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# **GUIDE FOR UTILITY MANAGEMENT MANUAL**



# Guide for Utility Management Manual



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**SECTION 100.00 – GENERAL INFORMATION**

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**SECTION 105.00 – INTRODUCTION**

19 This guide provides information and guidance for the Idaho Transportation Department (ITD)  
 20 regarding the coordination and administration of right-of-way permittee and utility facilities  
 21 installation, relocation and adjustment within the right-of-way of the State Highway System and  
 22 utility facility relocation and adjustment for highway improvement projects using Federal-Aid  
 23 funds. This Guide is available electronically at the following web site  
 24 <http://itd.idaho.gov/manuals/ManualsOnline.htm>

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26

**SECTION 110.00 – DEFINITION OF TERMS & ACRONYMS**

<b>Agreement or Permit</b>	A general term referring to a signed document between two or more parties outlining conditions each signing party must adhere to, including any monetary compensation. All attachments included (plans, estimates, special provision, etc.) and references are part of the agreement or permit.
<b><u>Aesthetic Standards</u></b>	<u>Aesthetic Standards apply to all small cell antenna applications for placement in State Highway Right-of-Way, regardless of the ownership of the structure to which the antenna is attached.</u>
<b><u>Balance Sheet</u></b>	<u>Description of use rights granted under Master Shared Resources Agreement and subsequent Amendments regarding shared fiber facilities.</u>
<b><u>Back Haul</u></b>	<u>A connection to the core network for transmission purposes, either wired through fiber optic cable or wireless through microwave.</u>
<b><u>Board Order</u></b>	<u>A signed document from the ITD Board to the Utility/Right-of-Way Permittee specifying the conditions for the facility relocation/adjustment. [Pursuant to Idaho Code 40-312(3)]</u>
<b><u>Broadband</u></b>	<u>A high-capacity transmission technique using a wide range of frequencies, which enables a large number of messages to be communicated simultaneously. <i>Advanced telecommunications capability in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).</i></u>
<b><u>Broadband Conduit</u></b>	<u>A conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provisions of broadband.</u>
<b><u>Broadband Infrastructure</u></b>	<u>Any buried or underground facility, or aerial facility, and any wireless or wireline connection that enables users to send and receive voice, video, data, graphics, or any combination thereof; including all necessary electrical connections, power supply, access points, cabinets, vaults,</u>

	<u>and all other infrastructure or equipment supporting its operation.</u>
<b><u>Broadband Provider</u></b>	<u>Any entity that provides broadband to any person or facilitates provision of broadband to any person, including, with respect to such entity -- a) a corporation, company, association, firm, partnership, nonprofit organization, or any other private entity; b) a State or local broadband provider; c) an Indian Tribe; d) port authority; and e) a partnership between any of the entities described in subparagraphs (a), (b), (c) and (d).</u>
<b><u>Clear Zone</u></b>	<u>The total roadside border area starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or the area at the toe of a non-recoverable slope available for safe use by an errant vehicle. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry.</u>
<b><u>Confirming Permit</u></b>	<u>A Right-of-Way Encroachment Permit issued at no cost to the Utility/Right-of-Way Permittee for a facility that has been relocated, moved or adjusted due to a highway construction project.</u>
<b><u>Dark Fiber</u></b>	<u>Fiber between two specified locations that has no active optical electronics or network electronics attached to it.</u>
<b>District</b>	Refers to one of the six districts which ITD is divided into geographically.
<b><u>Fiber</u></b>	<u>The technology and medium used in the transmission of data as pulses of light through a strand or fiber medium made of glass or plastic (optical fiber).</u>
<b>Highway</b>	A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.
<b>Idaho Transportation Board</b>	Governing body of the Idaho Transportation Department established by Idaho Code 40-301 <u>(May also be referred to as ITD Board or Board).</u>
<b>IDAPA</b>	Idaho Administrative Procedures Act
<b>ITD</b>	Idaho Transportation Department acting directly or through authorized representatives of the Idaho Transportation Board.
<b>LHTAC</b>	Local Highway Technical Assistance Council is an agency to assist local highway districts with acquiring and using Federal-Aid highway funds.

