

**Module 13**  
**Maintenance Requirements**

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## Overview

For many years Local Governments (LG) and TxDOT District offices have cooperated in the maintenance of the state highway system. From a contractual perspective, usually this is done either through a Municipal Maintenance Agreement or through an Advance Funding Agreement for a specific project.

Jurisdiction of highways, streets, or roads within an incorporated city rests with the governing body of the incorporated city except on those declared as controlled access highways by the Texas Transportation Commission, according to Transportation Code §203.003(<http://tlo2.tlc.state.tx.us/statutes/tn.toc.htm>). It is necessary to enter into an agreement with each incorporated city for authority to construct, reconstruct, maintain, control, supervise, and regulate the designated highways within the city 's limits and to establish the responsibilities of the department and the city, in accord with Transportation Code §221.002 (<http://tlo2.tlc.state.tx.us/statutes/tn.toc.htm>) and covered in Texas Administrative Code 43 Chapter §29.5 ([http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=43&pt=1&ch=29](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=43&pt=1&ch=29)).

## **Section 1**

### **Federally Funded Projects**

All projects built with Federal funds have an executed agreement between FHWA and TxDOT. One agreement provision requires maintenance of the completed project. TxDOT will normally perform the maintenance with state forces or contract. However, for projects off the state highway system, the LG must assure that the project is maintained “satisfactorily”. Maintenance responsibilities will be as outlined in either the project-specific Advance Funding Agreement or the Master Advance Funding Agreement. Module 3 contains more information on these two types of agreements. The LG must be aware that TxDOT and/or FHWA retain authority to periodically review federally funded projects and assess the LG’s efforts to maintain the project as designed.

## Section 2

### Capital Maintenance Management Agreement

When the LG agrees to maintain the highway facility a Comprehensive Maintenance Management Agreement (CMMA) must be complete before a Comprehensive Development Plan (CDA) can be approved. The Maintenance Division of TxDOT will serve as the approval agency for the CMMA. These projects can be developed under the authority of Texas Transportation Code Sections 201.103, 203.003, 221.002, or 222.104 (<http://tlo2.tlc.state.tx.us/statutes/tn.toc.htm>) and by the Texas Administrative Code Ch. 5, Subpart E ([http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=43&pt=1&ch=5&sch=E&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=43&pt=1&ch=5&sch=E&rl=Y)). The CMMA must be approved prior to approval of a Comprehensive Development Agreement (CDA). Example of areas of maintenance to be included in the agreement are in Texas Turnpike Authority, Programmatic Comprehensive Development Agreement Book 3 (Design-Build), Chapter 19 at the following address. [ftp://ftp.dot.state.tx.us/pub/txdot-info/tta/design\\_build.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/tta/design_build.pdf).

Maintenance of a roadway shall meet or exceed the most current standards and guidelines found in the Maintenance Operation Manual, Maintenance Management Manual, the Use of Right of Way by Others Manual, and CAD standards drawing. The manuals can be found at <http://onlinemanuals.txdot.gov/manuals>.

The CAD drawings can be found at website <http://www.dot.state.tx.us/business/standardplanfiles.htm>.

For projects off of the state highway system and with only local funding the LG may use its own procedures and standards for maintenance.

### **Section 3**

#### **One-Year Maintenance Plans and Inspections**

In addition to having a CMMA, each year a maintenance plan must be developed and submitted to TxDOT for approval at least 30 days before the beginning of the fiscal year. The plan shall follow the CMMA for items to be maintained by the LG. Each year the maintenance plan shall be updated and approved by TxDOT.

Regular (*define regular*) inspections should be made by the LG to determine the condition of the highway in order to establish maintenance needs. TxDOT will make inspections to determine compliance with maintenance requirements of the CMMA and one year plan. The standard set in the CMMA may be revised by the one year plans if approved by TxDOT.

## **Section 4**

### **Material Specifications**

Materials utilized in maintenance of the facilities on the state highway system shall conform to the latest version of TxDOT's Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, and shall conform to department-required special specifications and special provisions. <http://www.dot.state.tx.us/business/specifications.htm>. TxDOT may approve the use of an alternative specification if the proposed alternative specification is determined to be sufficient to ensure the quality and durability of the finished product for the intended use and the safety of the traveling public.

Materials utilized in maintenance of the facilities off the state highway system do not have to conform to TxDOT standards. However, if federal funds were used in the construction, the LG should use materials that provide a comparable level of service and safety.

## **Section 5**

### **Advance Funding Agreements for Specific Projects**

Advance Funding Agreements (AFAs) for specific projects usually contain project specific maintenance provisions. AFAs are more fully described in Module 3 of these Local Government Project Procedures (LGPP).

For example, an enhancement project AFA requires the LG to maintain the project for a period of at least 10 years. Federally funded project AFAs usually require the LG to maintain the subject highway improvement indefinitely, as long as the highway is in use.

**Section 6**  
**District Responsibilities**

The District is the primary contact between TxDOT and the LG. Accordingly, the District takes the lead in assuring projects are maintained in accordance with agreement provisions.