Guide for Utility Management

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SECTION 105.00 – INTRODUCTION
This guide provides information and guidance for the Idaho Transportation Department (ITD) regarding the coordination and administration of utility facilities installation, relocation and adjustment within the right-of-way of the State Highway System and utility facility relocation and adjustment for highway improvement projects using State and/or Federal-Aid funds. This Guide is available electronically at the following web site http://itd.idaho.gov/manuals/ManualsOnline.htm

SECTION 110.00 – DEFINITION OF TERMS & ACRONYMS

<table>
<thead>
<tr>
<th>Agreement or Permit</th>
<th>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.</th>
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<tbody>
<tr>
<td>District</td>
<td>Refers to one of the six districts which ITD is divided into geographically.</td>
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<tr>
<td>Highway</td>
<td>A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.</td>
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<tr>
<td>Idaho Transportation Board</td>
<td>Governing body of the Idaho Transportation Department established by Idaho Code 40-301.</td>
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<td>IDAPA</td>
<td>Idaho Administrative Procedures Act</td>
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<td>ITD</td>
<td>Idaho Transportation Department acting directly or through authorized representatives of the Idaho Transportation Board.</td>
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<td>LHTAC</td>
<td>Local Highway Technical Assistance Council is an agency to assist local highway districts with acquiring and using Federal-Aid highway funds.</td>
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<tr>
<td>MUTCD</td>
<td>Manual on Uniform Traffic Control Devices as adopted by ITD</td>
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<tr>
<td>Right-of-way</td>
<td>A general term denoting land, property, or interest therein, acquired for or devoted to transportation purposes.</td>
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<td>State Highway System</td>
<td>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).</td>
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<tr>
<td>Utility</td>
<td>An entity comprised of any person, private company, public entity, or cooperative owning and/or operating utility facilities</td>
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</tbody>
</table>
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.

**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, 62-701, 62-701(A), 62-705, and 62-1101.

Idaho Code 40-312 authorizes the Idaho Transportation Board to prescribe and enforce regulations controlling the use of the highway right-of-way of the State Highway System by Utilities.

Idaho Code is available electronically at the following web site http://www3.state.id.us/idstat/TOC/idstTOC.html.

Idaho Administrative Procedures Act (IDAPA) 39.03.42 states the regulations for using and occupying the highway right-of-way of the State Highway System.

ITD’s “Utility Accommodation Policy Edition July 2003” (see Appendix A) is stated in Idaho Administrative Procedures Act (IDAPA) 39.03.43 and is therefore enforceable as law. This policy specifies the manner in which utility installations are to be made within the right-of-way of the highways of the State Highway System, when such use and occupancy of the highway right-of-way is legal, in the public interest, and will not adversely affect the highway or its users.

These Administrative Rules are available electronically at the following web site http://adm.idaho.gov/adminrules/rules/idapa39/39index.htm.

**115.02 ITD Manuals.** This guide is to be used in conjunction with the following ITD publications. The policies procedures and standards set forth in these publications take precedence over this guide.

- Access Management Policy: Standards and Procedures for Right of Way Use
- Contract Administration Manual
- Current ITD Standard Specification for Highway Construction including the current Supplemental Specifications
- Design Manual
- Financial Services Manual
- District Record Inspection Manual
- Maintenance Manual
- Manual on Uniform Traffic Control Devices (MUTCD) as adopted by ITD
115.03 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 1, subchapter G, part 635, subpart B, and 645, subpart A and B and subchapter H, part 710, subpart b and any related amendments or supplement which are in effect. The Code is available electronically at the following web site http://cfr.law.cornell.edu/cfr/.

SECTION 120.00 – STATE TRANSPORTATION IMPROVEMENT PROGRAM

Projects are selected by each of the Districts and scheduled into the ITD Statewide Transportation Improvement Program (STIP). Projects can be advanced or delayed within the STIP, impacting both the design process and the scheduling of utility relocations.

The STIP is on the ITD website at http://www.itd.idaho.gov.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. Utilities are encouraged to review the information on these sites for changes in the program and upcoming construction work.

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.

SECTION 125.00 – UTILITY COORDINATOR

The District Engineer 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 State and/or Federal-Aid funding.

The Utility Coordinator is committed to providing quality assistance for the State Highway Development program involving utility facilities. The function of the Right of Way Utility Section is to:

Facilitate with Districts for utility permits
Coordinate with Districts for utility agreements and hearings.
Assist with resolving conflicts with Utilities during permitted and highway improvement activities.
Ensure that State and Federal laws, policies, and procedures are followed.
Maintain records of utility agreements.
Assist the Districts developing utility plans and documentation preparation, addressing the issues and coordination required to facilitate the relocation of utility facilities.
SECTION 130.00 – CHANGES OR ADDITIONS TO THIS GUIDE

All recommended changes, corrections, or additions to this guide are to be submitted to the Utility Coordinator for approval. Approved changes, corrections, and additions will be incorporated in subsequent publications.
SECTION 200.00 – UTILITY PERMITS

SECTION 205.00 – UTILITY PERMIT INTRODUCTION

SECTION 210.00 – UTILITY REQUESTS A PERMIT
   210.01 District Review of Permit.
   210.02 Permit Accepted or Rejected.