<p><b><u>Master License Agreement</u></b></p>	<p><u>Agreement setting forth the terms and conditions for authorizing the use of specified rights-of-way for the purposes of installing, placing, mounting, operating, modifying, maintaining, upgrading, replacing, and removing telecommunication facilities.</u></p>
<p><b>MUTCD</b></p>	<p>Manual on Uniform Traffic Control Devices as adopted by ITD</p>
<p><b><u>Non-Public Utility</u></b></p>	<p><u>All Utilities that are not regulated by the Idaho Public Utilities Commission including broadband, small cell, etc.</u></p>
<p><b><u>Public Utility</u></b></p>	<p><u>A utility which is subject to the full regulation (including establishing the utility’s rate base) by the Idaho Public Utilities Commission.</u></p>
<p><b>Right-of-Way</b></p>	<p><u>A strip of land which is used as a roadbed, either for a street or railway. The land is set aside as an easement or in fee, either by agreement or condemnation. Real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of a highway.</u></p>
<p><b><u>Right-of-Way Permittee</u></b></p>	<p><u>Any person, contractor or other entity doing work authorized by a valid permit issued by ITD (May also be referred to as Permittee).</u></p>
<p><b><u>Shared Resource Agreement</u></b></p>	<p><u>Public-private arrangements involving ITD allowing the conditional access of a portion of the ROW in exchange for the services, infrastructure and/or capacity of the broadband provider.</u></p>
<p><b><u>Small Wireless Facilities (SWF)</u></b></p>	<p><u>(1) The facilities—</u>  <u>(i) are mounted on structures 50 feet or less in height including their antennas, or</u>  <u>(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or</u>  <u>(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;</u>  <u>(2) Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;</u>  <u>(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;</u>  <u>(4) The facilities do not require antenna structure registration under FCC Ruling 18-133 Part 17;</u></p>

	<p><u>(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and</u></p> <p><u>(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.</u></p>
<b><u>5G</u></b>	<u>Fifth-generation wireless technology which require new infrastructure in the form of small cell facilities.</u>
<b>State Highway System</b>	Highways or sections of highways designated by the Idaho Transportation Board as part of the system. The system is <del>basically</del> comprised of highways designated as State Highways (SH), US Highways (US), and Interstates (I).
<b><u>Telecom Hearing Waiver</u></b>	<u>A document provided by the ITD to the Broadband Provider when a facility must be relocated or adjusted due to a highway construction project. Upon execution by the Broadband Provider, it waives their opportunity for a Hearing as provided in Idaho Code 40-312(3).</u>
<b>Utility</b>	An entity comprised of any person, private company, public entity, or cooperative owning and/or operating utility facilities.
<b>Utility Facility</b>	All privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electricity, light, heat, gas, oil, crude products, ore, water, steam, waste, or stormwater not connected with highway drainage and other similar items.
<b><u>Utility Hearing</u></b>	<u>A formal administrative process wherein a Utility/Right-of-Way Permittee has the opportunity to present to the ITD Board, or their designee, any objections to relocating or adjusting their facility to accommodate a highway construction project. [Pursuant to Idaho Code 40-312(3)]</u>
<b><u>Utility Hearing Waiver</u></b>	<u>A document [Pursuant to Idaho Code 40-312(3)] provided by the ITD to the Utility/Right-of-Way Permittee when a facility must be relocated or adjusted due to a highway construction project. Upon execution by the Utility/Right-of-Way Permittee, it waives their opportunity for a Utility Hearing.</u>

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**SECTION 115.00 – LAWS & REGULATIONS**

29

**115.01 Idaho Code.** The authority for Utilities to use and occupy the right-of-way of highways within the State of Idaho are cited by Idaho Code 40-2308, 42-3212(k), 62-701, 62-705 and 62-1101.

30

31

32



33 Idaho Code 40-312 authorizes the Idaho Transportation Board to prescribe and ~~enforce~~ administer  
34 regulations controlling the use of the highway right-of-way of the State Highway System by  
35 Utilities/Right-of-Way Permittees.

36  
37 Idaho Code is available electronically at the following web site  
38 <https://legislature.idaho.gov/statutesrules/idstat/>

39  
40 Idaho Administrative Procedures Act (IDAPA) 39.03.42 specifies application fees and states the  
41 regulations-outlines the conditions for using and occupying the highway right-of-way of the State  
42 Highway System.

43  
44 ITD's current edition of the "Utility Accommodation Policy, ~~Edition July 2003~~" (see Appendix  
45 A) is stated incorporated by reference in Idaho Administrative Procedures Act (IDAPA) 39.03.43  
46 and is therefore enforceable as law. This policy specifies the manner in which ~~a~~ Utility/Permittee  
47 installations are to be made within the right-of-way of the highways of the State Highway  
48 System, when such use and occupancy of the highway right-of-way is legal, in the public interest,  
49 and will not adversely affect the highway or its users.

50  
51 These Administrative Rules are available electronically at the following web site  
52 <http://www2.state.id.us/adm/adminrules/rules/idapa39/39index.htm>  
53 <https://adminrules.idaho.gov/rules/current/39/index.html>.

54 The Guide for Utility Management as described in the Utility Accommodation Policy outlines the  
55 procedures established by ITD regarding coordination and administration of utility facilities,  
56 installations, relocations and adjustments within the right-of-way of the State Highway System  
57 and for utility relocations on local highway improvement projects using Federal Aid funds.

58  
59 **115.02 ITD Manuals.** This guide is to be used in conjunction with the following ITD  
60 publications. The policies procedures and standards set forth in these publications ~~take~~  
61 precedence are governed by over this gGuide for Utility Management.

- 62 ● ~~Access Management Policy: Standards and Procedures for Right of Way Use~~
- 63 ● Contract Administration Manual
- 64 ● Current ITD Standard Specification for Highway Construction including the current
- 65 Supplemental Specifications
- 66 ● Roadway Design Manual
- 67 ● District Record Inspection Manual
- 68 ● Financial Services Manual
- 69 ● Maintenance Manual
- 70 ● Manual on Uniform Traffic Control Devices (MUTCD) as adopted by ITD
- 71 ● Right-of-Way Manual
- 72 ● ITD Broadband Manual

73

74 **115.03 Code of Federal Regulation.** ~~For highway improvement projects using Federal Aid~~  
 75 ~~funds for the relocation and adjustment of utility facilities and the accommodation of utility~~  
 76 ~~facilities on Federal Aid highway right-of-way,~~ ITD must adhere to the requirements in the Code  
 77 of Federal Regulations, title 23, chapter 1, subchapter G, part 635 subpart B and part 645 subpart  
 78 A and B and subchapter H part 710 subpart b and any related amendments or supplement which  
 79 are in effect for highway improvement projects using Federal-Aid funds for the relocation and  
 80 adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway  
 81 right-of-way. The Code is available electronically at the following web site  
 82 ~~<http://cfr.law.cornell.edu/cfr/>~~ <https://www.govinfo.gov/app/collection/cfr>.

## 84 **SECTION 120.00 – STATE IDAHO TRANSPORTATION IMPROVEMENT** 85 **PROGRAM (ITIP)**

86 Projects are ~~selected~~ recommended by each of the Districts, approved by the Idaho Transportation  
 87 Board and scheduled into the ~~ITD Statewide Idaho~~ Transportation Improvement Program (S  
 88 ITIP). Projects can be advanced or delayed within the SITIP, impacting both the design process  
 89 and the scheduling of utility relocations.

90  
 91 The SITIP is on the ITD website at <http://www.itd.idaho.gov/planning/reports/stip/stipfirst.htm>,  
 92 <https://itd.idaho.gov/funding/?target=itip> and the Quarterly Bidding Forecast and bid opening  
 93 dates are on the ITD website at <http://www.itd.idaho.gov/design/contractors/90day.htm>  
 94 <https://itd.idaho.gov/business/>. Utilities are encouraged to review the information on these sites  
 95 for changes in the program and upcoming construction work.

96  
 97 In addition, regional utility coordinating councils have been organized across the state. These  
 98 councils meet on a periodic basis and are good forums to inform utilities of upcoming projects.  
 99 ~~Appendix B lists the current Idaho councils.~~

## 101 **SECTION 125.00 – UTILITY/ RAILROAD/UTILITY MANAGER, UNIT OF** 102 **ROADWAY DESIGN CONTRACTING SERVICES SECTION**

103 ~~The Utility/Railroad Unit (see Appendix C Organization Chart) has overall responsibility for all~~  
 104 ~~agreements and utility hearings connected with the installation or relocation of utility facilities~~  
 105 ~~within the State Highway System and other highway improvement projects using Federal Aid~~  
 106 ~~funding. There are two (2) Utility Coordinators to assist the Utility/Railroad Engineer with the~~  
 107 ~~mission and function of the Utility/Railroad Unit.~~ The Railroad/Utility Manager provides  
 108 oversight and guidance to Districts, LHTAC and Local Public Agencies related to installation and  
 109 relocation of utility facilities within the State Highway System and other highway improvement  
 110 projects using Federal-Aid funding. The services provided include the following:

- 111 • Utility document templates
- 112 • Facilitate statewide permit uniformity via District Permits Coordinators
- 113 • Right-of-Way Encroachment Application and Permit form (ITD – 2109) modifications
- 114 • Coordinate utility agreement reviews and refinement through the ITD DAG – Deputy  
 115 Attorney General
- 116 • Utility Hearings: collaboration with stakeholders

- 117 • Issue ITD Agreement numbers for Utility Agreements
- 118 • Log agreement stats and enter into database
- 119 • Maintain Utility contacts database
- 120 • Collaborate with other State’s Transportation Departments Utility Managers, seeking
- 121 consistency and/or knowledge

122 ~~The Utility/Railroad Unit is committed to providing quality assistance for the State Highway~~  
 123 ~~Development program involving utility facilities. The function of the Utility/Railroad Unit is to:~~  
 124 ~~Facilitate with Districts for utility permits~~  
 125 ~~Coordinate with Districts and headquarters for utility agreements and hearings.~~  
 126 ~~Assist with resolving conflicts with Utilities during permitted and highway improvement~~  
 127 ~~activities.~~  
 128 ~~Ensure that State and Federal laws, policies, and procedures are followed.~~  
 129 ~~Maintain records of utility and railroad agreements.~~  
 130 ~~Provide training regarding ITD Railroad policy and procedures.~~

132

**SECTION 130.00 – BROADBAND PROGRAM MANAGER, PLANNING SERVICES SECTION**

135 The Idaho Transportation Department will identify a Broadband Program Manager who is  
 136 responsible for facilitating the infrastructure Right-of-Way efforts within the State. The  
 137 Broadband Program Manager will provide support and guidance to Headquarters and District  
 138 staff regarding the broadband infrastructure.

139 The Idaho Transportation Department in consultation with appropriate State agencies, will  
 140 establish a registration process for broadband infrastructure entities that seek to be included.

141 The Idaho Transportation Department in consultation with appropriate State agencies, will  
 142 establish a process for electronically notifying broadband infrastructure entities on an annual  
 143 basis, of major ground disturbance projects included in the Idaho Transportation Improvement  
 144 Program and providing other notifications as necessary.

145 The Idaho Transportation Department in consultation with appropriate State agencies, coordinate  
 146 initiatives under Section 607 of the MOBILE NOW Act with other statewide telecommunication  
 147 and broadband plans and State and local transportation and land use plans, including strategies to  
 148 minimize repeated excavations that involve broadband infrastructure installation in a Right-of-  
 149 Way.

150

**SECTION 1305.00 – CHANGES OR ADDITIONS TO THIS GUIDE**

151

152 All recommended changes, corrections, or additions to this guide are to be submitted to the  
 153 Utility/Railroad Engineer for approval Railroad/Utility Manager or ITD Broadband Program  
 154 Manager, as appropriate, for consideration. Changes to the Guide for Utility Management will be  
 155 approved by the Idaho Transportation Board. Approved changes, corrections, and additions will  
 156 be incorporated in subsequent publications.