use of Right-of-Way by Others Manual*.

Instructions

Note the manual revisions described below.

Contents

- ◆ Chapter 1, Utility Policy
 - Section 7: Corrects measurement for dimensions of communication equipment housings.
- ◆ Chapter 3, Uses of Right-of-Way (Temporary)
 - Section 3: Corrects reference to page number on application form for permanent signs attached to a building outside the right of way. Also adds diagram to illustrate approval process for these signs.
 - Section 4: Incorporates graphic of illegal sign removal process directly into the text and eliminates link to this file.
 - Section 8: Changes references to the Texas Natural Resource Conservation Commission (TNRCC) to the Texas Commission on Environmental Quality (TCEQ). Also corrects reference to Certificate of Insurance (TxDOT Form 1560).
 - Section 10: Incorporates graphic of typical memorial marker directly into the text and eliminates link to this file.
 - Section 11: Corrects reference to page number on form letter of agreement for mowing or baling hay.
 - Section 12: Corrects authority for execution of agricultural use agreement.

Contact

Address questions concerning information contained in the Manual Notice to Jim Daily at (512) 416-3187 or Daviette Gilbert at (512) 416-3185.

Manual Notice 2002-1

To: All Users of the *Use of Right-of-Way by Others Manual*

From: Zane L. Webb, P.E.
Director, Maintenance Division

Manual: *Use of Right-of-Way by Others Manual*

Effective Date: March 1, 2002

Purpose

To revise Chapters 2 and 3 of the *Use of Right-of-Way by Others Manual*.

Instructions

Note the manual revisions described below.

Contents

Chapter 2: Uses of Right-of-Way (Long Term)

- ◆ Section 2: Updates mailbox support policy.
- ◆ Section 6: Deletes cross reference to *Roadway Design Manual*.

Chapter 3: Uses of Right-of-Way (Temporary)

- ◆ Section 5: Adds information about Agreement for Temporary Closure of State Right-of-Way for unincorporated areas and includes link to form.
- ◆ Section 6: Adds cross reference to *Traffic Engineering Agreements Volume* of the *Traffic Operations Manual*.
- ◆ Section 8: Corrects references to Texas Natural Resource Conservation Commission.
- ◆ Section 14: New section: "Historical Markers."

Contact

Address questions concerning information contained in the Manual Notice to Darah Waldrip at (512) 416-3196.

Manual Notice 2001-1

To: All Holders of the *Maintenance Manual*

From: Zane L. Webb, P.E.
Director, Maintenance Division

Manual: *Use of Right-of-Way by Others Manual*

Effective Date: November 1, 2001

Purpose

The *Use of Right-of-Way by Others Manual* includes policies, procedures and guidelines for maintaining the TxDOT infrastructure. It is not intended to establish legal standards or responsibility. These procedures have been developed to assist the districts in developing standards that will be consistent throughout the State of Texas; however, it is understood that local conditions may require some modifications. In making modifications, discretion should be exercised to ensure the safety of the traveling public.

The *Use of Right-of-Way by Others Manual* includes the same content as Part 3 of the printed *Maintenance Manual*. Parts 1 and 2 of the printed *Maintenance Manual* are published as separate volumes online but contain the same information as the printed version. Page and chapter numbering will differ between the printed and online versions.

This manual will be updated periodically to incorporate provisions of TxDOT Policy Statements, Directives, or other official departmental publications.

Instructions

This manual, in conjunction with the *Maintenance Management Manual* and *Maintenance Operations Manual*, is the electronic version of the *Maintenance Manual*, which supersedes the previous *Safety and Maintenance Operations Division Procedures Manual* originally issued in April 1984.

Contents

This manual contains three chapters:

Chapter 1: Utility Policy

Chapter 2: Uses of Right-of-Way (Long Term)

Chapter 3: Uses of Right-of-Way (Temporary)

Contact

Address questions concerning information contained in the Manual Notice to Darah Waldrip at (512) 416-3196.