

Private Street Acceptance Policy

City of Montgomery, Texas

Purpose: The Private Street Acceptance Policy aims to establish guidelines and procedures for the acceptance of private streets into the public road network and maintenance system within the City of Montgomery, Texas. This policy ensures that private streets meet the required standards for safety, accessibility, and sustainability before being considered for acceptance by the city.

Scope: This policy applies to all private streets within the jurisdiction of the City of Montgomery, Texas, seeking acceptance into the public road network and municipal maintenance system.

Policy:

- 1. Eligibility Criteria:** Private streets seeking acceptance into the public road network and municipal maintenance system must meet the following eligibility criteria:
 - The street must serve multiple properties or have significant public use.
 - The street must comply with all applicable municipal codes, ordinances, and standards.
 - The street must be constructed to city standards for design, construction, and materials (*insert citation from design manual/ordinance here*).
- 2. Specific Criteria for Acceptance:** In addition to the general eligibility criteria, the petitioners for private street acceptance must provide a stamped study from a professional engineer (P.E.) registered in the State of Texas, analyzing the following specific criteria *prior to* the city considering acceptance into the city road network:
 - **Pavement Condition:** The pavement must be in good condition, free from significant cracks, potholes, or other defects that could pose a safety hazard.
 - **Drainage:** Adequate drainage systems must be in place to prevent flooding and ensure proper runoff of stormwater.
 - **Right-of-Way Width:** The street must have a sufficient right-of-way width to accommodate traffic flow and provide safe pedestrian access.
 - **Signage and Lighting:** Appropriate signage and lighting must be installed to enhance visibility and safety for motorists, pedestrians, and cyclists.
 - **Connectivity:** The street must connect to the existing city road network in a logical and efficient manner, promoting connectivity and access for residents and visitors.
 - **Emergency Services Access:** The street must allow for unimpeded access by emergency vehicles, including fire trucks, ambulances, and law enforcement vehicles.
 - **Subsurface Testing and Boring:** Subsurface testing and boring must be conducted to assess soil conditions and ensure the stability of the street's foundation. The results of these tests will inform the design and construction of the street to mitigate any potential subsurface issues.
- 3. Application Process:** Property owners or homeowner associations (HOAs) responsible for the private street must submit a formal petition to the Office of the City Administrator. The petition must include:
 - Narrative of the request (name of subdivision, year built, builder/developer, list of all addresses connecting to the subject road to be considered, current HOA Board (if applicable)).

- Detailed map from a surveyor or engineer illustrating the road to be considered, dimensions, sidewalks, stormwater inlets/outlets, and other elements as determined by the city.
 - Documentation proving ownership or authority over the street.
 - Evidence of compliance with city standards, including engineering plans, construction specifications, and all public/private inspection reports.
 - A petition signed by a majority of property owners served by the street, expressing their support for acceptance into the public road network and municipal maintenance system **or** signed meeting minutes from an HOA meeting whereby an affirmative vote indicating the majority of homeowners approve the HOA Board petitioning the city for public street acceptance. The meeting must have occurred within the last 12 months prior to the date of application to the city.
4. **Review and Evaluation:** Upon receipt of the application, the City Engineer will conduct a thorough review and evaluation of the private street and submitted study (SEE Criteria for Acceptance). This evaluation may include:
 - Inspection of the street's condition, including pavement quality, drainage, signage, and lighting.
 - Assessment of the street's compliance with city standards and requirements.
 - Review of subsurface testing and boring reports to assess soil conditions and foundation stability.
 5. **Public Hearing:** If the private street meets the eligibility criteria and specific criteria for acceptance, the City of Montgomery may schedule a public hearing to gather input from affected property owners and other stakeholders. The purpose of the public hearing is to ensure transparency and community involvement in the decision-making process.
 6. **Acceptance or Denial:** Based on the results of the evaluation and public input, the City of Montgomery will determine whether to accept or deny the private street into the public road network and municipal maintenance system. Factors considered in this decision may include the street's condition, its importance to the community, and the feasibility of incorporating it into the city's maintenance program. If accepted the HOA will be required to formally dedicate the road to the city through a legal plat.
 7. **Maintenance Agreement:** If the private street is accepted into the public road network and municipal maintenance system, the property owners or HOA must enter into a maintenance agreement with the City of Montgomery. This agreement will outline the responsibilities of both parties regarding ongoing maintenance, repair, and liability. (not sure if this is needed or not).
 8. **Cost:** The petitioner is responsible for all costs related to the application/study/dedication of the streets into the public road network and municipal maintenance system.

Conclusion: The Private Street Acceptance Policy of the City of Montgomery, Texas, aims to ensure that private streets seeking acceptance into the public road network and municipal maintenance system meet the required standards for safety, accessibility, and sustainability. By establishing clear guidelines and procedures, this policy promotes transparency, fairness, and accountability in the decision-making process.