





# GUIDE FOR UTILITY MANAGEMENT MANUAL



# **Guide for Utility Management Manual**



1	
2	SECTION 100.00 - GENERAL INFORMATION
3	SECTION 200.00 – UTILITY PERMITS RIGHT-OF-WAY ENCROACHMENT FOR
4	UTILITIES
5	SECTION 300.00 – INSTALLATION AND MAINTENANCE
6	SECTION 400.00 – ITIP PROJECT DEVELOPMENT
7	SECTION 500.00 – ITD/LOCAL CONSTRUCTION
8	SECTION 600.00 – RELATED DOCUMENTS BROADBAND INFRASTRUCTURE
9	APPENDIX A – UTILITY ACCOMMODATION POLICY
10	APPENDIX B - IDAHO LOCAL UTILITY COORDINATING COUNCILS
11	APPENDIX C – IDAHO TRANSPROTATION ORGANIZATION CHART
12	APPENDIX <del>D</del> – IDAHO MAP WITH DISTRICT CONTACT PERSON FOR UTILITY
13	PERMITS
14	APPENDIX E - UTILITY ONE-CALL CENTERS OF IDAHO
15	APPENDIX F - PROJECT DEVELOPMENT FLOW CHART FOR UTILITY
16	APPENDIX G.1 – EXAMPLE INITIAL CONTACT LETTER
17	APPENDIX G.2 – PRELIMINARY UTILITY PLANS LETTER
18	APPENDIX G.3 – EXAMPLE UTILITY PLAN SHEET

- 1 SECTION 100.00 GENERAL INFORMATION
- 2 SECTION 105.00 INTRODUCTION
- 3 SECTION 110.00 DEFINITION OF TERMS & ACRONYMS
- 4 SECTION 115.00 LAWS & REGULATIONS
- 5 115.01 Idaho Code
- 6 115.02 ITD Manuals
- 7 115.03 Code of Federal Regulation

### 8 SECTION 120.00 – STATE-IDAHOTRANSPORTATION IMPROVEMENT PROGRAM

- 9 SECTION 125.00 UTILITY/RAILROAD/UTILITY MANAGER, CONTRACTING
- 10 SERVICES SECTION UNIT OF ROADWAY DESIGN
- 11

```
12 SECTION 130.00 - BROADBAND PROGRAM MANAGER, PLANNING SERVICES
```

- 13 **SECTION**
- 14 SECTION 1305.00 CHANGES OR ADDITIONS TO THIS GUIDE
- 15

#### **SECTION 100.00 – GENERAL INFORMATION** 16 17 SECTION 105.00 – INTRODUCTION 18 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 installation, relocation and adjustment within the right-of-way of the State Highway System and 21 22 utility facility relocation and adjustment for highway improvement projects using Federal-Aid funds. This Guide is available electronically at the following web site 23 http://itd.idaho.gov/manuals/ManualsOnline.htm 24

25

26

### SECTION 11

### SECTION 110.00 – DEFINITION OF TERMS & ACRONYMS

Agreement or Permit	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.
Aesthetic Standards	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.
Balance Sheet	Description of use rights granted under Master Shared Resources Agreement and subsequent Amendments regarding shared fiber facilities.
<u>Back Haul</u>	A connection to the core network for transmission purposes, either wired through fiber optic cable or wireless through microwave.
<u>Board Order</u>	<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>
<u>Broadband</u>	A high-capacity transmission technique using a wide range of frequencies, which enables a large number of messages to be communicated simultaneously. Advanced telecommunications capability in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).
<u>Broadband Conduit</u>	A conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provisions of broadband.
Broadband Infrastructure	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,

	and all other infrastructure or equipment supporting its operation.
<u>Broadband Provider</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>Clear Zone</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>Confirming Permit</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.
Dark Fiber	Fiber between two specified locations that has no active optical electronics or network electronics attached to it.
District	Refers to one of the six districts which ITD is divided into geographically.
<u>Fiber</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).
Highway	A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of- way.
Idaho Transportation Board	Governing body of the Idaho Transportation Department established by Idaho Code 40-301 (May also be referred to as ITD Board or Board).
IDAPA	Idaho Administrative Procedures Act
ITD	Idaho Transportation Department acting directly or through authorized representatives of the Idaho Transportation Board.
LHTAC	Local Highway Technical Assistance Council is an agency to assist local highway districts with acquiring and using Federal-Aid highway funds.

<u>Master License Agreement</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.
MUTCD	Manual on Uniform Traffic Control Devices as adopted by ITD
Non-Public Utility	All Utilities that are not regulated by the Idaho Public Utilities Commission including broadband, small cell, etc.
Public Utility	<u>A utility which is subject to the full regulation (including establishing the utility's rate base) by the Idaho Public Utilities Commission.</u>
Right-of-Way	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 . <u>Real property</u> , or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of a highway.
Right-of-Way Permittee	Any person, contractor or other entity doing work authorized by a valid permit issued by ITD (May also be referred to as Permittee).
<u>Shared Resource</u> <u>Agreement</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>Small Wireless Facilities</u> ( <u>SWF</u> )	<ul> <li>(1) The facilities— <ul> <li>(i) are mounted on structures 50 feet or less in height including their antennas, or</li> </ul> </li> <li>(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or</li> <li>(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;</li> <li>(2) Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;</li> <li>(3) All other wireless equipment associated with the structure, is no more than 28 cubic feet in volume;</li> <li>(4) The facilities do not require antenna structure registration under FCC Ruling 18-133 Part 17;</li> </ul>

	<ul> <li>(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and</li> <li>(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.</li> </ul>
<u>5G</u>	Fifth-generation wireless technology which require new infrastructure in the form of small cell facilities.
State Highway System	Highways or sections of highways designated by the Idaho Transportation Board as part of the system. The system is basically comprised of highways designated as State Highways (SH), US Highways (US), and Interstates (I).
<u>Telecom Hearing Waiver</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).
Utility	An entity comprised of any person, private company, public entity, or cooperative owning and/or operating utility facilities.
Utility Facility	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.
<u>Utility Hearing</u>	<u>A formal administrative process wherein a Utility/Right-of-</u> 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>Utility Hearing Waiver</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.

### 28

### **SECTION 115.00 – LAWS & REGULATIONS**

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 621101.

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 https://legislature.idaho.gov/statutesrules/idstat/ 38 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 Highway System. 42 43 44 ITD's <u>current edition of the</u> "Utility Accommodation Policy, Edition July 2003" (see Appendix A) is stated incorporated by reference in Idaho Administrative Procedures Act (IDAPA) 39.03.43 45 and is therefore enforceable as law. This policy specifies the manner in which #Utility/Permittee 46 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 http://www2.state.id.us/adm/adminrules/rules/idapa39/39index.htm 52 https://adminrules.idaho.gov/rules/current/39/index.html. 53 54 The Guide for Utility Management as described in the Utility Accommodation Policy outlines the procedures established by ITD regarding coordination and administration of utility facilities, 55 installations, relocations and adjustments within the right-of-way of the State Highway System 56 and for utility relocations on local highway improvement projects using Federal Aid funds. 57 58 **115.02 ITD Manuals.** This guide is to be used in conjunction with the following ITD 59 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 **Contract Administration Manual** 63 • Current ITD Standard Specification for Highway Construction including the current 64 • Supplemental Specifications 65 66 • **Roadway** Design Manual 67 **District Record Inspection Manual** • **Financial Services Manual** 68 • Maintenance Manual 69 • 70 • Manual on Uniform Traffic Control Devices (MUTCD) as adopted by ITD 71 **Right-of-Way Manual** • ITD Broadband Manual 72 • 73

74 75 76 77 78 79 80 81 82 83	<b>115.03 Code of Federal Regulation.</b> For highway improvement projects using Federal Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal Aid highway right of way, ITD must adhere to the requirements in the Code of Federal Regulations, title 23, chapter 1, subchapter G, part 635 subpart B and part 645 subpart A and B and subchapter H part 710 subpart b and any related amendments or supplement which are in effect for highway improvement projects using Federal-Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway right-of-way. The Code is available electronically at the following web site <a href="http://efr.law.cornell.edu/efr/">https://www.govinfo.gov/app/collection/cfr</a> .
84 85	SECTION 120.00 – STATE IDAHO TRANSPORTATION IMPROVEMENT PROGRAM (ITIP)
86 87 88 89	Projects are selected recommended by each of the Districts, approved by the Idaho Transportation Board and scheduled into the ITD Statewide Idaho Transportation Improvement Program (S ITIP). Projects can be advanced or delayed within the SITIP, impacting both the design process and the scheduling of utility relocations.
90 91 92 93 94 95	The <b>SI</b> TIP is on the ITD website at http://www.itd.idaho.gov/planning/reports/stip/stipfirst.htm, https://itd.idaho.gov/funding/?target=itip and the Quarterly Bidding Forecast and bid opening dates are on the ITD website at http://www.itd.idaho.gov/design/contractors/90day.htm https://itd.idaho.gov/business/. Utilities are encouraged to review the information on these sites for changes in the program and upcoming construction work.
96 97 98 99	In addition, regional utility coordinating councils have been organized across the state. These councils meet on a periodic basis and are good forums to inform utilities of upcoming projects. Appendix B lists the current Idaho councils.
101 102	SECTION 125.00 – UTILITY/ RAILROAD/UTILITY MANAGER, UNIT OF ROADWAY DESIGN CONTRACTING SERVICES SECTION
103 104 105 106 107 108 109 110	The Utility/Railroad Unit (see Appendix C Organization Chart) has overall responsibility for all agreements and utility hearings connected with the installation or relocation of utility facilities within the State Highway System and other highway improvement projects using Federal-Aid funding. There are two (2) Utility Coordinators to assist the Utility/Railroad Engineer with the mission and function of the Utility/Railroad Unit. The Railroad/Utility Manager provides oversight and guidance to Districts, LHTAC and Local Public Agencies related to installation and relocation of utility facilities within the State Highway System and other highway improvement projects using Federal-Aid funding. The services provided include the following:
111	<u>Utility document templates</u>
112	Facilitate statewide permit uniformity via District Permits Coordinators
113	• <u>Right-of-Way Encroachment Application and Permit form (ITD – 2109) modifications</u>
114 115	<ul> <li><u>Coordinate utility agreement reviews and refinement through the ITD DAG – Deputy</u> <u>Attorney General</u></li> </ul>
116	• <u>Utility Hearings: collaboration with stakeholders</u>

117	<u>Issue ITD Agreement numbers for Utility Agreements</u>
118	Log agreement stats and enter into database
119	<u>Maintain Utility contacts database</u>
120 121	<ul> <li><u>Collaborate with other State's Transportation Departments Utility Managers, seeking</u> <u>consistency and/or knowledge</u></li> </ul>
122 123 124	The Utility/Railroad Unit is committed to providing quality assistance for the State Highway Development program involving utility facilities. The function of the Utility/Railroad Unit is to:
125	Facilitate with Districts for utility permits
126	Coordinate with Districts and headquarters for utility agreements and hearings.
127 128	Assist with resolving conflicts with Utilities during permitted and highway improvement activities.
129	Ensure that State and Federal laws, policies, and procedures are followed.
130	Maintain records of utility and railroad agreements.
131	Provide training regarding ITD Railroad policy and procedures.
132	
133	SECTION 130.00 – BROADBAND PROGRAM MANAGER, PLANNING
134	SERVICES SECTION
135 136 137 138	The Idaho Transportation Department will identify a Broadband Program Manager who is responsible for facilitating the infrastructure Right-of-Way efforts within the State. The Broadband Program Manager will provide support and guidance to Headquarters and District staff regarding the broadband infrastructure.
139 140	The Idaho Transportation Department in consultation with appropriate State agencies, will establish a registration process for broadband infrastructure entities that seek to be included.
141 142 143 144	The Idaho Transportation Department in consultation with appropriate State agencies, will establish a process for electronically notifying broadband infrastructure entities on an annual basis, of major ground disturbance projects included in the Idaho Transportation Improvement Program and providing other notifications as necessary.
145 146 147 148 149	The Idaho Transportation Department in consultation with appropriate State agencies, coordinate initiatives under Section 607 of the MOBILE NOW Act with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve broadband infrastructure installation in a Right-of-Way.
150	
151	SECTION 13 <mark>95</mark> .00 – CHANGES OR ADDITIONS TO THIS GUIDE
152 153 154 155	All recommended changes, corrections, or additions to this guide are to be submitted to the Utility/Railroad Engineer for approval Railroad/Utility Manager or ITD Broadband Program Manager, as appropriate, for consideration. Changes to the Guide for Utility Management will be approved by the Idaho Transportation Board. Approved changes, corrections, and additions will

156 be incorporated in subsequent publications.

## SECTION 200.00 - UTILITY PERMITSRIGHT-OF-WAY ENCROACHMENT FOR UTILITIES

### 3 SECTION 205.00 - UTILITYRIGHT-OF-WAY ENCROACHMENT PERMIT FOR 4 UTILITIES INTRODUCTION

### 5 SECTION 210.00 – UTILITY REQUESTS A PERMIT

- 6 210.01 District Review of Permit.
- 7 210.02 Permit <u>Application</u> Accepted or Rejected.

### 8 SECTION 215.00 – UTILITY APPEALS A DENIED PERMIT

- 9 SECTION 220.00 ITD ACTIVITIES AFFECT UTILITY FACILITIES
- 10 SECTION 225.00 MAINTENANCE AND EMERGENCY UTILITY REPAIR

### 11 **PROCEDURES**

12 SECTION 230.00 – OTHER ACCESS PERMITS FOR ACCESS

14 15	SECTION 200.00 – UTILITY PERMITS RIGHT-OF-WAY ENCROACHMENT FOR UTILITIES
16	SECTION 205.00 – UTILITY RIGHT-OF-WAY ENCROACHMENT PERMIT FOR
17	UTILITIES INTRODUCTION
18 19 20 21 22 23	Each ITD District is responsible for processing utility encroachment permits and maintaining utility permit records for all ITD controlled right-of-way within their District. Generally, individuals (called Utility Permits Coordinators) are assigned to coordinate the processing and maintenance of utility encroachment permits within a District and are the Utility's point of contact regarding applications, permits and other related concerns or questions. District contacts regarding utility permit issues (see Appendix D).
24 25 26 27	The ITD's "Utility Accommodation Policy" ( <u>Appendix A</u> ) describes the policy regarding utility encroachments within the State highway right <u>s</u> -of-way <del>s</del> , as established by IDAPA 39.03.43-(refer to Appendix A).
28 29	The utility permitting process is initiated by the following:
30 31 32	• Utility Requests a Permit: The Utility initiates a permit request to install new facilities and/or relocate existing facilities within the right-of-way of a highway of the State Highway System.
33 34 35	• <b>ITD Activities Affect Utility Facilities</b> : ITD issues permits when utility facilities are required to be relocated and/or adjusted because of construction of a highway improvement project within the right-of-way of the State Highway System.
36 37 38	The utility permit, f-Form ITD-2110, <u>Right-of-Way Encroachment Application and Permit for</u> <u>Utilities</u> is used for both actions.
39	
40	SECTION 210.00 – UTILITY REQUESTS A PERMIT
41 42 43	Utility contacts the District about proposed utility work. The District provides the Utility: <u>The</u> Utility or their delegate contacts the District about the proposed utility work. The District provides the Utility with the following:
44 45	• Form ITD-2110, Right-of-Way Encroachment Application and Permit for Utilities, to be completed by the Utility.
46	• <u>A utility permit form ITD-2110.</u>
47 48	• Copies of ITD highway plans showing the State right-of-way for the appropriate desired installation location(s).
49	• Other appropriate information (e.g., an example of a traffic control plan).
50	• <u>AnswersResponses</u> to <u>Utility's</u> questions.
51 52 53 54	The Utility is responsible for determining whether other existing utility facilities are located within the requested encroachment area to verify that there are no conflicts. The Utility then submits the permit to the District. The Utility completes, executes, provides payment and submits

55 the permit application (ITD-2110) to the District's Utility Permit Coordinator.