SECTION 215.00 – UTILITY APPEALS A DENIED PERMIT

SECTION 220.00 – ITD ACTIVITIES AFFECT UTILITY FACILITIES

SECTION 225.00 – MAINTENANCE AND EMERGENCY UTILITY REPAIR PROCEDURES

SECTION 230.00 – OTHER ACCESS PERMITS
SECTION 200.00 – UTILITY PERMITS

SECTION 205.00 – UTILITY PERMIT INTRODUCTION

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 are assigned to coordinate the processing and maintenance of utility encroachment permits within a District and are the District contacts regarding utility permit issues (see Appendix D).

The ITD’s “Utility Accommodation Policy” describes the policy regarding utility encroachments within the State highway right-of-ways, as established by IDAPA 39.03.43 (refer to Appendix A).

The utility permitting process is initiated by the following:

- **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.

- **ITD Activities Affect Utility Facilities**: 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.

The utility permit, form ITD-2110, is used for both actions.

SECTION 210.00 – UTILITY REQUESTS A PERMIT

Utility contacts the District about proposed utility work. The District provides the Utility:

- A utility permit form ITD-2110.

- Copies of ITD highway plans showing the State right-of-way for the appropriate locations.

- Other appropriate information (e.g., an example of a traffic control plan).

- Answers to questions.

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.

**210.01 District Review of Permit.** The District initially reviews the permit submittal for completeness. At a minimum, review the submitted permit for the following:

- Location by milepost on the specified route is identified.

- Utility facilities within the right-of-way by either distance from center of road or right-of-way line are identified.

- Depth or vertical clearance (consult Port of Entry) is identified and acceptable.
- Utility is identified as either parallel to or crossing the roadway.
- 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.
- Review the plan of proposed work, traffic control plans, and any special provisions to the utility permit form.
- If no special provisions are provided, verify whether there should be.
- If special provisions are provided, verify whether they are acceptable.
- Verify whether the plan of proposed work (text and engineer drawings) is adequately described.
- Verify whether the traffic control plan information is adequate.
- Evaluate whether any time restrictions on the proposed work is required.
- Verify that the Utility is identified with a contact person shown with telephone number and there is an authorized representative signature.

**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.

The permitting process does not proceed until the applicant has fulfilled all permit submittal requirements and paid the non-refundable fee.

After the above initial review, the District either requests additional information from the Utility or 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.

The Utility Permit Review Committee evaluates the Utility’s submittal. At a minimum, the evaluation includes determining whether:
- The special provisions provided are adequate or if additional special provisions are necessary.
- The plan of proposed work (text and drawings) is adequately described.
- 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.
- Any time restrictions on the proposed work are required.
- The depth, height, method of installation, and location within the right-of-way is acceptable.
- Other permits from railroad, environmental regulatory agencies or other entities are required in addition to ITD’s utility permit.
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.

210.02 Permit Accepted or Rejected. Based on the above evaluation, the Utility Permit Review Committee either accepts or rejects the utility permit. If accepted, the required District signatures are obtained and an executed utility permit is returned to the Utility with a notice to begin work after all required Performance Bonds and/or Inspection Fees (see Section 2.6 of Appendix A) have been received.

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 may either be executed if the verification indicates an acceptable permit or routed again for review by the Utility Permit Review Committee.

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).

The Utility is responsible to locate, including any necessary surveying, the highway right-of-way per the plans provided by the District.

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.

SECTION 215.00 – UTILITY APPEALS A DENIED PERMIT

The decision to deny a utility permit may be appealed by the Utility in accordance with ITD’s “Utility Accommodation Policy” (see Section 2.4 of Appendix A).

SECTION 220.00 – ITD ACTIVITIES AFFECT UTILITY FACILITIES

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).
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.

The District is responsible to locate, including any necessary surveying (e.g., staking), the right-of-way per the project plans for use by the Utility.

**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 damage 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.

Notification of the Department is by the following procedures:

1. Utility contacts the District by telephone unless it is after hours. If after hours, contact the State’s 24 hr ITD Dispatch number 1-888-575-2666 either prior to or immediately after starting work within the right-of-way of the State Highway System.
2. The appropriate maintenance foreman is immediately contacted to ensure the work:
3. Complies with traffic control requirements.
4. Roadway features are retained and protected or restored to original condition.
5. After the damage to utility facility is repaired and service is re-established, the Utility notifies the District that work is completed.
6. 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.
7. If additional work is required beyond repair, the Utility must follow the permit process.

**SECTION 230.00 – OTHER ACCESS PERMITS**

When issuing other access permits (driveways, subdivision approaches, etc.), the District reviews the permit for any utility conflicts. The permit tee is responsible for all costs to Utilities for any required facility modifications.
SECTION 300.00 – MAINTENANCE

SECTION 305.00 – UTILITY PERMIT ACTIVITIES

SECTION 310.00 – STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE

SECTION 315.00 – AS-BUILT UTILITY PLANS

SECTION 320.00 – MAINTENANCE ACTIVITIES
SECTION 300.00 – MAINTENANCE

SECTION 305.00 – UTILITY PERMIT ACTIVITIES

After a utility permit (ITD-2110 and all attachments) has been issued, the area maintenance foreman receives a complete copy of the utility permit (refer to Section 210.02). The Utility is to contact the District prior to beginning the work in accordance with the permit. The permit includes the maintenance foreman’s name and telephone number in the permit attachments. The Utility is required to provide five (5) working days notice to the maintenance foreman before any utility work commences.

Maintenance performs a field visit at start of utility work to review and discuss:

- Utility work to be accomplished as described in the permit.
- Utility work schedule.
- Inspection work to be performed and by whom (Utility, ITD, etc.).
- Safety requirements.
- Environmental considerations including final site clean-up and restoration.
- