

UTILITY ACCOMMODATION POLICY BOARD INPUTS - 9 DECEMBER 2021

Member DeLorenzo

Section 2.4 – Administrative Appeal

Clarification of Utility Encroachment Permit Administrative Appeals Process:

- An applicant submits an utility encroachment permit
- The Department either Approves or Denies the permit
 - If denied, the applicant has 30 days to submit a written appeal to the District Engineer
- The District Engineer then has 30 days to respond to the written appeal
 - If the District Engineer does not rule within 30 working days, the application is approved
- If the Appeal is denied, the applicant has 21 days to file for an Administrative Hearing per IDAPA 04.11.01

Important Considerations:

- This will make the utility permit appeal the same as other encroachment permit appeals
- The Department extended the District Engineer Appeal review from 21 to 30 working days (No comments were received from industry on this change)
- This process allows the appropriate management of the Right-of-Way without hindering economic opportunity

Member Kempton

Section 2.9 – Performance Bond

- The coordination of repair or replacement of damage to utilities is coordinated on a case by case basis at the District level, and the appropriate place to address this concern is the Guide for Utility Management
- Additionally, the word “potential” in regards to damage will be stricken from the paragraph

Non-Substantive Edits

- Date on Utility Accommodation Policy cover page changed to 2022
- Section 2.9 Performance Bond: added the word “to” in the second sentence and deleted the new proposed word “remove”
- Section 5.8 Installations on Highway Structures: addressed the use of “should be” vs. “shall”
- Section 6.3 Preservation and Restoration: paragraph #2 removed the word “be” from the first sentence