57 58	<b>210.01 District Review of Permit.</b> The District initially reviews the permit submittal for completeness. At a minimum, review the submitted permit for the following:
59 60 61 62	• Verify whether the proposed permit conforms to Federal and State laws and regulations, including but not limited to IDAPA, the Guide of Utility Management, ITD's Utility Accommodation Policy, and whether the proposed permit comports with best practices and safety considerations in accordance with the reviewer's professional judgement.
63	• Location by milepost on the specified route is identified.
64 65	• Utility facilities within the right-of-way by either distance from center of road or right-of- way line is identified.
66	• Depth or vertical clearance (consult Port of Entry) is identified and acceptable.
67	• Utility is identified as either parallel to or crossing the roadway.
68 69	• Verify location and installation method is acceptable per ITD policy and procedures. All underground crossings shall be bored or jacked in accordance with ITD procedures.
70 71	• Review the plan of proposed work, traffic control plans, and any special provisions to the utility permit form.
72	• If no special provisions are provided, verify whether there should be.
73	• If special provisions are provided, verify whether they are acceptable.
74 75	• Verify whether the plan of proposed work (text and engineer drawings) is adequately described.
76 77 78	• Verify whether the traffic control plan information is adequate, is in accordance with the MUTCD, and signed by a qualified traffic control supervisor or an Idaho Professional Engineer.
79	• Evaluate whether any time restrictions on the proposed work is required.
80 81	• Verify that the Utility is identified with a contact person shown with telephone number and there is an authorized representative signature.
82 83 84	<b>NOTE:</b> For any existing utility facility being replaced, consideration should be given to requiring the utility to remove the existing facility rather than allowing abandonment in place.
85 86 87	The permitting process does not proceed until the applicant has fulfilled all permit submittal requirements and paid the non-refundable fee.
88 89 90 91 92 93 94 95	After the above initial review, the District either requests additional information from the Utility or <u>approves or disapproves the application</u> forwards the Utility's submittal to the Utility Permit Review Committee. The Utility Permit Review Committee normally consists of representatives from several District Sections such as Project Development, Traffic, Right of Way, Planning, Environmental, Construction (Resident/Region) and Maintenance. It is recommended that the Utility Permit Review Committee obtain input from the maintenance foreman responsible for the area where the utility facility is located.

97 98	The Utility Permit Review Committee evaluates the Utility's submittal. At a minimum, the evaluation includes determining whether:
99 100	• The special provisions provided are adequate or if additional special provisions are necessary.
101	• The plan of proposed work (text and drawings) is adequately described.
102 103	• The traffic control plan information is in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as adopted by ITD and other District requirements.
104	• Any time restrictions on the proposed work are required.
105 106	• The depth, height, method of installation, and location within the right-of-way is acceptable.
107 108	• Other permits from railroad, environmental regulatory agencies or other entities are required in addition to ITD's utility permit.
109 110	Whenever the District decides to approve a utility permit without being reviewed by the Utility Permit Review Committee these evaluation criteria should still be followed.
111 112 113 114 115 116 117 118 119 120	<b>210.02 Permit <u>Application</u> Accepted or Rejected.</b> Based on the above evaluation <u>criteria</u> , the <u>District Utility Permit Review Committee</u> either accepts or rejects the Utility's permit <u>application</u> . If accepted, the <u>application becomes the basis for an official permit. The</u> required District signatures are obtained and an executed, <u>approved</u> , Utility Permit is returned to the Utility with a notice to begin work after all required Performance Bonds and/or Inspection Fees ( <u>pursuant to ITD's Utility Accommodation Policy)see Section 2.6 of Appendix A</u> ) have been received. Beyond the requirements established on the Utility Permit (form ITD-2110, Right-of-Way Encroachment Application and Permit for Utilities), the District's approval may require the <u>Utility to:</u>
121	• contact the District's area foreman prior to any permit activity
122	• provide materials and/or compaction reports
123	• contact and obtain foreman's approval of final installation
124	• perform other duties as the District deems reasonable and necessary
125 126 127 128 129 130 131 132	If the application is rejected, the District will return the application to the Utility with comments addressing the reason for the rejected status and/or requests for the Utility to provide additional information. If the Utility remains interested in pursuing a permit, it must submit a revised application to the District. The revised utility application is then reviewed to verify that the required changes and/or additional information have been incorporated into the resubmitted application. Depending on the complexity of the revised application, the application will be approved and executed to create a permit or return to the Utility for amendment and resubmittal.
133 134 135 136 137 138	If rejected, the District sends the utility permit back to the Utility with rejection comments and/or requests for additional information. If the Utility determines to continue with the utility permit process, a revised utility permit submittal is made to the District. The revised utility permit is then reviewed to verify that the required changes and/or additional information have been incorporated. Depending on the complexity of the revised utility permit submittal, the permit

139 140	may either be executed if the verification indicates an acceptable permit or routed again for review by the Utility Permit Review Committee.
141 142 143 144 145 146	The executed utility permit information is entered into the District permit tracking system and copies of the complete approved utility permit are distributed according to District procedures. A complete copy should go to the area maintenance foreman so that it is available for subsequent District inspection of the utility work (refer to Section 305.00).
147 148	The Utility is responsible to locate, including any necessary surveying, the highway right-of-way per the plans provided by the District.
<ol> <li>149</li> <li>150</li> <li>151</li> <li>152</li> <li>153</li> <li>154</li> <li>155</li> <li>156</li> </ol>	All permitted work must be completed and available for final inspection within 30 days after construction begins, unless otherwise stated in the special provisions of the permit. If the permitted work is not completed within one year of permit issuance, the permit is considered void. At the discretion of the Department, a one-time extension not to exceed six months may be granted if requested in writing by the permittee prior to permit expiration. New applications are required for additional work following permit expiration.
157	SECTION 215.00 – UTILITY APPEALS A DENIED PERMIT
158 159 160	The decision to deny a utility permit may be appealed by the Utility in accordance with ITD's "Utility Accommodation Policy" <u>pursuant to Section 2.4 Administrative Appeal(see Section 2.4 of Appendix A)</u> .
161	
162	SECTION 220.00 – ITD ACTIVITIES AFFECT UTILITY FACILITIES
163 164 165 166 167	When a highway improvement project located on the State Highway System or using Federal-Aid funding requires the relocation or adjustment of any utility facilities, ITD issues a Board Order to each Utility, which directs the relocation or adjustment of their facilities to accommodate the highway improvement project. ITD will execute a utility agreement with Utilities whose facilities are to be relocated or adjusted at project expense. (refer to Section 435.00).
168 169	The ITD Board Order provides permission for the Utility to occupy said right-of-way and
170 171 172 173	A utility permit must be completed by the Resident/Region Engineer (refer to Section 525.00) and no fee is charged to the Utility. These permits are entered into the District utility permit tracking system and copies of the utility permit are distributed according to District procedures.
174 175 176 177 178 179	When a utility is relocated or adjusted to accommodate a highway improvement project, a Utility Permit must be issued by or as directed by the District (refer to Section 525.00). This permit is known as a Confirming Permit because it does not follow the typical application and review process. A Confirming Permit serves as documentation to the District, memorializing the location of the newly-placed utility facility. No fee is charged to the Utility for this Confirming Permit. Confirming Permits are issued a number and a copy is transmitted to Utility.
180 181 182	The District is responsible to locate for locating, including any necessary surveying (e.g., staking), the right-of-way per the project plans for use by the Utility.

184 185

### SECTION 225.00 – MAINTENANCE AND EMERGENCY UTILITY REPAIR PROCEDURES

An emergency repair or adjustment of utility facilities may be made without prior permit if there is an extreme emergency. An extreme emergency would exist if the utility facility was damaged such that it presented imminent danger, or loss of life, or severe damage to property, or loss of vital utility services. The utility must notify the Department in advance of any work that affects the traveling public.

### 191

197

198

192 Notification of the Department is by the following procedures:

- Utility contacts the District by telephone unless it is after hours. If after hours, contact
   <u>sS</u>tate eCommunications at (208) 846-7610 or 1-800-632-8000 either prior to or
   immediately after starting work within the right-of-way of the State Highway System.
- 196 2. The appropriate maintenance foreman is immediately contacted to ensure the work:
  - Complies with traffic control requirements.
  - Roadway features are retained and protected or restored to original condition.
- After the damage to utility facility is repaired and service is re-established, the Utility notifies the District that work is completed.
- 4. The maintenance foreman determines whether the Utility is required to obtain a new utility permit. Generally, a new permit is needed for any work that involves installing new or relocating an existing utility facility at a different location.
- 5. If additional work is required beyond repair, the Utility must follow the permit process.
- 205

### 206 SECTION 230.00 – PERMITS FOR ACCESS OTHER ACCESS PERMITS

When issuing other access permits (driveways, subdivision approaches, etc.), the District reviews
 the permit for any utility conflicts. The permittee is responsible for all costs to Utilities for any
 required facility modifications.

210 When issuing Permits for access in accordance with IDAPA 39.03.42 (e.g., driveways,

211 subdivision approaches. etc.), the District reviews the application for any conflicts with existing

212 <u>utility facilities. The individual or entity applying for the Permit is responsible for all costs to</u>

- 213 <u>Utilities for any necessary utility facility modifications</u>. Form ITD-2109, Right-of-Way
- 214 Encroachment Application and Permit Approaches or Public Streets is used for this application
- 215 <u>and permit.</u>

- 1 SECTION 300.00 INSTALLATION AND MAINTENANCE
- 2 SECTION 305.00 UTILITY PERMIT ACTIVITIES
- 3 SECTION 310.00 STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE
- 4 SECTION 315.00 AS-BUILT UTILITY PLANS
- 5 SECTION 320.00 MAINTENANCE ACTIVITIES
- 6

7	SECTION 300.00 – INSTALLATION AND MAINTENANCE
8	
9	SECTION 305.00 – UTILITY PERMIT ACTIVITIES
10 11 12 13	After a <u>uU</u> tility <u>pP</u> ermit (Form ITD-2110, <u>Right-of-Way Encroachment Application and Permit for Utilities and all attachments</u> ) has been issued, the area maintenance foreman receives a complete copy of the <u>utility pP</u> ermit <u>including all attachments</u> (refer to Section 210.02). The Utility <u>shall is to</u> contact the District prior to beginning the work in accordance with the permit.
14 15 16 17 18 19	information telephone number in the permit attachments. In accordance with the Permit, the Utility shall is required to provide the maintenance foreman, provide at a minimum, five (5) working days advance notice to the maintenance foreman before prior to any utility work commencinges.
20 21 22	<ul> <li><u>A</u> Maintenance representative meets the Utility on-location for performs a field review and discussion. Topics to discuss shall include visit at start of utility work to review and discuss:</li> <li>Utility work to be accomplished as described in the Permit.</li> </ul>
23 24 25 26	<ul> <li>Utility work schedule.</li> <li>Name of construction company(ies) performing the utility work.</li> <li>Inspection work to be performed and by whom (Utility, ITD, etc.).</li> <li>Safety requirements.</li> </ul>
27 28 29 30	<ul> <li>Environmental considerations including final site clean-up and restoration.</li> <li>Traffic control <u>plan and</u> requirements.</li> <li>Work that maintenance is planning to perform within the area.</li> <li>Notification to the Utility that any changes to permitted utility work requires change to</li> </ul>
31 32 33 34	<ul> <li>permitted utility work requires prior approval from ITD.</li> <li>Utility as-built plans are required and shall need to accurately reflect completed work including any approved changes to original plans.</li> <li>Any perceived problem areas or concerns or conflicts.</li> </ul>
35 36 37 38 39 40 41	Field reviews by a maintenance representative are conducted thereafter on a regular schedule, as warranted, to ensure that the utility installation activities are work is being performed in accordance with the Permit requirements. Any item (installation, traffic control plan, schedule, etc.) that differs from the Permit requires prior approval from the District. Changes to the plans or utility permit conditions requested by a Utility require approval in accordance with District procedures.
42	<b>NOTE:</b> ITD is not <u>responsible for</u> inspecting utility facilities regarding <u>their</u> functionality. <u>Field reviews by</u> ITD <u>staff are conducted to verify</u> is inspecting location the utility facility as to the location within the State's Highway Right-of-Way and for safety requirements in regards to the Highway system and its users.
<ul> <li>43</li> <li>44</li> <li>45</li> <li>46</li> <li>47</li> </ul>	After the utility work is completed and the maintenance foreman has determined all work is in compliance with the utility permit, the maintenance foreman informs the District that the work is completed and acceptable.
48	SECTION 310.00 – STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE

49 Maintenance District may issue a "stop order" to the Utility to stop utility work at any time if 50 there is evidence the work is in non-compliance with the utility Permit or if the utility work is 51 being performed in an unsafe manner. A verbal stop order may be used to immediately stop any 52 work that is perceived to create an imminent safety hazard. All verbal stop orders shall will be 53 followed by a *written* stop order that describes the non-compliant conditions. Upon the Utility's 54 correction of the non-compliance or unsafe work manner, or imminent safety hazard situation the 55 stop work order shall will be rescinded in writing by the District. 56 57 If a Utility continues to be in non-compliance with the conditions of the utility Permit or 58 continues in an to use unsafe work manners, the District may revoke the Utility's Permit. In 59 drastic instances, ITD may refrain from issuing any additional permits to the offending Utility 60 until the situation is rectified by the Utility. 61 62 If a Utility is relocating, adjusting, or making new installations within the right-of-way of the State Highway System without having secured an approved utility Permit or agreement, the 63 District shall will issue a written stop order to immediately stop halt the activity all non-permitted 64 65 utility work. The stop order will remains in effect until the Utility has submitted a utility permit application and the District has issued a utility Permit is issued in accordance with the procedures 66 set forth in of Section 200. 67 68 69 ITD is empowered to may order the removal of a utility facilityies that has have been installed without a utility Permit or agreement, installed improperly, or that damaged another utility 70 71 facilityies. Should a Utility fail to satisfactorily remove any utility facility so ordered and restore 72 the right-of-way to its original condition, ITD may choose to perform the removal and restoration 73 process itself, and then require compensation from the Utility for such work. 74 SECTION 315.00 - AS-BUILT UTILITY PLANS 75 76 The approved utility plans accompanying of the utility Permit or agreement may serve be used for as the official as-built utility plans if there are were no deviations, deviations; otherwise the 77 Utility is required to provide to the District with as-built utility plans in some format reflecting 78 the location of the installed facility actual work. ITD encourages as-built plans be submitted in 79 80 digital format. See Section 620.05 for digital file standards and requirements. 81 82 The maintenance foreman reviews the as built utility plans submitted by the Utility for 83 correctness and submits them to the District's utility permit person. 84 SECTION 320.00 – MAINTENANCE ACTIVITIES 85 86 Before any work in the States Highway Right of way, maintenance should contact the District 87 utility permit coordinator for information of utility location. 88 89 Prior to any maintenance activities involving ground disturbing operations, contact the one call center that services the county where the work is located (see Appendix E for phone numbers of 90 one-call centers). The utility one-call center will forward the "utility locate" request to each 91 92 participating Utility within the defined project area. Direct contact to those Utilities not 93 participating in the one-call system may need to be made for location information. 94 95 Each Utility will normally mark the location of utility facilities in the field. Be aware that some Utilities may provide plan information instead of locating utility facilities in the field. There is no 96

97	charge by Utilities that do provide the initial field marking of utility facilities. However,
98	remarking of utility facilities is normally provided at a cost.
99	
100	Bridge maintenance activities should also include the following:
101 102	<ul> <li>A field reconnaissance of the utility facilities to evaluate whether their location impacts the repair.</li> </ul>
103	<ul> <li>Notify the Utility if the repair is going to impact utility facilities.</li> </ul>
104 105	<ul> <li>Meet with the Utility at the work site so consensus can be reached regarding the utility facility relocation and the bridge maintenance work.</li> </ul>
106	<ul> <li>Document the decision with the Utility in writing.</li> </ul>

- 1 SECTION 400.00 ITIP PROJECT DEVELOPMENT
- 2 SECTION 405.00 PROJECT DEVELOPMENT INTRODUCTION
- 3 SECTION 410.00 UTILITY PROCEDURE WITH A LOCAL PUBLIC AGENCY (LPA)
- 4 SECTION 415.00 CONCEPT OF PROJECT
- 5 SECTION 42015.00 PRELIMINARY DESIGN OF PROJECT
- 6 42015.01 Cost of Utility Facility Relocation
- 7 42015.02 Utility to Individual Parcels of Property
- 8 42015.03 Continue Coordination with Utility
- 9 SECTION 4250.00 FINAL DESIGN OF PROJECT
- 10 SECTION 43025.00 SERVICE AGREEMENTS

### 11 SECTION 4350.00 – UTILITY AGREEMENTS

- 12 435.01 Utility Adjustment Agreement.
- 13 435.02 Lump Sum Utility Agreement.
- 14 435.03 Actual Cost Utility Agreement.
- 15 435.04 Special Utility Agreement.
- 16 SECTION 44035.00 ACTION BY ITD UTILITY UNIT OF ROADWAY DESIGN
- 17 SECTION 4450.00 UTILITY HEARING PROCESS
- 18 SECTION 4450.00 PROJECT SUBMITTED FOR ADVERTISING

19	SECTION 400.00 – UTILITY PLAN-ITIP PROJECT DEVELOPMENT
20	
21	SECTION 405.00 – PLAN PROJECT DEVELOPMENT INTRODUCTION
22 23 24 25 26	There are several steps and procedures that are accomplished by the <u>Project Manager designer</u> in developing any project that includes the potential for utility facility conflicts. The ITD <u>Roadway</u> Design Manual covers all aspects of the project development process for highway improvement projects using State and/or Federal-Aid funds.
27	SECTION 410.00 – UTILITY PROCEDURE WITH A LOCAL PUBLIC AGENCY (LPA)
28 29 30	When a Local Public Agency (city, county, or highway district) receives Federal-Aid funds for a local road project, ITD is obligated to ensure compliance with Federal and State regulations.
30 31 32 33	Generally, a State/Local Agreement for a given project will identify the party (ITD, Local, or Consultant) responsible for project development.
34 35 36 37	When a consulting engineering firm is selected to develop a project, the procedures shown in the ITD Roadway Design Manual and this guide must be followed and activities must be coordinated with the project administrator.
38 39 40	When utility facilities are being relocated at the expense of the LPA, the Utility/Railroad Engineer Project Administrator will negotiate the utility agreement.
41 42	For Final Design Review, ITD Districts and LHTAC will have approval authority.
43 44 45	For details regarding ITD responsibilities related to these projects refer to ITD Guidelines for Local Public Agency Projects.
46	SECTION 415.00 - CONCEPT OF PROJECT
47	During concept perform the following:
48 49 50 51	<ul> <li>Identify which Utilities are located within the limits of the project. A list of Utilities may be obtained from the utility one call center that services the county where the project is located (see Appendix E for phone numbers of one call centers). Some Utilities do not belong to one call centers and must be contacted individually for information.</li> </ul>
52 53	<ul> <li>Review existing utility Permits for Utilities within the project limit. Also, discuss the project with the District individual(s) responsible for permitting.</li> </ul>
54	<ul> <li>Verify utility facility locations by a field survey.</li> </ul>
55	<ul> <li>Contact the applicable port of entry for any limitations for overhead clearances</li> </ul>
56 57 58	For complex utility facility situations consider Subsurface Utility Engineering (SUE). Contact the Utility/Railroad Unit for information.
59 60 61	NOTE: A local government owned utility facility (sewer, water, etc.) shall be treated in the same way as any other utility facility.

62	SECTION 42015.00 – PRELIMINARY DESIGN OF PROJECT
63 64 65 66	Projects will be developed in accordance with the ITD Roadway Design Manual. At the start of plan preparations, utility facility locations marked in the field may be obtained by requesting a "design locate" from the utility one-call center that services the county where the project is located (see Appendix E for phone numbers of one-call centers) or by contacting individual Utilities.
67 68 69 70 71 72	Be aware that the utility One Call centers typically normally process utility facility locates for excavators who will start ground disturbing activities within a few days. It is recommended to telephone the utility one call center to explain the "design locate" request. The utility one call center will forward the "design locate" request to each member Utility within the defined project area. Some Utilities only provide plan information rather than field locates and some Utilities provide both.
73 74 75	The Project Manager shall Contact all Utilities within the project limits by writing an initial letter (see Appendix G.1) that:
76 77	<ul> <li>Outline the proposed project, its length, and terminal points. Include a vicinity map with geographical locations of the sections the project will go through (township, range, etc.).</li> </ul>
78 79	<ul> <li>Requests the Utility provide information concerning the location and elevation of all utility facilities located below and above ground.</li> </ul>
80 81	<ul> <li>State that the Utility will be provided, at a later date, the roadway plans showing existing utility facility locations.</li> </ul>
82 83 84 85 86 87 88	<ul> <li>Includes the following paragraph for all Federal-Aid funding projects:         <ul> <li>"Company's preliminary engineering costs covering the preparation of plans and the estimates of cost covering utility facilities to be removed, adjusted, or relocated at project expense will be eligible for federal participation after the date of this letter. If utility facility removal, adjustment, or relocation is at Company expense, federal participation is not available and preliminary engineering costs will be at Company expense."</li> </ul> </li> </ul>
89	• Includes a deadline date for when the information is required from the Utility.
90 91 92 93 94	Prior to the deadline, follow-up the letter with a telephone call to determine the Utility's progress in providing the requested information. Document all conversations and continue to follow-up with the Utility until the requested information is received.
95 96	Incorporates the utility information received into the project plans.
97 98	When the alignment and grade of the road are established, and the topography is shown along with any proposed features, determine the following:
99	<ul> <li>Which utility facilities must be relocated or adjusted and at whose expense.</li> </ul>
100 101	<ul> <li>Utility service life requirements in relation to the expected service life of the roadway and related facilities.</li> </ul>
102 103 104	NOTE: For any existing utility facility being replaced, consideration should be given to requiring the utility to remove the existing facility rather than allowing abandonment in place.
105 106 107	<b>420<u>15</u>.01 Cost of Utility Facility Relocation.</b> The cost of relocating utility facilities consists of the cost of acquiring the property rights of a Utility, if any, plus the preliminary engineering costs covering the preparation of plans and estimates of cost and the cost of all materials and labor covering utility facilities

108	to be relocated. Utility facilities located within the road rights-of-way by permission (permitted), that
109	require modification due to a highway improvement project are, generally, relocated and/or adjusted at
110	the Utility's expense. Conversely, relocation costs are borne by the Project if the Utility's facility being
111	impacted exists where the Utility has a property interest.
112	
113	Property rights of a Utility may consist of an easement, prescriptive rights, or other property interest. The
114	cost of acquiring the property rights of a Utility is paid by either relocating utility facilities at project
115	expense within the road right of way (method encouraged by ITD) or replacing the Utility's property
116	rights in kind outside of the road right of way at project expense. Property rights of a Utility being
117	acquired that does not involve the relocation of utility facilities is acquired in accordance with the R/W
118	procedures used to acquire other private property.
119	
120	Relocation of a utility facility consists of the labor and materials necessary to provide a service or product
121	to the user/customer in a manner that maintains the overall functional capacity that existed prior to the
122	utility relocation. Rearrangement or changes to the existing capacity for a more efficient operation as a
123	result of present day codes or operation needs is allowed. Additional costs to improve capacity of a
124	relocated utility facility substantially above that which existed before the relocation of the utility facility
125	will be at the expense of the Utility.
126	
127	Where an existing utility facility has existing property rights, the cost of relocating the utility facilities is
128	at project expense.
129	
130	Where a utility facility was previously located on the public right of way at project expense under a prior
131	project, the relocation under a new project will also be at project expense.
132	
133	Where an existing utility facility occupies existing public right of way, the cost of relocation is at the
134	Utility's expense. A claim of prescriptive rights for a utility facility located on public right-of-way is not
135	eligible for reimbursement of relocation costs based upon a 1959 Idaho Supreme Court ruling. A claim of
136	franchise rights for a utility facility located on public right of way is not eligible for reimbursement of
137	relocation costs unless the Utility is granted or conveyed property rights.
138	
139	42015.02 Utility to Individual Parcels of Property. A property owner may request, during negotiations
140	of property acquisition, that utility facility be relocated or adjusted. If the property owner's request
141	involves service of a Utility to the property, then the costs to accommodate the property owner should
142	may, depending on the circumstance, be included and paid for during the right-of-way acquisition
143	process. See the ITD Roadway Design Manual for specific process and requirements.
144	
145	When the service of an Utility to an individual user/customer or single parcel of property is being
146	relocated at project expense and the property is being acquired (e.g. a building or water well) for the
147	project, all costs for disconnecting, removing, or adjusting the utility facilities providing services to that
148	parcel of land, not including utility facilities that just cross the property, should be included and paid for
149	during the right-of-way acquisition process.
150	
151	If the property owner's request involves utility facilities that just cross the property, the Utility/Railroad
152	Engineer is to be consulted before a decision is made on the property owner's request.
153	
154	42015.03 Continue Coordination with Utility. Project Manager should maintain communications with
155	the Utilities throughout the Project Development Phase. See ITD Roadway Design Manual for details.
156	Send a letter (see Appendix G.2) and two sets of preliminary plans to all Utilities involved that:

157 • Requests verification of utility facilities location information depicted by plans.

158	<ul> <li>Requests identification of any utility easements on the plans.</li> </ul>
159	<ul> <li>Invites representatives to a field inspection.</li> </ul>
160 161	<ul> <li>Provides service life of highway improvement project to the Utility to use for comparing the remaining service life of their facilities for determining any appropriate action.</li> </ul>
162 163 164 165	<ul> <li>Requests copies of property documents or other information to substantiate reimbursement of utility relocation or adjustment costs at project expense, if applicable. A Utility may claim prescriptive rights if utility facilities have been in place for a period of 5 years or longer, except for public right of way, in accordance with Idaho Code 5-203.</li> </ul>
166	Asks whether the relocation or adjustment work will be done by Utility's forces or by contract.
167 168	<ul> <li>Request a cost estimate for reimbursable work at project expense. The cost estimate is to be detailed enough to show basis of costs for labor, materials, equipment and salvage.</li> </ul>
169 170 171 172	<ul> <li>If the information is available, also provide the utilities any cross sectional information showing existing and proposed project conditions. Utilities are concerned with obstructions (buildings, trees, etc.), road slopes of cuts and fills, having to replace large amounts of road surfacing, and extensive traffic control.</li> </ul>
173 174	Issues that must be resolved prior to final design include:
175	<ul> <li>Requirements for Utility coordination with highway contractor.</li> </ul>
176	Any constraints regarding the location, relocation or adjustment of utility facilities.
177 178	<ul> <li>Use of poles or bridge conduits and hangars by more than one Utility (commonly known as "joint use" or "underbuilt").</li> </ul>
179 180	<ul> <li>Whether project Environmental Documentation covers utility work or Utility is required to get its own environmental approval.</li> </ul>
181 182	<ul> <li>Whether utility work can be completed prior to project construction or during project construction (determine a general length of time needed to do work).</li> </ul>
183 184 185	<ul> <li>Consideration of phasing the construction of the project or requiring that specific work to be accomplished by ITD's Contractor within a specific timeframe to assist with relocating or adjusting utility facilities.</li> </ul>
186 187	<ul> <li>Consideration of ITD's Contractor performing utility work at the expense of the Utility. This work can be accomplished by an Utility Adjustment Agreement.</li> </ul>
188 189 190 191 192	On some projects, it is advantageous and feasible to have utility facilities moved in advance of project advertisement or construction. The District and the Roadway Design Section have the joint responsibility for initiating action toward advance relocation of utilities.
192 193 194 195 196	Follow up the letter and any field inspections with a telephone call, prior to the deadline, to determine that the Utility is providing the requested information. Document all conversations and continue to follow-up with the Utility until the requested information is received.
197	SECTION 4250.00 – FINAL UTILITY PLANS DESIGN OF PROJECT

198	The Project Manager incorporates data received from the Utility into the Final Design plans. See the ITD
199 200	<u>Roadway Design Manual for specific processes and requirements.</u> After the Utility returns the requested
200 201	<ul> <li>Utility locations, relocations and adjustments for conflicts or problems with the project.</li> </ul>
202	<ul> <li>Location of wires and anchors for poles.</li> </ul>
203	Buried utility conflicts with guardrail and sign locations.
204 205	<ul> <li>Identification of utility critical elevations to determine whether "potholing" or other SUE methods are warranted.</li> </ul>
206	Enough utility data and information have been provided.
207 208	• Review the provided property information and cost estimate to substantiate that utility relocations or adjustments at project expense are justified and reasonable.
209	If the information provided is inadequate, continue to request additional necessary.
210 211 212 213	NOTE: Consider inviting Utilities to design review meetings as throughout the project development process if it is determined that utility work is critical to the successful construction of the project.
214 215	Incorporate the information into the project plans (see Appendix G.3 for example plan sheet). At a minimum, the plans should show:
216 217	<ul> <li>The locations of all utility facilities to be relocated, adjusted, removed, or retained including the identification of the Utility.</li> </ul>
218 219	<ul> <li>Indicate which utility facilities are to be removed, relocated, or adjusted by whom and at whose expense, either project or company.</li> </ul>
220	Identify joint use utilities by each Utility.
221 222 223	The plan sheets showing the utility facilities may be a separate subgroup of the construction plans labeled "Utility Plans" or details regarding utility facilities may be included on the construction plans.
224 225 226	Include the latest version of the standard utility insert 105.07 in the special provisions. Contact Utility/Railroad Engineer for a copy of the latest version.
227 228 229	Include activities in the CPM schedule created during project development for all utility relocation and adjustment work.
230 231 232	The District submits the plans showing the utility relocation information to the Utility/Railroad Engineer of Roadway Design Section prior to or just after Final Design Review. The Utility Plans Submittal consists of the following:
233	Letter of transmittal (include a copy with plans).
234 235 236 237	<ul> <li>One set of white prints of plans (including Title Sheet and Typical Section Sheets) showing existing and proposed utility facilities that are color coded to indicate the existing facilities to be relocated, adjusted, or removed at project and Utility expense. Use separate colors for each Utility involved and indicate by symbols the existing and proposed location of the utility facilities.</li> </ul>
238 239	<ul> <li>One set of white prints of plans (including Title Sheet and Typical Section Sheet) showing existing and proposed utility facilities.</li> </ul>
240 241	<ul> <li>Copy of any portion of the project proposal that involves Utilities or utility work (i.e. standard utility insert for the special provisions). Copy of any correspondence or information relating to</li> </ul>

242 243	relocating utility facilities prior to project construction. Provide a copy of appropriate bid items for any Utility Adjustment Agreement work.
244 245	<ul> <li>Copy of Utility provided property information to substantiate reimbursement of utility facility relocation or adjustment costs at project expense.</li> </ul>
246 247 248	<ul> <li>Copy of Utility provided cost estimate of work at project expense with a statement of whether work is to be done by Utility forces or by contract. Provide limit of cost concurred to by the Utility for any Utility Adjustment Agreement work.</li> </ul>
249	• Copy of any other pertinent information.
250	
251	SECTION 43025.00 – SERVICE AGREEMENTS
252 253 254 255	A utility service agreement is required when the product or service of a Utility is required to meet the need of certain components of the highway system. For example electricity for luminaires or traffic signals, telephone service for traffic counters, water for irrigation system, etc.
255 256 257 258 259	Where feasible, service component(s) installations Required utility facilities to service components for of the highway system shall be serviced by underground utility facilities where feasible. Refer to the ITD Roadway Design Manual for details.
260 261 262 263 264 265	A utility service agreement should be prepared by the District and completed prior to the project being awarded for construction. The service agreement should include the product or service to be provided by the Utility and who is responsible to receive and pay utility billings. The utility service agreement should also explain any maintenance to be done and who will be responsible (ITD, Utility, Local agency, etc.). A copy of the utility service agreement should be provided to the Resident/Regional Engineer who will be responsible for contacting the Utility at the appropriate time.
267 268 269	Include the service hook up contact and payment requirement in the proposal under the 105.07 standard insert.
270	SECTION 43 <mark>50</mark> .00 – UTILITY AGREEMENT <mark>S</mark>
<ul> <li>271</li> <li>272</li> <li>273</li> <li>274</li> <li>275</li> <li>276</li> <li>277</li> <li>278</li> <li>279</li> </ul>	A utility agreement is entered into with a Utility whenever there is monetary compensation (project expense) for work involving utility facilities. Each utility agreement has specific terms that include how the work is paid for and by whom. All utility agreements may be modified by a supplemental utility agreement or a utility change order. See ITD Roadway Design Manual for types of agreements and detail. All utility agreements are reviewed by the Legal Section as to form and are signed by the Assistant Chief Engineer of Development after being recommended for signature by the Roadway Design Engineer. All attachments of the utility agreement (including plans, cost estimates, special provision, etc.) and references are part of the utility agreement.
279 280 281 282	A utility agreement may be written to cover any situation. The following utility agreements cover the majority of situations involving utility facilities.
283 284 285	<b>435.01 Utility Adjustment Agreement.</b> There are situations when it is advantageous for the Utility to have the ITD Contractor perform the work of relocating or adjusting of utility facilities, or portions thereof, at the expense of the Utility. Examples of these situations are:
286 287	<ul> <li>utility facilities located on a major bridge to be constructed or existing bridge being reconstructed;</li> </ul>

288 289	<ul> <li>areas where the Utility cannot obtain access after the project is constructed (e.g., behind retaining walls or very steep slopes);</li> </ul>
290 291	<ul> <li>when special construction equipment or methods of construction are used that is normally not available to the Utility.</li> </ul>
292 293 294 295 296 297 298 299 300	These Adjustment agreements are between ITD and the Utility where the utility facilities, or portions thereof, are relocated or adjusted by ITD's Contractor at the expense of the Utility. The project plans reflect the work to be done including project bid items with specifications. The estimated unit prices of the bid items are "non participating" for the project since the cost of the work is to be paid by the Utility. The Utility, in accordance with the agreement, may accept or reject the Contractor's unit price of the bid item if the unit price exceeds a price established by the agreement. If the Utility rejects the bid price, the work is removed from ITD's contract and the Utility will then perform the work.
301 302 303 304	NOTE: Any modifications to either public water or sewage systems by ITD's contractor require the review of plans by the Idaho Department of Health and Welfare, Division of Environmental Quality in accordance with Title 39, Chapter 1, subsection 118 of Idaho Code.
304 305 306 307 308 309 310	<b>435.02 Lump Sum Utility Agreement.</b> This is an agreement between ITD and the Utility where utility facilities, or portions thereof, are relocated or adjusted at project expense. The cost of the utility work is negotiated prior to execution and is specified in the utility agreement. Generally, lump sum basis of payment is used when the cost of work is less than \$25,000 and can be precisely defined with small likelihood that there would be any changes to the work.
311 312 313 314 315	The dollar amount specified in the lump sum utility agreement, including any modifications by a supplemental agreement or construction change order, is paid in full after completion of the utility work without any retainage amount being withheld regardless of the actual cost of the utility work. No documentation of costs is required.
316 317 318 319 320 321 322 323	<b>435.03</b> Actual Cost Utility Agreement. This is an agreement between ITD and the Utility where utility facilities, or portions thereof, are relocated or adjusted at project expense. The cost of the utility work is estimated prior to execution of the utility agreement. The dollar amount of the actual cost of the utility work supported by adequate documentation is paid, minus a retainage amount, during the course of the utility work. Final payment of the actual cost of all utility work supported by adequate documentation, including any modifications by a supplemental agreement or utility change order, minus any previous payments plus any retainage amount is paid in full after completion of the utility work.
324 325 326 327	<b>435.04 Special Utility Agreement.</b> There are situations when a special utility agreement is necessary. An example of this situation is when it is necessary to have a Utility accelerate work as a method to avoid a Contractor's claim. Contact the Utility/Railroad Engineer when these situations arise.
328	SECTION 440 <u>35</u> .00 – ACTION BY ITDUTILITY COORDINATOR AND DISTRICT
329 330 331 332 333 334 335 336	For projects requiring relocation of utilities, the District identifies the utility facilities, prepares and approves Utility Plans, and drafts and obtains <u>signed</u> Utility Hearing Waivers <u>from affected Utilities</u> . The District also and drafts any necessary Utility Agreements. <u>Board Orders directing the Utilities to proceed</u> with utility facility relocations and/or adjustments are generally transmitted to the Utilities in advance of the Project being advertised for bids. Projects that do not require Utility relocations do not require Utility Plans, Waivers, Board Orders, or Agreements. <u>The HQ Utility Coordinator finalizes all Utility</u> Agreements and/or coordinates issuance of all Board Orders. <u>Specific duties and responsibilities shall be conducted as follows:</u>

337 338 339 340	<del>1.</del>	The District identifies all utilities with facilities in the project area and identifies contacts for coordinating any necessary relocations. List of Utility Contacts that have the authority to sign Waivers and Agreements can be obtained by going to INTRANET/APPLICATIONS/UTILITY RAILROAD/MAILING LIST.
341 342 343 344	<del>2</del>	The District will mail a draft set of Utility Plans to the Utility Coordinator for a cursory review (Title sheet, Vicinity Sketch, Profiles and Plans showing utility relocations). The District will make any changes to Utility Plans agreed to as a result of Utility Coordinator's review and then submit a final set of Utility Plans to the Utility Coordinator.
<ul> <li>345</li> <li>346</li> <li>347</li> <li>348</li> <li>349</li> <li>350</li> <li>351</li> <li>352</li> </ul>	<del>3.</del>	Utilities requiring relocation solely at the Utility's expense require only a signed Utility Hearing Waiver and no Agreement. For each utility relocating facilities, the District will submit a signed Utility Hearing Waiver (Boiler Plate Waiver and Cover Letter example furnished by the Utility Coordinator) and two sets of colored Utility Plans with relocations highlighted in green. The District is responsible for obtaining the signed Waiver. The District will provide the date when the Waiver was sent and the date the Waiver was signed. Then the Utility Coordinator will prepare, obtain required signatures, and issue Board Orders. District will notify Utility Coordinator of desired timing for issuance of Board Orders.
353 354 355 356 357 358	4	If a Utility is relocating their own facilities at Project expense, the District will send a draft Actual Cost Lump Sum Utility Agreement to the Utility Coordinator. If the Utility is having ITD (typically by a highway construction contractor) install utility facilities, a Utility Adjustment Agreement is required. The District will send a draft Utility Adjustment Agreement to the Utility Coordinator. Boiler Plate Agreements and Waivers will be furnished by the Utility Coordinator. The Utility Coordinator will finalize all Agreements.
<ul> <li>359</li> <li>360</li> <li>361</li> <li>362</li> <li>363</li> <li>364</li> <li>365</li> <li>366</li> </ul>		The District will prepare and forward a draft Waiver and two sets of Utility Plans with highlighted utility relocations for each Utility Company whose facilities are being relocated at Project Expense. Relocations at Utility Company expense shall be highlighted in green and relocations at Project Expense shall be highlighted in yellow. The District shall also furnish two sets of Utility Plans with only those relocations to be relocated at Project expense highlighted in yellow for each Utility Company relocating facilities at Project expense. The Utility Plans with only the relocations at Project expense highlighted in yellow will be attached to the original Agreements.
367 368 369 370 371		When Utilities are relocated at Project Expense, the Utility Coordinator will obtain all signatures for the Utility Hearing Waivers and Agreements on those facilities being relocated at Project Expense. The Utility Coordinator will assign Agreement Numbers and notify the District as to when the Waivers and Agreements were signed. The Utility Coordinator will forward the District copies of signed Waivers and Agreements for their records.
372 373 374 375	<del>5.</del>	District will submit to Utility Companies relocating facilities a courtesy set of highway construction plans when project is being advertised. Utility Coordinator will furnish the District with a Boiler Plate cover letter for this purpose.
376		SECTION 4450.00 – UTILITY HEARING PROCESS
377 378 379 380 381	A utilit utility I to reloc Transp shall be	y hearing is held in accordance with Subsection 40-312(3) of Idaho Code when a Utility requests a mearing. The intent of a utility hearing is to allow an opportunity for a Utility to present objections cating or adjusting utility facilities to accommodate a highway improvement project to the Idaho ortation Board. Requests for a Hearing must be made in writing to the ITD. The Hearing process e conducted in accordance with IDAPA 4.11.01. The Utility may rescind its request for a utility

382 383	hearing up to the time that the Idaho Transportation Board takes the Utility's objections under advisement.
384	
385	The utility hearing process takes a number of months to complete. The process consist of a utility hearing
386	meeting consisting of a discussion of hearing issues; taking of testimony at the utility hearing; submittal
387	of a Board agenda item with hearing testimony; time for the Idaho Transportation Board to consider and
388	make a determination on the hearing testimony during a regular scheduled meeting; and finally, actions to
389	implement Board's decision. A project cannot be submitted for PS&E until a requested utility hearing is
390	neid and a determination made on the issues. The District is encouraged to try to resolve any potential
302	various design elements of the project to eliminate or lessen impacts to utility facilities
392	various design elements of the project to enfinitate of fessen impacts to durity facilities.
394	The steps of the utility hearing process are as follows:
395	1. Utility submits a written requests for a utility hearing to ITD. The Utility may rescind its request
396	for a utility hearing and sign a waiver to the utility hearing up to the time that the Idaho
397	Transportation Board takes the Utility's objections under advisement.
398	2. Utility/Railroad Engineer attempts to resolve utility issues by having Utility identify the issues
399	and then coordinating with the District to address the Utility's concerns.
400	3. Utility/Railroad Engineer schedules a utility hearing meeting.
401	Generally a date, time, and location agreeable to the Utility is arranged, although ITD has the
402	authority to establish any of the meeting parameters.
403	<ul> <li>Utility is officially notified of utility hearing meeting by certified letter with return receipt</li> </ul>
404	(identifies the utility representative that signs for the letter). Utility is encouraged to limit
405	oral testimony to one or two representatives and to provide written testimony.
406	<ul> <li>Utility/Railroad Engineer coordinates the utility hearing portion of the utility hearing meeting</li> </ul>
407	with an available ITD hearing officer.
408	<ul> <li>Utility/Railroad Engineer coordinates the discussion portion of the utility hearing meeting</li> </ul>
409	with the District. Appropriate exhibits and/or plans need to be available.
410	4. The utility hearing meeting starts with a discussion between the Utility and ITD about the issues
411	so that everyone is aware and knowledgeable of the project and utility issues with the intent of
412	possibly resolving the Utility's objections to the project. Attendance of this discussion is
413	normally anyone involved with the project and includes ITD, the Utility and any necessary person
414	they wish to have in attendance. Attendees may leave at the conclusion of the discussions except
415	those who are going to present testimony at the utility hearing.
416	<ul> <li>Provide an overview of the project and utility issues.</li> </ul>
417	<ul> <li>Discuss and concisely define the objects of Utility.</li> </ul>
418	<ul> <li>Discuss any modifications to project design that may eliminate or lessen impacts to utility</li> </ul>
419	facilities.
420	5. Utility hearing is held by a hearing officer in a private area to tape oral and take written testimony
421	separately from the Utility and local entities. Consultants and other parties of interest for the
422	Utility and local entities may present testimony is authorized to do so by the Utility or local
423	entities. The conclusion of the utility hearing ends the utility hearing meeting. If the Utility does
424	not attend, the hearing officer notes this fact. ITD does not provide testimony because ITD's
425	position will be snown by the idano i ransportation Board agenda item with Board resolution.

426	6. Hearing officer provides original tape of oral testimony and original written testimony to the
427	Utility/Railroad Engineer and duplicate tape of oral testimony and copies of written testimony to
428	the District Project Development Engineer.
429	7. Utility/Railroad Engineer has tape of oral testimony transcribed by Public Affairs.
430	8. Utility/Railroad Engineer submits Idaho Transportation Board agenda item including Board
431	resolution and copies of the utility hearing testimony.
432	9. Idaho Transportation Board meeting is held and board members make a decision. Generally a
433	decision is made against the Utility if it did not attend the utility hearing meeting. Please be
434	aware that the decision may be to hold the agenda item to future meetings or request additional
435	information; generally the Utility is not allowed to make a direct presentation to the Idaho
436	Transportation Board.
437	10. The Utility/Railroad Engineer notifies all parties involved of the Idaho Transportation Board's
438	decision and takes other actions to implement the Board's decision.
439	•
440	SECTION 4459.00 – PROJECT SUBMITTED FOR ADVERTISING
441	
442	The District will notify the <u>Program Management Office at ITD Headquarters</u> Utility Coordinator as to

443 when the project will be advertised. The District will forward to the Utility Coordinator a copy of the

444 Project Clearance Summary Sheet. The Utility Coordinator will verify all utilities have been addressed.

- SECTION 500.00 ITD/LOCAL CONSTRUCTION 2
- **SECTION 505.00 CONSTRUCTION INTRODUCTION** 3
- SECTION 510.00 PRIOR TO AWARD OF CONTRACT 4
- SECTION 515.00 AFTER AWARD OF CONTRACT 5
- SECTION 520.00 PROGRESS OF UTILITY WORK 6
- SECTION 5250.00 COMPLETION OF UTILITY WORK 7

9	SECTION 500.00 – <u>ITD/LOCAL</u> CONSTRUCTION
10	
11	SECTION 505.00 – CONSTRUCTION INTRODUCTION
12 13 14 15 16 17 18 19	A Board Order is issued to Utilities that are to relocate or adjust their facilities within the right-of- way of the State Highway System due to a highway improvement project. A utility agreement is executed with Utilities whose facilities are to be relocated or adjusted at project expense or when ITD's contractor performs utility work (refer to Section 435.00). The ITD Contract Administration (CA) Manual chapter 105.07 covers the duties and responsibilities of the Design/ Construction Resident/Regional Engineer during the construction process relating to Utilities, and is outlined below.
20	SECTION 510.00 – PRIOR TO AWARD OF CONTRACT
21 22 23 24	While some utility <u>relocation</u> work may be completed prior to start of project construction, many projects require utility work to be done in conjunction <del>currence</del> with construction of the project. Therefore, communication and coordination between utilities and the contractor is essential.
25 26 27	The Contractor's work may be delayed because of the Utility's failure to remove, relocate or adjust utility facilities when needed. The Resident/Regional Engineer takes the following actions to mitigate delays caused by Utilities:
28 29	<ul> <li>During project advertisement, contact the utility representative listed in the proposal to ensure the Utility is aware that start of project construction will be soon.</li> </ul>
30 31	<ul> <li>Verify the Utility has a copy of the plans and proposal and that the utility facilities are correctly shown.</li> </ul>
32 33 34	<ul> <li>Inquire of the Utility the amount of time needed for advanced notification from the Contractor, for ordering materials and scheduling work crews, and the time needed to complete the work.</li> </ul>
35	Discuss work requirements.
36	
37	SECTION 515.00 – AFTER AWARD OF CONTRACT
38 39 40 41 42	After notice of award to the successful bidder, <u>the Design/Construction Engineer meets with the</u> <u>Contractor and the Utilities, to coordinate the utility relocates and the project schedule. This</u> <u>coordination effort typically occurs at the preconstruction conference. For specific processes and</u> <u>requirements, see the Contract Administration Manual</u> the above utility information with the <u>Contractor so it can be included in the CPM schedule</u> .
43 44 45 46 47 48 49	For those cases where the Contractor is performing the utility facility relocation or adjustment work, the Utility agreements stipulate that the Resident/Regional Engineer obtain concurrence from each Utility if the contract bid prices for the utility work exceeds the amount specified in the agreement. The Resident/Regional Engineer must obtain payment from the Utility for all utility work to be completed by the Contactor prior to the work starting. The District Record Inspector must apply these funds to the project.

51	Invite all Utilities to the preconstruction conference and include utility work as a topic. It is
52	recommended that this discussion occur early in the conference so that the Utilities may leave if
53	they wish.
54 55	At the preconstruction conference:
56	Discuss the utility work items and the amount of time needed for advanced notification
57	from the Contractor, for ordering materials and scheduling work crews, and the time
58	needed to complete the work.
59	<ul> <li>Discuss methods to be implemented for protecting utility locate markings.</li> </ul>
60	• Emphasize that it is the Contractor's responsibility to coordinate the utility work and
61	include:
62	<ul> <li>Timely prior notification of when Utilities need to perform utility work.</li> </ul>
63	Sufficient time in the Contractor's work schedule for the Utilities to complete utility
64	work.
65	<ul> <li>Stress to the Contractor that if delays occur because of Contractor's failure to properly</li> </ul>
66	communicate and coordinate with the Utilities (e.g., untimely notification, not enough
67	time given to Utilities to accomplish utility work), it will be considered avoidable and no
68	additional compensation will be available to the Contractor.
69	• Adequately document in the meeting minutes the necessary utility notification and work
70	schedule requirements.
71	
72	Require the Contractor to show utility work as activities on the CPM schedule and verify with the
73	Contractor that the Utilities agree with the durations shown. Confirm that the Contractor is
74	communicating adequately with the Utilities concerning CPM schedule adjustments and updates.
75	Accomplish this by including this as a topic during the regular weekly progress meetings and
76	discussing with the Utilities.
77	
78	<b>NOTE:</b> There is no contractual relationship between the Contractor and the Utilities. The above
/9	procedures will facilitate communications between the Contractor and the Utilities resulting in the
80 81	prevention and mitigation of utility connects and delays to the Contractor.
82	SECTION 520.00 - PROGRESS OF UTILITY WORK
83	The Resident/Regional Engineer should:
84	• Evaluate whether to send CPM schedule updates to Utilities. This is especially critical if
85	the contractor has revised activities or durations that were agreed upon in the initial or
86	previous schedules.
87	<ul> <li>Invite Utilities to jobsite progress meetings when warranted.</li> </ul>
88	<ul> <li>Verify that the Contractor is coordinating with Utilities as required and agreed upon.</li> </ul>
89	<ul> <li>Verify that Utilities are coordinating with each other as required and agreed upon.</li> </ul>
90	
91	The Resident/Regional Engineer must also:
92	1. Oversee inspection of utility work for compliance to plans and all agreement
93	requirements.

94	<ul> <li>Complete an ITD-25 Standard Construction Diary for a Utility on each day work is</li></ul>
95	done.
96	<ul> <li>Inspect salvaged utility materials prior to disposal per utility agreement.</li> </ul>
97	2. Prepare Change Orders
98	<ul> <li>If there are changes to the plans involving utility work covered by a utility</li></ul>
99	agreement, a change order must be executed.
100	<ul> <li>For work to be completed by the Contractor, payment is obtained from the Utility</li></ul>
101	prior to work start.
102	<ul> <li>Concurrence from the Utility/Railroad Engineer is required for the ITD-2317. The</li></ul>
103	ITD-403 must be signed by an authorized utility representative prior to the work
104	commencing. Send a copy of the executed change order to the Utility/Railroad
105	Engineer.
106	<ul> <li>Verify that these changes are on the project as built drawings.</li> </ul>
107	<ul> <li>Request funds to be obligated for any additional cost for utility work at project</li></ul>
108	expense by ITD-2101 when necessary.
109	3. Review and pay billings from each Utility
110	<ul> <li>Utility submits billing(s) including any supporting cost documentation to</li></ul>
111	Resident/Regional Engineer for reimbursement of utility facility relocation costs in
112	accordance with a utility agreement.
113	<ul> <li>These utility billings and any supporting cost documentation are reviewed by the</li></ul>
114	Resident/Regional Engineer for obvious errors or discrepancies with the
115	understanding that ITD personnel are not necessarily experts in utility work.
116	<ul> <li>Questions regarding utility billings are to be directed to the billing Utility. Any</li></ul>
117	billing disputes or adjustments are to be resolved with the Utility prior to the final
118	payment.
119	<ul> <li>Established rates for overhead, equipment and other items may be obtained from</li></ul>
120	Internal Review. The District may request an audit by Internal Review of either the
121	utility billings or utility billing procedures of a Utility at anytime.
122	<ul> <li>Utility payments are made by the District in accordance with the Utility agreement</li></ul>
123	and Section 8.5 of the Financial Services Manual. The District prepares an Invoice
124	and Tracking form that in turn will generate a warrant from the State Controller's
125	Office. Generally a retainage amount of 5% is withheld from each progress payment.
126	<ul> <li>Payments are to be made within 60 days in accordance with Subsection 67-2302 of</li></ul>
127	Idaho Code or as specified by the Utility agreement. Otherwise the billing Utility
128	may assess a late fee and/or interest charge.
129	<ul> <li>Utility payments are reviewed by the District Records Inspector in accordance with</li></ul>
130	Section V of the District Record Inspector Manual.
131 132 133 134	Utility adjustment agreements are to be reviewed for any additional payments required from each Utility after the Contractor completes the utility work.
135	SECTION 5250.00 – COMPLETION OF UTILITY WORK
136	The <u>District</u> Resident/Regional Engineer is responsible to complete a Utility Permit ITD-2110 for
-----	---
137	each relocated or adjusted Utility facility on the project. This, no-cost to the Utility, Right-of-
138	Way Encroachment Permit is referred to as a "confirming permit", and formally establishes the
139	Utility's newly located facility due to the Project covering all utility relocation work. Attach the
140	as-built utility plans to the permit. This permit is maintained within the District in accordance
141	with District procedures (see Section 200).
142	
143	An ITD-1865 Utility/Railroad Fiscal Final Review Report is prepared by the Resident/Regional
144	Engineer and submitted to the District Records Inspector for completion and distribution,
145	including one copy going to the Utility/Railroad Engineer. This form is to be completed for all
146	projects that include any utility relocation work, whether at project expense or company expense.
147	Any request by a Utility for additional money shall be reviewed in regard to any utility agreement
148	or utility change order with the Utility. Some agreements, such as railroad agreements, require
149	that ITD reimburse the company for all additional costs or losses. The District is responsible for
150	obtaining funding for any payments for valid requests. Payment is made in accordance with
151	Section 8.5 of the Financial Services Manual. No retainage amount is withheld.
152	
153	Final payments and any retainage withheld from previous payments are paid in full after the
154	Utility has completed the agreed work, in accordance with Sections 8.3.4 and 8.5 of the Financial
155	Services Manual and Section V of the District Record Inspector Manual. An audit by Internal
156	Review of either the billings or billing procedures of the railroad or utility company can be
157	requested through the ITD-1865.
158	
159	Generally audits are not conducted on agreement amounts less than \$200,000 or for agreements
1.0	where the extual east exceeds the estimated emount by less then 150% or \$50,000

160 where the actual cost exceeds the estimated amount by less than 15% or \$50,000.

#### SECTION 600.00 – BROADBAND INFRASTRUCTURE

#### SECTION 605.00 - PURPOSE

#### SECTION 610.00 – IDAHO TRANSPORTATION BOARD AUTHORITY & APPROVAL

#### SECTION 615.00 – LAWS & REGULATIONS

615.01 Idaho Code. 615.02 United States Code. 615.03 Code of Federal Regulation. 615.04 Federal Highways Administration (FHWA). 615.05 Federal Communications Commission (FCC).

#### SECTION 620.00 – AGREEMENTS, LICENSING AND PERMITS

620.01 Broadband Fiber Optic Telecommunications 620.02 Wireless Telecommunications 620.03 Location Criteria 620.04 Installation within Interstate Right-Of-Way 620.05 Median Installations 620.06 As-Built Plans and Data Deliverables

## SECTION 600.00 – BROADBAND INFRASTRUCTURE

#### SECTION 605.00 - PURPOSE

ITD's goal in managing the Right-of-Way (ROW), as defined below, is to preserve the integrity, safe operation, and function of the State Highway System in compliance with all state and federal regulations. Basic principles of this policy include: 1) the orderly use of highway right-of-way by non-public utility companies, 2) "Dig Once" within the highway right-of-way, 3) the orderly management of future demands on the right-of-way space by providers, 4) serving the greatest public interest through colocation and other space saving practices, 5) to leverage the highway right-of-way usage to connect current and future ITD facilities and roadside devices, 6) to create a competitively neutral environment that is unbiased in its treatment of utility providers, 7) to rely on the exchange of facilities and services rather than on the collection of fees or other financial transactions, and 8) when feasible, to support the strategic deployment of broadband infrastructure across the State of Idaho.

Any occupancy in the ITD Right-of-Way by a utility (both public and non-public) shall only be pursuant to the written authorization and management by ITD. The purpose of this Chapter of the Guide for Utility Management Manual is to establish a framework for managing non-public broadband utilities which are not governed by the Idaho Public Utilities Commission (PUC) that are located, installed, operated, maintained, repaired, removed, or relocated within the ROW of the State Highway System or State owned property.

#### SECTION 610.00 – IDAHO TRANSPORTATION BOARD AUTHORITY & APPROVAL

This Chapter has been accepted and approved by the Idaho Transportation Board under the provisions of this section. Any previously accepted policy and procedure statements currently applicable will remain in effect. Federal Regulation will apply and be enforced on all ITD Right-of-Way whether or not this Chapter currently reflects proper coverage of the requirements. In-house administrative changes to this Chapter shall be transmitted to Federal Highways Administration (FHWA) Division Office to verify compliance with FHWA guidance.

### SECTION 615.00 - LAWS & REGULATIONS

**615.01 Idaho Code.** Idaho Statute §40-312 (3). Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocations of facilities of any utility or communication transmitting entity, in, on, along over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions within urban areas.

Idaho Statute §61-129 defines a "public utility" to include every common carrier, pipeline corporation, gas corporation, electrical corporation, and water corporation which are subject to the jurisdiction, control and regulation of the Idaho Public Utilities Commission.

<u>Utilities that have not received a CERTIFICATE OF CONVENIENCE AND NECESSITY from the</u> <u>Idaho Public Utilities Commission in accordance with Idaho Statutes §61-526, §61-527, and §61-528</u> <u>shall be considered a non-public utility.</u> **615.02 United States Code.** Telecommunications Act 47 USC § 253(c). Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government. The Code is available electronically at the following web site https://www.govinfo.gov/app/collection/uscode

<u>Telecommunications Act 47 USC § 332(c)(7)</u>. Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.</u>

**615.03 Code of Federal Regulation.** For highway improvement projects using Federal-Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway right-of-way, ITD must adhere to the requirements in the Code of Federal Regulations, Title 23, Chapter I, Subchapter H § 710.405 and any related amendments or supplement which are in effect. The Code is available electronically at the following web site https://www.govinfo.gov/app/collection/cfr

#### 615.04 Federal Highways Administration (FHWA)

ITD may approve an exception to the requirement of fair market value when, in the determination of the Department, the placing of the broadband conduit and facilities in State rights-of-way are in the public interest.

**23 CFR 710.403(e).** Current fair market value must be charged for the use or disposal of all real property interests if those real property interests were obtained with title 23, United States Code, funding except as provided in paragraphs (e)(1) through (6) of this section. The term fair market value as used for acquisition and disposal purposes is as defined by State statute and/or State court decisions. Exceptions to the requirement for charging fair market value must be submitted to ITD and FHWA in writing and may be approved by FHWA in the following situations:

(1) When the grantee shows that an exception is in the overall public interest based on social, environmental, or economic benefits, or is for a nonproprietary governmental use. The grantee's ROW manual or Real Estate Acquisition Management Plan (RAMP) must include criteria for evaluating disposals at less than fair market value, and a method for ensuring the public will receive the benefit used to justify the less than fair market value disposal.

(2) Use by public utilities in accordance with 23 CFR part 645.

(3) Use by railroads in accordance with 23 CFR part 646.

(4) Use for bikeways and pedestrian walkways in accordance with 23 CFR part 652.

(5) Uses under 23 U.S.C. 142(f), Public Transportation. Lands and ROWs of a highway constructed using Federal-aid highway funds may be made available without charge to a publicly owned mass transit authority for public transit purposes whenever the public interest will be served, and where this can be accomplished without impairing automotive safety or future highway improvements.

(6) Use for other transportation projects eligible for assistance under title 23 of the United States Code, provided that a concession agreement, as defined in §710.703, shall not constitute a transportation project exempt from fair market value requirements.

**23 CFR 710.405(a).** A ROW use agreement for the non-highway use of real property interests may be executed with a public entity or private party in accordance with §710.403 and this section. Any non-highway alternative use of real property interests requires approval by FHWA, including a determination by FHWA that such occupancy, use, or reservation is in the public interest; is consistent with the continued use, operations, maintenance, and safety of the facility; and such use does not impair the highway or interfere with the free and safe flow of traffic as described in §710.403(b).

**FHWA Memorandum: Alternative Uses of the Highway Right-of-Way Guidance. April 22, 2021.** (**Incorporated herein by reference**) "State DOTs are not required to charge fair market rent or other fees for use of the ROW if accommodating the facility as a utility, and the fees may be set at the discretion of the State. State DOTs are encouraged but not required to allocate collected fees for transportation uses, purposes, and services."

#### 615.05 Federal Communications Commission (FCC)

FCC 18-133. Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment. Declaratory Ruling with overview of 47 U.S.C. § 253(a), 332(c)(7)(B) of the Act. This declaratory ruling provides guidance and policy regarding removal of barriers to deployment of next generation wireless services. Items discussed in this ruling include: legal background; framework for small wireless facilities deployment; state and local fees; state and local authority in setting terms for wireless infrastructure deployment in public Rights-of-Way; and shot clocks for state and local review of wireless infrastructure deployments.

### SECTION 620.00 AGREEMENTS, LICENSING AND PERMITS

#### 620.01 Broadband Fiber Optic Telecommunications

In order to preserve the integrity, safe operation, and function of the State Highway System with the requests from both public and non-public utilities for access to public Rights-of-Way, ITD must effectively manage this limited resource. This is accomplished by planning for the accommodation of current and future broadband capacity requirements by using space saving measures such as corridors for broadband infrastructure, colocation of facilities, and use of conduits containing micro-ducts that can be used by multiple providers.

Pursuant to federal regulations, Broadband Providers may be eligible to gain access to ITD Rights-of-Way on a competitively neutral and unbiased basis.

#### SHARED RESOURCES AGREEMENTS

It is ITD's intent to utilize Shared Resources Agreements in lieu of fees or other financial transactions with broadband providers. District Engineers and Division Administrators shall enter into Shared Resources Agreements with broadband providers who are requesting access to ITD Right-of-Way, or conduits and vaults for longitudinal builds along the State Highway System. Broadband Providers are not required to enter into Shared Resources Agreement if a proposed encroachment permit application request is limited to the crossing of the state highway right-of-way. The Broadband Program Manager will assist District staff with the drafting of Shared Resources Agreements between the District Engineer or Division Administrator and the broadband provider.

#### MUTUALLY AGREED UPON EXCHANGES OF FACILITIES AND SERVICES

When the parties negotiate and mutually agree to an exchange of facilities and services, the value of the proposed facilities and/or services should ensure the value of the exchange is fair and equitable for both parties. The cost basis of the shared resource facilities shall be included as part of Agreement. Mutually agreed upon exchanges may include the following:

- 1. Where ITD is offering access to ITD Rights-of-Way, conduits and vaults exchanges with providers may include dark or lit fiber on a dedicated ITD fiber optic cable, or strands of fiber on a larger cable to be installed by the broadband provider.
- 2. <u>Installation of additional conduits to include a conduit for the State of Idaho or ITD use, and</u> <u>additional conduit(s) made available for purchase by other users on a non-discriminatory basis at</u> <u>a price per linear foot specified in a Shared Resources Agreement.</u>
- 3. <u>The fair market value requirement for broadband is satisfied when the public benefit is advanced;</u> <u>and the public benefit is advanced when additional conduit or services are provided to the ITD for</u> <u>the benefit of the public.</u>
- 4. ITD may also negotiate broadband services to ITD facilities from the provider.

#### <u>TERM</u>

The term of the agreement between ITD and the Broadband Provider shall be 20 years under most circumstances and specify the use rights granted from the Parties with respect to any Infrastructure shall be effective on the date first set forth in the Balance Sheet and shall thereafter continue for the initial agreement term period. At the conclusion of the initial agreement period, the use rights shall renew automatically for up to FIVE (5) successive, consecutive FIVE (5) year renewal terms unless and until terminated by written notice delivered by either party at least NINETY (90) days prior to the expiration of the initial term or any subsequent five-year renewal term. Should this Shared Resources Agreement expire or be terminated, neither Party shall be permitted to remove any Infrastructure added by such Party without the written consent of the other Party or as allowed by law.

**620.02 Broadband Wireless Telecommunications.** The Division of Highways and the small wireless provider shall enter into a Master License 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 wireless telecommunications facilities prior to issuing encroachment permits by District permitting staff. Districts may issue Right-of-Way Encroachment Application and Permit for Small Wireless Facilities (ITD Form 2118).

Small Wireless Providers shall provide engineering specifications of proposed equipment and facilities as part of the permit application to allow Department staff to evaluate: structural loads for attachments to state facilities; new standalone structures; and impacts to pedestrian facilities and State Rights-of-Way. Any installation of broadband small wireless infrastructure along Interstate Right-of-Way will require the review and approval by the FHWA Division Administrator.

#### COMPENSATION FOR RIGHT OF WAY ACCESS AND ATTACHMENTS TO STATE FACILITIES

ITD will receive fair and reasonable compensation for access to Right-of-Way and attachment to ITD facilities in accordance with Federal Communications Commission (FCC) Declaratory Ruling FCC 18-133. ITD reserves the right to adjust compensation structures based on governing guidance from the FCC or FHWA, as amended, or on an agreement renewal cycle.

#### TERM OF INDIVIDUAL SMALL WIRELESS FACILITY PERMIT

Each individual permit shall have a term of 10 years from the date the permit is approved by ITD. The Company shall operate and maintain each Small Wireless Facility subject to applicable requirements set forth in the Small Wireless Facility Permit, the Agreement, any terms, conditions, and limitations as specified on each individual permit issued, and in compliance with applicable statutes, ordinances, regulations, and rules. At the end of the 10 year term, and if there is no basis for denial or termination, each individual permit may be extended an additional 10 years.

**620.03 Location Criteria.** When allowed on ITD Right-of-Way, broadband facilities should be located in a location approved by the District and ITD Broadband Program Manager. Providers shall obtain a Small Wireless Facility Permit for the installation of any Small Wireless Facility within the ITD Right-of-Way. These locations should be as far from the roadway as possible and/or in inaccessible locations where they are unlikely to be hit by errant vehicles. In addition, the safety impacts of access to construct and service the facilities should be considered. The goal is to ensure the facilities are placed in locations that preclude them from being roadside hazards, yet still provide safe access for maintenance personnel.

- 1) Adequate sight distance must be provided for safe ingress to and egress from the sites.
- 2) <u>The facilities must be located outside the clear zone (where unlikely to be struck) unless shielding already exists.</u>
- 3) <u>An adequate pull off area well beyond the shoulder must be provided for construction and maintenance purposes.</u>
- 4) Ensure that proposed utility facilities do not impact pedestrian facilities or accessibility.
- 5) <u>Identify the location of all mounts to existing poles, structures or aerial cables on private or public utility facilities, and ITD facilities.</u>

**620.04 Installation within Interstate Right-Of-Way.** 23 CFR § 710.405 ROW Use Agreements. (a) A ROW use agreement for the non-highway use of real property interests may be executed with a public entity or private party in accordance with §710.403 and this section. Any non-highway alternative use of real property interests requires approval by FHWA, including a determination by FHWA that such occupancy, use, or reservation is in the public interest; is consistent with the continued use, operations, maintenance, and safety of the facility; and such use does not impair the highway or interfere with the free and safe flow of traffic as described in §710.403(b). Any installation of broadband infrastructure along Interstate Right-of-Way will require the review and approval by FHWA Division Administrator. The ITD Broadband Program Manager will coordinate review and approval of any installation requests along the Interstate with FHWA.

**620.05 Median Installations.** ITD and FHWA discourage median installations for broadband infrastructure or any other utilities but the ITD Division Administrator does have the authority to approve such installations if considered justified. Any median installations in the Interstate right-of-way require the review and approval by FHWA Division Administrator. In situations where it is not technically feasible or

is unreasonably costly and there are no feasible alternate locations, the risk involved in constructing, operating, and maintaining broadband infrastructure may be more than offset by the benefits derived by Intelligent Transportation Systems (ITS) and other broadband infrastructure.

#### 620.06 As-Built Plans and Data Deliverables

- Upon completion and final inspection by ITD, the Company or Utility shall provide complete and accurate As-Built drawings to include all features installed in the right-of-way within 30 days of the installation of the Broadband Facility. The As-Builts will include, to the nearest 0.10 feet, all longitudinal, horizontal and vertical dimensions. All cellular, fiber optic and supporting utility infrastructure placed under Shared Resource or Master License Agreements through the utility encroachment permitting process shall be delivered to ITD in Esri File Geodatabase Feature Class format. All GIS data must be projected to ITD's standard projected coordinate system, NAD 1983 Idaho Transverse Mercator (Meters), WKID 102605 (Authority: Esri). All latitude/longitude fields in GIS datasets must be calculated to WGS84 geographic coordinate system using numeric decimal degrees (not N/S/E/W).
- 2) <u>Herein, failure to provide complete As-Built drawings within 30 days of completion of the work</u> will be considered default of the applicable permit and such permit will become invalid and the <u>undocumented installation shall be removed.</u>

## **UTILITY ACCOMMODATION** POLICY

**IDAHO TRANSPORTATION DEPARTMENT** Edition July 2003 June 2021

## **TABLE OF CONTENTS**

SECTION 1	GENERAL INFORMATION	3
1.1	PURPOSE AND APPLICATION	3
1.2	AUTHORITY	4
1.3	DEFINITION OF TERMS	4
<b>SECTION 2</b>	RIGHT-OF-WAY & PERMIT	8
2.1	USE	8
2.2	PRE-EXISTING	8
2.3	PERMITTED	8
2.4	ADMINISTRATIVE APPEAL	9
2.5	REQUIREMENTS OF PERMITTEE	9
2.6	EMERGENCY REPAIR AND MAINTENANCE	10
2.7	PERMIT FEE	10
2.8	INSPECTION	11
2.9	PERFORMANCE BOND	11
SECTION 3	INDEMNIFICATION	12
3.1	MAINTENANCE BY UTILITIES	12
3.2	NOTICE OF DAMAGE	12
3.3	UTILITY INDEMNIFICATION	12
SECTION 4	DESIGN	13
4.1	RESPONSIBILITY	13
4.2	RELOCATING COST	13
4.3	MINIMUM REQUIREMENTS	13
<b>SECTION 5</b>	LOCATION	15
5.1	GENERAL	15
5.2	EXISTING FACILITIES	15
5.3	UNDERGROUND FACILITIES	15
5.4	ABOVE GROUND FACILITIES	16
5.5	LONGITUDINAL	16
5.6	CROSSING	17
5.7	WITHIN TYPE 5 ACCESS CONTROL (INTERSTATE) HIGHWAYS	17
	5.7.1 ALONG TYPE 5 ACCESS CONTROL HIGHWAYS	17
	5.7.2 CROSSING TYPE 5 ACCESS CONTROL HIGHWAYS	18
5.8	INSTALLATIONS ON HIGHWAY STRUCTURES	19
5.9	AESTHETIC CONTROLS	20
SECTION 6	CONSTRUCTION	21
6.1	GENERAL	21
6.2	PROTECTION OF PUBLIC	21
6.3	PRESERVATION AND RESTORATION	22
6.4	TRENCHING	22
6.5	JACKING, DRIVING, OR BORING	23
6.6	DIRECT BURIAL	23
6.7	ENCASEMENT	23
6.8	APPURTENANCES	24
SECTION 7	REFERENCES	26

## SECTION 1 GENERAL INFORMATION

#### 1.1 PURPOSE AND APPLICATION

This document supersedes "A Policy for the Accommodation of Utilities within the Rightof way of the State Highway System in the State of Idaho 1990 Edition" the Department's 2003 Edition of the Utility Accommodation Policy" and all prior editions. These provisions concern the location and manner in which utility installations are to be made within the rights-of-way of the state highway system of Idaho and highway projects for local roads using Federal-aid.

This policy of the Idaho Transportation Department (ITD) shall adhere with Idaho code and accommodate utility facilities installations on federal aid and non-federal aid state highway rights-of-way, to the extent that such facilities may be accommodated without compromising the safety or integrity of the highway and without interference to the normal operation and maintenance activities as required.

This policy applies to maintenance of existing <u>public and non-public</u> utilities, new utility installations, and existing utility installations to be retained or adjusted as a result of highway construction or reconstruction, and the relocation of utility facilities that are found to constitute a hazard to the traveling public on all rights-of-way under the jurisdiction of the ITD. The standards set forth in this policy will also apply where encroachment by private utility facilities is permitted.

ITD will enter into agreements with local highway authorities to regulate the use and occupancy of the right-of-way of local federal-aid highways by utility facilities in accordance with the Federal Highway Administration's regulations found in Title 23, Code of Federal Regulations, Part 645, Subpart B, Accommodation of Utilities coupled with any other reference cited therein and any amendments or supplements which are in effect prior to execution of the agreement.

Exceptions to any provisions contained in this policy may be authorized by ITD or the Idaho Transportation Board in any instance where there is evidence showing that unusual hardship and/or unusual conditions provide justification and where alternate measures can be prescribed in keeping with the intent of the policy. All requests for such exceptions shall be documented with design data, cost comparison, and other information that may be pertinent.

ITD's Guide for Utility Management (GUM) current edition in accordance with this policy outlines the procedures established by ITD regarding coordination and administration of utility facility installations, relocations and adjustments within the right-of-way of the State Highway System and for utility facility relocations on local highway improvement projects using Federal-Aid funds. The GUM is available for public inspection and copying at the Idaho Transportation Department central office, 3311 West State, Boise, Idaho 83707 or the Idaho Transportation Department <u>WEB Site http://www2.state.id.us/itd/index.htm</u> website:

https://apps.itd.idaho.gov/Apps/manuals/ManualsOnline.html

#### **1.2 AUTHORITY**

#### The provisions of this manual are authorized by the following sections of the Idaho Administrative Procedures Act:

- <u>Administrative Rule (IDAPA) 39.03.42</u> "Rules Governing Highway Right-of-Way Encroachments on State Right-of-Ways"; references the rule establishing standards and guidelines for encroachments on state highway rights-of-way; including but not limited to: definitions, safety, maintenance, applications, permits, access spacing, design standards, turnouts and unauthorized/nonstandard encroachments.
- Administrative Rule (IDAPA) 39.03.43 "Rules Governing Utilities on State Highway Right-of-Way"; references this policy for utilities occupying the highway right-of-way of the State Highway System.

# The authority of utilities to use and occupy the right-of-way of highways is cited as follows:

- *Idaho Code §§ 62-701, 62-705, and 62-1101* provides that telephone and telegraph companies, electric power companies, oil and gas pipeline companies, etc., may use the public right-of-way for their transmission lines.
- *Idaho Code § 42-3212(k)* permits sewer and water districts to construct and maintain facilities across or along any public street or highway and to use the public right-of-way for their transmission lines.
- *Idaho Code § 40-2308* provides for use of public highways and city streets by gas and water.

# The state's authority to regulate the use of the right-of-way of state highways is cited as follows:

- *Idaho Code § 40-312(1)* authorizes the Idaho Transportation Board to prescribe rules and regulations affecting state highways and to enforce compliance with such rules and regulations.
- *Idaho Code § 40-312(3)* provides additional rule-making powers by the Idaho Transportation Board for the regulation of public right-of-way usage by utilities.

#### **1.3 DEFINITION OF TERMS**

ACCESS	The ability to enter or leave a public highway or highway right-of-way from				
	an abutting private property or other public highway.				
ACCESS CONTROL	Access control is applicable to State highways accessible only by				

HIGHWAYS	interchanges (ramps). These highways typically include Freeways,				
	Expressways and the Interstate system which require FHWA approval for				
	any change in access. See IDAPA 39.03.42 – Rules for Governing Highway				
	Right of Way Encroachments on State Rights-of-Way.				
BACKFILL	Approved material used to replace excavated material.				
BEDDING	Soil or other suitable material to support a pipe, conduit, casing, or gallery.				
BORING	Rotary drilling into the earth to insert a conduit or casing in the bore.				
CARRIER	Pipe directly enclosing a transmitted fluid (liquid or gas).				
CASING	A larger pipe generally under the roadway, through pier(s), or abutment(s) of				
	highway structures that enclose one or more utility conduits or carriers.				
CLEAR ZONE	An area outside the traveled way, auxiliary lanes and shoulders that is				
	constructed and maintained as free from physical obstruction as practical, for				
	use as a recovery area by errant vehicles.				
COATING	Material applied to or wrapped around a pipe.				
CONDUIT or DUCT	An enclosed casing for protecting wires or cables.				
DEPTH OF COVER	Depth of material from top of underground utility facility to the finish grade				
	of a roadway or the natural ground or the bottom of a stream channel.				
DISTRICT	An administrative and maintenance subdivision of the Idaho Transportation				
	Department encompassing a particular geographical region of the State of				
	Idaho.				
DRIVING	A mechanical means to forcibly install a casing without the means of				
	drilling or boring.				
EASEMENT	An interest in real property that conveys use, but not ownership, of a portion				
	of an owner's property.				
ENCASEMENT	A larger structural element around an underground utility facility. Includes				
	casing or utility tunnel.				
ENCROACHMENT	Any authorized or unauthorized use of highway right-of-way or the air space				
	above the highway right-of-way.				
FORESLOPE	The area from the edge of pavement to ditch line.				
FRONTAGE ROAD	A road auxiliary to and located to the side of the highway for service to the				
	abutting properties and adjacent areas, for the purpose of controlling access				
	to the highway.				
GRADE	A structure separating the elevations of two or more intersecting roads above				
SEPARATION	or below a highway.				
HIGHWAY(S)	The entire width between the boundary lines of every main traveled way				
	publicly maintained when any part is open to use by the public for vehicular				
	travel, with jurisdiction extending to the adjacent property line, including				
	sidewalks, shoulders, berms, and rights-of-way not intended for motorized				
	traffic. The term "street" is interchangeable with highway. Also, roads,				
	streets, alleys, and bridges laid out or established for the public or dedicated				
	or abandoned to the public. Highways shall include necessary culverts,				
	sluices, drains, ditches, waterways, embankments, retaining walls, bridges,				
	tunnels, grade separation structures, roadside improvements, adjacent lands,				
	or interests lawfully acquired, pedestrian facilities, and any other structures,				
	works, or fixtures incidental to the preservation or improvement of the				

	highways. Roads laid out and recorded as highways, by order of a board of		
	commissioners, and all roads used as such for a period of five (5) years,		
	provided they shall have been worked and kept up at the expense of the		
	public, or located and recorded by order of a board of commissioners, are		
	highways.		
HIGHWAY RIGHT-	Property rights to land generally designated for transportation purposes open		
OF-WAY	to the public and under the jurisdiction of a Public Highway Agency		
	Is vested with authority control supervision and administration of the Idaho		
TRANSPORTATION	Transportation Department established by Title 40 Chapter 3 of the Idaho		
ROARD	Code		
INTERSECTION	The general area where two or more highways join or cross at-grade		
	As identified by U.S. Code, a part of the National System of Interstate and		
	As identified by 0.5. Code, a part of the National System of interstate and Defense Highway System with a fully controlled access and having medians		
HIGHWAT	Defense fighway System with a fully controlled access and having medians,		
	grade separations at cross roads, and ramp connections for entrance to and		
LACVINC	A method to place underground nine without transhing by outting on opening.		
JACKING	A method to place underground pipe without trenching by cutting an opening		
	anead of the pipe and forcing the pipe into the opening by means of norizontal		
MAINTENANCE	The continuous work or in kind replacement that is required to keep any		
	encroachment within the highway right-of-way from deterioration due to		
	wear and tear, and to preserve the general character of the original		
	improvement without alteration of any of its component factors.		
MEDIAN	The portion of a divided highway or approach that separates opposing		
	traveled ways. Medians may be raised, flush, or depressed relative to the		
	roadway surface, and may be landscaped or paved.		
PERFORMANCE	A statutory bond, issued by a surety company authorized to do business in		
BOND	the state of Idaho that guarantees performance of work in accordance with		
	permit requirements.		
REST AREA	A roadside area with parking and other facilities, separated from the roadway		
	that provides travelers an opportunity to stop and rest.		
RIGHTS-OF-WAY	A general term denoting land, property, or interest therein and under the		
	jurisdiction of specified entity.		
ROADSIDE	A general term denoting the area adjoining the outer edge of the roadway		
	with-in the right-of-way.		
ROADWAY	The portion of a highway, including shoulders, for vehicular use.		
SHOULDER	The paved or unpaved portion of the roadway contiguous with the traveled		
	way for accommodation of stopped vehicles, for emergency use, and for		
	lateral support of base and surface courses.		
SMALL WIRELESS	(1) The facilities—		
FACILITY	(i) are mounted on structures 50 feet or less in height including their antennas,		
	or		
	(ii) are mounted on structures no more than 10 percent taller than other		
	adjacent structures, or		
	(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;		

	(2) Each antenna associated with the deployment, excluding associated		
	antenna equipment is no more than three cubic feet in volume;		
	(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;		
	(4) The facilities do not require antenna structure registration under FCC		
	Ruling 18-133 Part 17;		
	(5) The facilities are not located on Tribal lands, as defined under 36 CFR		
	<u>800.16(x); and</u>		
	(6) The facilities do not result in human exposure to radiofrequency radiation		
	in excess of the applicable safety standards.		
STATE HIGHWAY	The principal highway arteries in the state, including connecting arteries and		
SYSTEM	extensions through cities, and includes roads to every county seat in the state.		
SUBBASE	A layer or layers of specified or selected material of designed thickness		
	placed on a subgrade to support a base course.		
SUBGRADE	The surface of the roadbed or that surface noted as "Subgrade" on the		
	highway plans.		
TRAVELED WAY	The portion of the roadway for the movement of vehicles exclusive of		
	shoulders and auxiliary lanes.		
UTILITY	An entity comprised of any person, private company, public agency or		
	cooperative owning and/or operating utility facilities.		
UTILITY FACILITY	All privately, publicly or cooperatively owned lines, facilities, and systems		
	for producing, transmitting or distributing communications, cable television,		
	electricity, light, heat, gas, oil, petroleum products, ore, water, slurry, steam,		
	sewage, waste or storm water not connected with highway drainage, and		
	other similar commodities.		
UTILITY TUNNEL	An underground structure capable of containing several pipes, cables and		
	conduits for utility facilities.		
VIEW AREA	A roadside area provided for motorists to pull off the traveled way and view		
	the scenery in safety.		

## SECTION 2 RIG

### **RIGHT-OF-WAY & PERMIT**

#### 2.1 USE

ITD acquires rights-of-way which are adequate not only for adequate for the construction of the highway facility, but also for and for its safe operation and maintenance. ITD recognizes Idaho law which acknowledges the benefits to the public interest for allowing utilities to jointly-use highway right-of-way when it does not impair or interfere with the free and safe flow of traffic and highway maintenance. The opportunity for joint use avoids the additional cost of acquiring separate rights-of-way for the exclusive accommodation of utilities. ITD is not obligated to acquire extra right-of-way needed to allow utilities within highway right-of-way.

#### 2.2 PRE-EXISTING

ITD recognizes that pre-existing property interests within public rights-of-way exist. Proof of a pre-existing property interest within a highway right-of-way shall be accepted in the form of a duly executed deed, grant or other document establishing the same, or at least two affidavits sufficient to establish prior right or title of the utility.

In the absence of such proof, it shall be assumed that the utility occupies the highway right-of-way as a permittee (i.e. by permission), and enjoys no vested interest.

#### 2.3 PERMITTED

An ITD Utility Encroachment Permit (form # ITD-2110) <u>or ITD Encroachment Permit</u> for Small Wireless Facilities (form # ITD-2118) is are the documents which specifies that specify the requirements and conditions under which installing and maintaining utility facilities on the highway right-of-way shall be performed. <u>Plan sheets showing the</u> location for utility facilities within the highway right-of-way are to be attached and made a part of the Utility Encroachment Permit. The District issuing the Utility Encroachment Permit will include all additional requirements called "Special Provisions".

