

EXHIBIT B – Construction Guidelines

In this Exhibit, the term “Licensee” includes Licensee’s contractors and subcontractors.

B.1 TRAFFIC CONTROL

1. Licensee shall allow reasonable local vehicular and pedestrian traffic, including use of driveways, to proceed safely with minimum inconvenience, except during actual construction operations. Licensee provided flaggers shall assist traffic when a street is operating under a single lane. Two-way traffic shall be maintained at all other times.

2. Licensee shall maintain traffic by placing steel plates with Asphaltic concrete beams, temporary fill or bridging and temporary surfacing with cold-mix Asphaltic concrete paving.

3. Sidewalks shall not be obstructed, except by special permission of AE. Access to private dwelling and to commercial establishments shall be provided at all times.

4. Licensee shall plan and execute his operations in a manner that will cause a minimum interference with traffic. Licensee shall furnish all barricades, traffic control, and safety devices necessary to protect the work, the workman and general public as required by applicable law and standard, in the execution of any work under this Agreement. It shall be sole responsibility of the Licensee to furnish, install, and maintain barricades, detour signs, warning signs, lights and all regulatory traffic control devices of the size and type specified, at locations indicated, or as directed or approved by the AE in accordance with the Texas Manual on Uniform Traffic Control Devices, (MUTCD), Part VI, Traffic Control for Street and Highway Construction and Maintenance Operations and the City of Austin Transportation Criteria Manual.

5. Barricades placed in the roadway for the purpose of warning or directing traffic shall have Type “A” or Type “C” lights attached for use during hours of darkness.

6. In the event that Licensee fails, in sole judgment and discretion of AE, to maintain a smooth surface for public comfort, fails to provide ingress and egress to private property, and/or does not provide and maintain proper traffic control devices, AE may provide these services at Licensee’s sole cost. Such action by AE shall not relieve Licensee of its liability to protect the public at construction site.

7. A permit must be obtained from Texas Highway Department (TxDOT), prior to work being performed on state highway routes passing through the City.

8. Licensee shall notify the Police Department, Fire Department, EMS, and Department of Public Works and Transportation, at least four days in advance of beginning any

proposed work with intention to close or partially any block street or any part thereof, or of any construction affecting free flow of traffic. Licensee shall plan and adequately provide barricades and warning devices. The same parties shall be notified when normal traffic flow is restored.

9. Should Licensee, in its operations, reduce an existing two-way roadway to less than 20 feet in width, Licensee shall provide flagging operations and route traffic through the construction area one lane at a time.

10. Licensee's flaggers shall be required any time it is necessary for Licensee's equipment to move into or across an open traffic lane, or at other such times as directed by AE. A flagger shall be utilized to aid exit of hauling equipment from open traffic lanes to the Work area, and entry of hauling equipment from Work area to open traffic lanes. Flaggers shall be dressed and conduct operations in accordance with Texas Manual on Uniform Traffic Control Devices and the Transportation Criteria Manual. Flagging operations shall be the sole responsibility of Licensee.

11. Licensee shall confine its activities to the immediate area of the work site and provide the following:

- a. Appropriate temporary fences, barricades, and/or Metal Beam Guard Fence if required, for site work involving excavation, utility extensions, remote construction work or other circumstances involving safety of public or protection of the work in progress.
- b. Warning lights at open trenches, excavations, etc., during hours from dusk to dawn each day, and protection of structures, utilities, sidewalks, pavements, and other facilities immediately adjacent to excavations, from damages caused by settlement, lateral movement, undermining, washout and other hazards.

B.2 **MATERIALS**

1. When relocating any AE facilities or Third Party User attachments, or when replacing a Pole, Licensee shall not reuse any existing fastening hardware (including nuts, bolts, and washers), but shall instead use new hardware. All holes drilled in wood Poles for the purpose of mounting hardware shall be drilled with a bit one sixteenth (1/16') of an inch larger than the bolt to be installed. When replacing a Pole, Licensee shall also install new wooden structural components, including cross arms and support braces.

2. All materials and wire removed from service, whether deemed reusable or scrap, are the property of the AE. AE shall determine the status of material and wire removed by Licensee. Reusable materials shall be broken down into the smallest standard components and kept separate from junk material until it is checked and returned to AE. Reusable wire shall

be kept neatly coiled or on reels until returned to AE. Junk material and wire shall be returned to AE for salvage by AE.

3. Old Poles removed from service by Licensee shall be provided to and evaluated by AE to determine if they are suitable for continued service or should be retired. If Poles are determined suitable for continued service, AE shall determine which location should be used for future storage or installation. Poles that are to be retired shall become the responsibility of Licensee. Licensee shall sell or dispose of such retired poles in accordance with all applicable Federal, State and local laws, rules, and regulations and in a manner acceptable to AE.

B.3 **CLEAN-UP**

1. As part of the work on any Pole, Licensee shall completely remove and properly dispose of all temporary work. Licensee shall remove and dispose of all temporary poles, guard poles, anchors, guys, and other material; shall remove all embankments or cofferdams made for construction purposes; shall properly fill excavations, and pole holes; shall repair all ruts, creek banks, irrigation ditches, ponds and terraces; shall properly dispose of all rubbish and debris resulting from the work; and shall do all work necessary to restore the work site to at least as good order and condition as it was at the beginning of the work. Repairs and restoration work which is required due to negligence or poor workmanship by Licensee shall be performable by AE at Licensee's sole cost. Such action by AE shall not relieve Licensee of its liability.

2. Disposal of any materials, wastes, effluents, trash, garbage, oil, grease, chemicals, etc., shall conform to all applicable Federal, State, and local laws and regulations pertaining to such disposal. If any waste material is dumped or spilled in unauthorized areas, Licensee shall remove the material and restore the area at Licensee's sole cost. If necessary, contaminated ground shall be excavated or disposed of in accordance with applicable laws and as directed by AE, and replaced with suitable fill material compacted and finished with topsoil at the expense of Licensee. Environmental cleanup work that is required due to negligence or poor workmanship by Licensee shall be performable by AE at Licensee's sole cost. Such action by AE shall not relieve Licensee of its liability. **LICENSEE SHALL INDEMNIFY AND HOLD OWNER HARMLESS FROM AND AGAINST ALL COST LOSS, EXPENSE, DAMAGE AND DISPOSE OF SUCH MATERIALS.**

4. All waste material and rubbish shall be removed by Licensee at the end of each workday. Rights-of-way and work areas shall be kept in a neat and orderly condition at all times.

5. Licensee shall comply with the following:

- A. At the time they become scrap, all wire clippings, bundle ties, nails, damaged bolts, nuts, and other metallic scrap are to be picked up and disposed of properly.
 - B. Material and wire removed from service shall be separated, broken down into the smallest components, and turned over to AE.
 - C. All garbage, lunch wraps, equipment parts, oil filters, petroleum products and light packaging material such as plastic, paper and cardboard are to be removed on a daily basis.
 - D. At the completion of each type of work, all assembly, erection and stringing remnants and debris shall be removed from work site.
 - E. After completion of construction, all survey debris such as stakes, lathes, and flagging shall be removed.
6. Licensee shall dispose of waste, trash and debris in accordance with all Federal, State and local laws and regulations governing such matters and in a manner acceptable to AE.