Each new utility facility installation that is to occupy state highway right-of-way shall require the owner of the facility to secure an ITD Utility Encroachment Permit. Any addition to or change in operating conditions location or components of existing facilities other than for routine maintenance and emergency repairs, shall require issuance of a new Utility Encroachment Permit prior to the initiation of such work or change.

Existing utility facilities that are to be relocated or adjusted to a position within the highway right-of-way due to a construction project shall be issued a Board Order to relocate and a no cost Utility Encroachment Permit by ITD. Before issuance of the Board Order, the Utility shall be afforded the opportunity of a Hearing before the Idaho Transportation Board.

Utility facilities not adjusted and already covered by a permit will not require a new permit.

No permitted interest or rights-of-way shall be transferred to another utility or person except by written consent of ITD.

Utility facilities wishing to locate on or across highways for which all deeded rights have not been obtained (such as through National Forest System Lands, U.S. Bureau of Land Management land, Railroad property, etc.) shall acquire approval to use the rights-of-way for non-highway purposes from the appropriate entity having administration of the property prior to issuance of an ITD Encroachment Permit.

Because it is impossible to anticipate all future highway needs or proposals, the ITD reserves the right to deny any request for a permit.

The ITD GUM outlines the process to be followed for requesting, approving and implementing Utility Encroachment Permits on the highway right-of-way and the Hearing process and issuance of a Board Order.

#### 2.4 ADMINISTRATIVE APPEAL

If the applicant for a Utility Encroachment Permit is denied a permit by the District, the applicant may appeal as follows:

- 1. The applicant sends a written appeal to the ITD Utility/Railroad Engineer (Idaho Transportation Department, P.O. Box 7129, Boise, ID 83707–1129) District Engineer within thirty (30) days from notification of the permit being denied. The appeal process commences on the date the written appeal is received.
- 2. The Utility/Railroad Engineer District Engineer will have fourteen (14) working days to review and prepare the appeal for review by the ITD Chief Engineer.
- 3. The appellant shall be notified by certified mail within twenty one (21) thirty (30) working days of the ITD Chief Engineer's decision.

If further arbitration is required the appellant has thirty (30) day following denial notification by the Chief Engineer to contact ITD legal section and the appeal process will be initiated in accordance with the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". The Chief Engineer's decision will be final and conclusive unless subsequently changed by a court of competent jurisdiction.

#### 2.5 REQUIREMENTS OF PERMITTEE

Because it is impossible to anticipate all future highway needs or proposals, ITD may require relocation of permitted utilities if needed. The utility shall waive reimbursement for any future relocation expenses as a condition of obtaining a permit to install new or upgrade existing facilities within the highway right-of-way.

The permittee shall conduct their operation so as to cause a minimum of interference to the highway users and the operation and maintenance of the highway. The utility shall provide a traffic control plan in conformance with the latest edition adopted by Idaho of the Federal Highway Administration's *"Manual on Uniform Traffic Control Devices"* as adopted by ITD (MUTCD) and all other ITD standards concerning the construction

operations of the utility facility. Traffic control plans showing detours and signing operations for all lanes must have ITD approval prior to any work beginning. No lane closure shall be made without prior ITD approval. Peak hour lane closures may be prohibited.

Any noncompliance of the permit requirements will result in termination of the utility company's permit and the utility facilities covered by the permit must be removed.

If the utility fails to construct, repair or remove said utility in accordance with the terms of the permit to the satisfaction of ITD or fails to pay ITD any sum of money for the inspection, reconstruction, repair or maintenance of said utility, ITD retains the right to cancel the permit, remove said utility and restore the highway at the sole expense of the utility. Before canceling the permit, ITD shall notify the utility in writing, setting forth the violations and shall give the utility reasonable time to fully correct the same violations.

Any utility work done through a contract issued by the permittee shall be subject to the same requirements of the permit.

#### 2.6 EMERGENCY REPAIR AND MAINTENANCE

An emergency repair or adjustment of utility facilities may be made without prior permit if there is an extreme emergency. An extreme emergency would exist if the utility facility were damaged such that it presented imminent danger, or loss of life, or severe damage to property, or loss of vital utility services.

The utility company shall notify ITD as soon as possible in advance of any maintenance or emergency repair work to utility facilities within highway right-of-way. Notification shall be given to the appropriate ITD District office or state communications per the GUM.

None of the provisions of this policy are waived for maintenance or emergency repairs except for the requirement to secure a permit prior to work. In all cases the permittee shall comply with the State Law requiring notification of all utility owners prior to any excavation. Highway right-of-way access will only be granted for the actual time when repairs are being made and the extreme emergency exists. Every precaution shall be taken during such periods to safeguard the highway user.

Violation of the above-listed regulations governing maintenance and emergency access to the highway right-of-way shall result in immediate cancellation of the Utility Encroachment Permit for that facility.

#### 2.7 PERMIT FEE

Utility Encroachment Permit shall not be processed until all applicable permit fees are received. Fees for permits are not refundable. Utility Encroachment Permit fees shall be as follows:

• Non-Interstate: new, modify or relocated, fifty dollars (\$50).

- Interstate: new, modify or relocated, fees will be addressed at the time of application.
- Interstate & Non-Interstate: maintenance or emergency repair without change in location, No Charge.
- Interstate & Non-Interstate: ITD highway project requires modify or relocation, No Charge.
- <u>Small Wireless Facility: permit fees are based on Master License Agreement terms</u> including rates per facility, and annual attachment and right-of-way access fees.

#### 2.8 INSPECTION

To ensure compliance with the terms and conditions of Utility Encroachment Permit, ITD reserves the right to inspect the work of the utility or their contractor during such periods as deemed necessary to check compliance and to require correction of deviations from the terms and conditions of the permit. ITD may assign at the time of permit issuance, an inspector to inspect the work and the expense of said inspector shall be borne by the permittee. Such inspection by ITD shall in no way relieve the permittee of any duty or responsibility to the general public, nor shall such inspection relieve the permittee from any liability for loss, damage, or injury to persons or property as provided in this policy.

#### 2.9 **PERFORMANCE BOND**

ITD reserves the right to require a performance bond in any amount it deems appropriate, in order to guarantee satisfactory completion and cleanup of the utility work being permitted. The bond amount designated at the time of permit issuance shall be large enough to cover costs to correct potential damage that might be caused by the permittee. The bond shall be executed by a surety company authorized to conduct business in Idaho and in full force prior to commencing of permitted work.

## SECTION 3 INDEMNIFICATION

#### 3.1 MAINTENANCE BY UTILITIES

The utility facility shall at all times be maintained, repaired, renewed and operated by and at the expense of the utility. The utility shall maintain at its sole expense their facilities occupying the highway right-of-way in a condition satisfactory to ITD.

#### **3.2 NOTICE OF DAMAGE**

Notification of damage to any utility facility by ITD or by another utility shall be made to the affected utility company.

#### 3.3 UTILITY INDEMNIFICATION

ITD's Utility Encroachment Permit shall include the following language as a provision of the permit:

"By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless and defend regardless of outcome, the State from the expense of and against all suits or claims, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractors in the design, construction, maintenance or use of the facility covered by the permit."

## SECTION 4 DESIGN

#### 4.1 **RESPONSIBILITY**

When a utility wishes requests to locate or adjust its utility facility within the highway right-of-way, or attach to a highway structure, the utility is responsible for the design and installation of the facility. ITD is responsible for review and approval of the utility's proposed design with respect to the location of the utility facilities to be installed or relocated and the manner of placement. This includes the measures to be taken to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and existing landscape and the integrity of the utility facility.

When a highway construction project requires the relocation or adjustment of utility facilities, ITD must coordinate the design with the utility in accordance with the *GUM*.

#### 4.2 RELOCATING COST

When highway improvements require the relocation of utility facilities that have been permitted on highway right-of-way, they shall be moved at the owner's sole expense unless ITD agrees in advance, and at it sole discretion to pay or share in the cost of relocation.

On highway construction where a utility facility originally occupied and/or occupies a portion of the rights-of-way in which the utility has a prior right to the location, the following provisions shall apply:

- ITD will enter into an agreement to reimburse the utility for all costs incurred in designing, removing, adjusting, or relocating the specified utility facility now and if required at any future time by ITD.
- The utility shall release and relinquish to ITD all its rights, title, and interest in its easements located within the right-of-way in exchange for necessary ITD permits to accommodate utility facilities that are relocated, adjusted, or remain in place. These permits may not be canceled except by mutual agreement between the utility and ITD.

In all cases, the utility shall be liable for any cost incurred upon ITD due to the action or the failure to act during relocation or alteration of the utility's facilities within the highway right-of-way or the boundaries of a highway project.

#### 4.3 MINIMUM REQUIREMENTS

All utility installations on, over, or under highway right-of-way and attachments to highway structures should be of durable materials designed for long service life expectancy and relatively free from routine servicing and maintenance. Utility installations, at a minimum, shall meet the following requirements:

• Electric Power and Communication Facilities shall conform to the currently applicable National Electrical Safety Code.

- Water Lines shall conform to the currently applicable specifications of the American Water Works Association.
- Pressure Pipelines shall conform to the current applicable sections of the Standard Code for Pressure Piping of the American National Standards Institute, Title 49, Code of Federal Regulations, Parts 192 and 195, and applicable industry codes.
- Liquid Petroleum Pipelines shall conform to the current applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
- Corrugated Metal Pipe or Reinforced Concrete Pipe, Conduit, casing pipe, or gravity carrier pipe shall conform to the current issue of the Standard Specifications for Highway Construction, published by the Idaho Transportation Department and the American Society of Testing and Materials.

Utility facilities shall conform to or surpass the requirements of federal, state, and local regulations if such regulations are more restrictive than the standards referred to above.

On new installations or adjustments of existing utility lines, provisions should be made for known or planned expansion of the utility facilities, particularly those located underground or attached to structures. They should be planned to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

## SECTION 5 LOCATION

#### 5.1 GENERAL

#### Utility facilities shall be located in such a manner so as to:

- Not adversely affect highway operation or traffic safety;
- Avoid interference with highway maintenance and signing;
- Eliminate or at least minimize the need for later adjustment of the facility to accommodate future highway improvements;
- Permit access to the facilities for servicing with a minimum interference to highway traffic.
- <u>Preserve or minimize disturbance to natural landscape.</u>

A decision regarding the accommodation of a utility at a particular location should be made consistent with sound engineering practices. The right-of-way shall be left in as good a condition or better than it was prior to any work.

#### 5.2 EXISTING FACILITIES

Existing facilities within the limits of, and not in conflict with, a highway construction project may remain in place provided the conditions of this policy have been met.

Existing facilities on highway right-of-way that, after comprehensive accident history or safety studies are declared by ITD to be a hazard to highway users shall be relocated or shielded.

Existing underground facilities that fall in the path of a highway construction project and are too weak to support the highway loads and the equipment operation for the highway construction shall be relocated or protected in a manner acceptable to both ITD and the utility.

If existing utilities are allowed to be left in a location that would be under the roadway, the utility will not be allowed to cut the pavement for repair of that facility damaged by an accident or a natural disaster unless first approved by ITD. Approval by ITD will only be granted if the utility can show the repair is an emergency condition that can only be achieved by cutting the pavement. If repairs are done by pavement cuts, the utility company will replace the highway subbase, base and pavement to the requirements and satisfaction of ITD.

#### 5.3 UNDERGROUND FACILITIES

Underground utilities shall be installed to preclude any necessity for disturbing the highway to perform maintenance or expansion operations.

Minimum depth of cover below the roadway surface and within 20 feet of edge of roadway shall be at least 4 feet except for Interstate highways the minimum depth shall be 5 feet. Everywhere else depth of cover shall be at least 3 feet, except for pipe siphons that shall be installed in accordance with ITD Standards.

ITD may approve location for underground facilities with less than minimum depth of cover provided the top of the facility does not project above the highway subgrade, and protection in a manner acceptable to ITD is included.

#### 5.4 ABOVE GROUND FACILITIES

Above ground utility facilities including pedestals or service poles installed as part of a buried installation, shall be located outside the clear zone of the highway as near as possible to the rights-of-way. Where highway right-of-way is not sufficient to allow installation beyond the clear zone, the facilities will be placed in the best possible location that affords adequate protection to ITD satisfaction for an out-of-control vehicle, such as behind guardrail. Particular care shall be exercised when such facilities are to be located on the outside of a horizontal curve.

Above ground, utility facilities shall not be closer to the traveled way than other roadside appurtenances and fixtures unless approved by ITD.

Minimum conductor vertical clearance for overhead utility lines crossing highways shall be approved by ITD, but in no case shall be less than the clearance required by the National Electrical Safety Code.

#### 5.5 LONGITUDINAL

Longitudinal utility facility installations shall be located outside the normal maintenance operating area (beyond ditch or curb line) and as near to the right-of-way line as terrain and other existing utilities will reasonably allow as possible.

Where frontage roads are provided, utility facilities shall be located so they can be serviced from the frontage road or other access outside highway rights-of-way.

ITD may approve longitudinal installations to locate within the foreslope limits only if the following conditions are shown to exist to ITD satisfaction:

- 1. The utility facilities are not a detriment to the highway system.
- 2. The highway traverses a scenic area where an aerial installation would detract from the view or the terrain.

Installations approved to be located within the foreslope limits shall be placed a uniform distance from the pavement edge as near as practicable to the inside edge of the ditch.

Open canals or irrigation ditches shall not parallel highways within the rights-of-way.

#### 5.6 CROSSING

Facilities crossing the highway should be placed as near to a right angle to the highway alignment as practical and preferably under the highway.

Crossings by water canals and irrigation ditches shall be made through culverts or bridges as appropriate to the size of the canal, topographic conditions, and highway safety aspects. Irrigation line and pipe siphon crossings shall be buried from right-of-way line to right-of-way line.

Underground utility crossings in deep cuts, near footings of structures, at cross drains, at grade intersections or ramp terminals and in wet or rocky terrain shall be avoided if possible.

#### 5.7 WITHIN TYPE 5 ACCESS CONTROL (INTERSTATE) HIGHWAYS

Access for constructing and servicing a utility facility along or across an Interstate shall be limited to access via:

- Frontage roads where provided;
- Intersecting or adjacent public highways, roads and streets, or;
- Special cases which must be evaluated and approved by ITD and FHWA.

Where a utility facility already exists within the proposed rights-of-way of an Interstate and it can be serviced, maintained, and operated without access from the through-traffic lanes, shoulders or ramps, it may remain provided it does not adversely affect the safety, design, construction, operation, maintenance, or stability of the Interstate.

Manholes and other points of access to underground utilities will only be permitted within the rights-of-way of an Interstate where they can be constructed and serviced without access from the through-traffic lanes, shoulders or ramps.

Access to utility facilities from through-traffic lanes, shoulders or ramps will only be permitted if an extreme emergency exists and repairs are needed for the immediate protection of property and persons or prevention of injury. Refer to Section 2.56. In these emergency cases when direct access to the authorized facilities from ramps or main traveled ways is required, no vehicular traffic movements shall be tolerated that would cross traffic or be contrary to standard traffic movement.

#### 5.7.1 ALONG TYPE 5 ACCESS CONTROL HIGHWAYS

New utility facilities shall not be permitted to install longitudinally within the rightsof-way of any Interstate, except in special cases under strictly controlled conditions established by ITD and FHWA for each specific case.

Where such longitudinal installations are requested, the utility must in each case show to ITD satisfaction:

1. There are no frontage roads or adjacent public roads/streets established at locations where accommodation of the utility facilities is feasible.

- 2. That the accommodations will not adversely affect the design, construction, operations, safety, maintenance, or stability of the interstate and that it will not interfere with or impair the present use or future expansion of the interstate.
- 3. The location of the utility outside of the right-of-way would result in the loss of productive agricultural land, or loss of productivity of agricultural land, if any. In this case, the utility must provide information on the direct and indirect environmental and economic effects, which will be evaluated and considered pursuant to Title 23 U.S. Code Section 109(1).

Where a longitudinal utility installation is permitted, service connections to adjacent properties shall will not be permitted from the Interstate Right-of-way.

Where longitudinal utility installations must traverse interchange areas, they shall be located and treated in the same manner as utility crossings within interchange areas.

Installation of utilities shall not be allowed longitudinally within the median area.

#### 5.7.2 CROSSING TYPE 5 ACCESS CONTROL HIGHWAYS

Installations of new utility facilities and adjustments or relocations of existing utility facilities may be permitted to cross an Interstate.

Utility facilities should cross over or under the Interstate within the permitted easement or rights-of-way of the existing or relocated crossroad, provided installation and servicing thereof can be accomplished without access from the Interstate traffic lanes, shoulders or ramps. Where the utilities prefer to locate outside the permitted easement or rights-of-way of the crossroad, they shall be located and treated in the same manner as utility facilities crossing the Interstate at points removed from grade separation structures.

Overhead utility lines crossing an Interstate at points removed from grade separation structures or those crossing near a grade separation but not within the rights-of-way of the crossroad, shall be adjusted so that supporting structures are located outside the control of access lines. Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them. In extraordinary cases where such spanning of the roadways is not feasible, consideration may should be given to conversion to an underground facility to cross the Interstate.

At interchange areas, support for overhead utilities should be permitted only where all of the following conditions are met:

- **1.** The appropriate clear zone from the edge of ramps and Interstate through-traffic lanes are provided.
- 2. Essential sight distance is not impaired.

Except for necessary crossings, water canals and irrigation ditches shall be excluded from the Interstate right-of-way. Crossings may be made by an underground siphon or through culverts or bridges as appropriate to the size of the canal, topographic conditions, highway safety aspects and ITD standards. All access for servicing or patrolling such facilities shall be from outside the control of access lines.

#### 5.8 INSTALLATIONS ON HIGHWAY STRUCTURES

Attachment to highway structures will be allowed only where ITD approves location and the method of attachment to the highway structures. Attachments to highway structures shall not be approved by ITD if doing so will negatively affect the structure for safe traffic operation, efficiency of maintenance, and appearance.

Bridge design shall be checked to ensure that it is adequate to support the additional load and accommodate the utility without compromise to highway features including maintenance. ITD Bridge section shall review plans and design calculations to ensure that the structure is adequate to support the additional load and accommodate the utility attachment. Utilities shall not be allowed to attach to a highway structures until approved by ITD.

Utility facility mountings shall be of a type which limit rattle due to vibrations caused by traffic. Attachments shall be made below the deck <u>but the utility facility and mountings</u> <u>shall not extend below the superstructure</u>. Bolting through the bridge floor will not be allowed. The design of the attachment device shall be reviewed and approved by ITD.

Attachment details should be shown on the existing bridge plan sheets that can be obtained from the ITD Bridge Section. Design for utilities attached to existing structures should follow the same requirement as utilities installed with new construction. Any existing utilities on the same side of the structure as the proposed utility should be shown on the plans. The utility company shall be responsible for calculating design stresses in the utility and design of the support system. All calculations shall be on 8½"x11" paper and stamped by an engineer licensed in Idaho.

Pipes and conduits that are carried through abutments shall be "sleeved" and tight sealed with mastic. Upon leaving the bridge, the utility should be aligned outside the roadway in as short a distance as is operationally practicable. Manholes in the deck shall not be allowed.

The utility shall be required to make satisfactory provisions approved by ITD for the lineal expansion and contraction of its facility due to temperature variations.

Shut-off valves, either manual or automatic, shall be provided at or near ends of structures to provide a means of control in case of an emergency.

Communication and electric power line attachments shall be suitably insulated, grounded, and carried in protective conduit or pipe from the point of exit from the ground to re-

entry. Some structures may have existing hangers or conduits available for use with permission from ITD and the company owning the hanger or conduit.

#### 5.9 **AESTHETIC CONTROLS**

Aerial <u>and underground</u> facilities shall be designed to minimize any adverse visual impact. Locations should be planned to preserve attractive landscapes <u>and minimize</u> <u>disturbance of natural landscape</u>.

New utility installations shall not be permitted within highway right-of-way passing through or adjacent to scenic strips, view areas, overlooks, rest areas, recreation areas, public parks and historic sites except under the following conditions:

- New underground utility installations may be permitted where they do not require extensive removal or alteration of vegetation visible to the highway user or impair the visual quality of the area.
- New aerial installations are to be avoided at such locations unless there is no feasible and prudent alternative and if it can be established to ITD satisfaction that:
  - 1. Other utility locations are not available or are less desirable from the standpoint of visual quality.
  - 2. Underground installations are not technically feasible or are more detrimental to the visual quality of the area.
  - 3. The proposed installation will be made at a location and in a manner that will not significantly detract from the visual qualities of the area being traversed and will employ suitable designs and materials that give the greatest weight to aesthetic values.

These provisions shall also apply to utility installations that are needed for highway purposes, such as for highway lighting or to serve a weigh station, rest area, or recreational area.

## SECTION 6 CONSTRUCTION

#### 6.1 GENERAL

All work in connection with utility facilities shall be done in a continuous, efficient and workmanlike skillful manner to the satisfaction of ITD. The details of construction of the facility shall at a minimum conform to the provisions of this policy, the "*Standard Specifications for Highway Construction*" current issue by ITD, the MUTCD and all other established federal, state and industry standards currently in effect. ITD may require more stringent provisions or need.

The size of a disturbed area shall be kept to a minimum. Any highway features or facilities such as paint stripes, signs, culverts, traffic signal, luminaires, Right-of-way markers, delineators, etc., disturbed or damaged as a result of the utility work shall be properly restored at the permittee's expense, to the satisfaction of ITD.

Upon completion of the work all equipment, barricades, unearthed boulders and other debris shall be removed from within the limits of the highway, including mud tracks on paved roads. The disturbed surface shall be carefully graded to the lines and grades established. Seeding shall be required to restore vegetation damaged or destroyed.

#### 6.2 **PROTECTION OF PUBLIC**

The Utility Company permit shall include a traffic control plan that will not allow or at the least limit the contractor's equipment/vehicle parking and materials storage within the roadway and the clear zone. Work zone access during construction shall be described as well as the type of protection for the public from any open excavation or other hazards. The traffic control plan and all flagging, signing, and traffic control devices used shall be in conformance with the MUTCD and ITD standards and requirements.

Construction operations shall be conducted so that a minimum amount of interference or interruption of highway traffic results. Inconvenience to residents and businesses shall be minimized. Safe and proper connections with all intersecting public or private roads or driveways shall be maintained in passable condition at all times, except when authorization is obtained from the State, County, City or Highway District having jurisdiction over the roadway. Delay to traffic including access to and from residents and businesses, shall not exceed 15 minutes unless approved by ITD.

The contractor shall provide, erect, and maintain all the required traffic control devices and provide certified flaggers necessary for the protection of the workers and the safety of the public in accordance with an approved traffic control plan. Highways, roads or driveways closed to traffic shall be protected by effective barricades. Suitable warning signs, illuminated at night, or other approved means shall be provided to mark the places where surfacing ends or is not compacted, or where there are other obstructions. All lights for this purpose shall be illuminated from sunset to sunrise. Signs not required during non-work periods shall be removed from view. Except in cases of extreme emergency, full road closures of state highways shall not be permitted unless authorized in advance by ITD. Emergency services (e.g., police, fire and ambulance) shall be advised of the closure and proposed detour routes as soon as possible.

Flaggers shall wear approved retro reflective vests and hard hats, and shall provide stop/slow paddles of the size and color required by the MUTCD. All flagging and traffic control for the work zone shall conform to the requirements of the MUTCD and ITD.

#### 6.3 PRESERVATION AND RESTORATION

Utility shall be responsible to provide appropriate erosion control devises approved by ITD, before and during all facility installation and relocation activities. The surface area disturbed by utility installation and relocation shall be kept to a minimum.

Removal or disturbance of the existing landscape and vegetation, including tree trimming or removal, shall be have prior approval by ITD. Restoration of landscape and vegetation shall be completed immediately following completion of the work and to ITD satisfaction.

#### 6.4 **TRENCHING**

Utilities on highways shall not be placed under the roadway by cutting through the pavement unless approved by ITD and showing that installation by jacking, driving, or boring is impractical. ITD will consider pavement cutting only where gravel or boulders prevented jacking, driving or boring on at least three attempts made at different locations and overhead installation is not possible.

Pavement cuts for installation of utilities under Access Control Highways shall not be allowed except for special cases approved by ITD and FHWA.

When special permission is granted to cut the highway pavement in order to do trenching for installation of the utility facility, the following shall apply:

- Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet.
- The trench edges in paved areas shall be sawed or cut to neat lines parallel to and 4 feet wider on each side than the trench excavation limits, to a depth sufficient to permit removal of pavement without damage to remaining pavement. Removed pavement and other unsuitable excess excavated material shall be disposed of outside the highway right-of-way.
- No more than one-half of the traveled way shall be excavated at one time. The excavated one-half shall be completely backfilled and compacted before excavating the other one-half.
- Bedding shall be provided to the depths per ITD standards and consist of granular material that is free of lumps, clods, stones, and frozen materials and should be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges should be sub-excavated from the bedding zone and

replaced by suitable material. The bottom of the trench should be prepared to provide the pipe with uniform bedding throughout the length of the installation.

- Immediately after placement of the bedding and pipelines, conduits, or carrier pipes, the trench shall be backfilled. ITD approved backfill material shall be placed and compacted in accordance with ITD standards to an elevation that will allow placing of the appropriate base and roadway surface. Lean concrete backfill may be required.
- Everything removed in the performance of trenching shall be restored in kind by the contractor in accordance with ITD standards.
- Trenches excavated through gravel surfaced areas such as gravel roads and gravel shoulders, unpaved driveways, etc., shall have the gravel surface restored and maintained, except that the gravel shall be a minimum of 1 inch more than the thickness of the existing gravel.

All material specification, placement and compaction requirements for all approved trenching location within the highway right-of-way shall conform to the current Standard Specifications for Highway Construction, published by the Idaho Transportation Department.

#### 6.5 JACKING, DRIVING, OR BORING

Installation by jacking, driving, or boring shall be in accordance with the following provisions:

- Trenching in connection with any of these methods shall be conducted no nearer than 5 feet from the subgrade edge if bulkheaded and not less than the vertical difference in elevation between the subgrade edge and the facility if not bulkheaded.
- Jacking, driving, or boring shall be by approved means that will hold disturbances of surrounding material to a minimum. Sluicing or jetting will not be allowed. Sand or cement grout packed in place shall be required where the hole is greater than 5 percent oversize in diameter for pipelines larger than 12 inch diameter.

#### 6.6 DIRECT BURIAL

Underground electrical power and communication cable placed by the plowing method shall be subject to the following:

- Longitudinal installations shall be limited to areas outside the ditch line.
- ITD may permit, in hardship cases such as solid rock, steep cliffs, swampy areas, etc. (if ample justification is shown), the placement of the cable within the roadway foreslope. In such cases, the location shall be as specified in <u>Section 5.5</u>.
- Rocks brought to the surface by plowing shall be removed from the highway right-ofway. The ground surface shall be graded to conform to that of the surrounding terrain and restored to ITD satisfaction.

#### 6.7 ENCASEMENT

Casings or utility tunnels should be considered for the following conditions:

- As an expediency in the insertion, removal, replacement, or maintenance of carrier pipe crossing under highways in order to avoid open trenched construction.
- As protection for carrier pipe from external loads or shock, either during or after

construction of the highway.

- As a means of conveying leaking fluids or gases away from the area directly beneath the traveled way to a point of venting at or near the right-of-way line or to a point of drainage in the highway ditch or a natural drainage way.
- Jacked or bored installations of coated carrier pipes should be encased except where assurance can be provided against damage to the protective coating.
- Pipelines with less than minimum cover, near footings of bridges or other highway structures, or near other areas where there may be a hazard.

Casing should be used, except where the utility company advises against it because the use of a casing would be a detriment to the utilities facility or the roadway. Uncased crossings of welded steel pipelines carrying transmittants that are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure, will be permitted only when the utility company shows they have provided additional protective measures. Examples are as follows:

- Higher factor of safety in design.
- Thicker wall pipe.
- Radiograph testing of welds.
- Hydrostatic testing.
- Adequate coating and wrapping.
- Cathodic protection.

Casings and utility tunnels shall be designed to support the load of the highway and all superimposed loads thereon. Casings and utility tunnels shall be composed of materials of satisfactory durability for the conditions of loading and soil characteristics.

Casings shall extend a minimum of 5 feet beyond the outer edge of the subgrade. On curbed sections, the casing shall extend outside the back of curb. For Type V Access Control hHighways, casings and utility tunnel shall extend to the access control lines or to the outside of frontage roads.

Casing pipe shall be sealed at the ends with a flexible material to prevent flowing water and debris from entering the annular space between the casing and the carrier.

Pipelines located in casings or utility tunnels shall be designed to withstand expected internal pressure and to resist internal and external corrosion.

#### 6.8 APPURTENANCES

Vents, drains, markers, manholes, shut-offs and utility poles are appurtenances to utility facilities. Controls for such appurtenances are as follows:

• Vents are appurtenances by which fluids or gases between carrier and casing may be inspected, sampled, exhausted, or evacuated. Vents shall be located at the high end of casings under 150 feet in length and at both ends of casings over 150 feet in length. Vent standpipes shall be located and constructed not to interfere with the safe

operation and maintenance of the highway, preferably at the right-of-way line. Vents shall not be placed in a location that will be hazardous to the public.

- Drains are appurtenances by which liquids or heavy gases may be evacuated or exhausted. Drains shall be provided for casings, tunnels, or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains may be allowed to outfall into roadside ditches or natural water courses at locations approved by ITD. Natural drainages and roadside ditches will not be used for draining materials that may be hazardous to the public.
- Markers/warning signs shall describe the type of underground utility; provide the company name and a phone number to contact for emergencies. The utility company shall be required to place markers/warning signs at the right-of-way line where underground utilities cross highways. Underground utilities installed longitudinal shall be identified by placing markers/warning signs at appropriate intervals and shall be offset as near to the right-of-way line as practical.
- Marking tape for underground facilities shall be installed in accordance with industry standards.
- Manholes are access openings in an underground system which may be entered for the purpose of making installations, repairs or maintenance. Manholes shall not be located in the pavement or shoulders of major highways. Existing manholes may be allowed to remain in place upon reconstruction provided they do not constitute a hazard. Location and design of manholes shall minimize interference to other utilities and future highway expansion. Adjustment of manholes to fit new or reconstructed highway paving, grading or slope flattening shall be done to ITD standards by ITD or its contractor unless the facility owner does the work at the utilities own expense.
- Shut-off valves shall be installed in lines at or near the ends of structures and near unusual hazards. The type of valve (manual or automatic) shall be governed by the conditions within the area.
- Overhead utility lines on the highway right-of-way should be limited to a single pole type of construction in accordance with industry standards. Joint-use single pole construction is encouraged at locations where more than one utility or type of facility is involved. Guy wires to ground anchors and stub poles should not be placed between a pole and the traveled way where they encroach upon the clear zone area. Guy wires within the right of way may require delineation.

No item shall be attached to a utility facility without written permission of the appropriate utility company and ITD.

## SECTION 7 REFERENCES

- *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, latest edition, as adopted by the Idaho Transportation Department, issued by Federal Highway Administration
- *Standard Specifications for Highway Construction* current edition issued by Idaho Transportation Department
- *Guide for Utility Management* current edition issued by Idaho Transportation Department
- *A Policy on Geometric Design of Highways and Streets* current edition issued by American Association of State Highway and Transportation Officials
- Code of Federal Regulations Title 23 Part 645 Utilities coupled with any other reference cited therein; Title 49 Part 192 & 195 Transportation of Natural and Other Gas by Pipeline published by the Office of the Federal Register National Archives and Records Administration and any amendments or supplements which are in effect prior to execution of the agreement.
- *National Electrical Safety Code* current edition for sale by the Institute of Electrical and Electronic Engineers.
- Recommended Practice for Liquid Petroleum Pipeline Crossing Under Railroads and Highways current edition by American Petroleum Institute
- American Water Works Association Standards and Specifications current edition.

Appendix D

## **OLD VERSION**

## Idaho Map with District Contact Person for Utility Permit



Dist. #	City	Contact Person	Telephone #	Mailing Address	Zip Code
			(208)		
1	Coeur d'Alene	Shirley Walson	772-1297	600 West Prairie	83815-8764
2	Lewiston	Shane Niemela	799-5090	P.O. Box 837	83501-0837
3	Boise	Matt Ward	334-8341	P.O. Box 8028	83707-2028
4	Shoshone	Mike Scott	886-7806	P.O. Box 2A	83352-0820
5	Pocatello	Charles Heisler	239-3355	P.O. Box 4700	83205-4700
6	Rigby	Ray Wolf	745-5635	P.O. Box 97	83442-0097

## **NEW VERSION**

#### Idaho Map with District Contact for Utility Permit



Dist. #	City	Telephone # (208)	Mailing Address	Zip Code
1	Coeur d'Alene	772-1200	600 West Prairie	83815-8764
2	Lewiston	799-5090	P.O. Box 837	83501-0837
3	Boise	334-8300	P.O. Box 8028	83707-2028
4	Shoshone	886-7800	P.O. Box 2A	83352-0820
5	Pocatello	239-3300	P.O. Box 4700	83205-4700
6	Rigby	745-7781	P.O. Box 97	83442-0097
HQ	Boise	334-8000	P.O. Box 7129	83707-1129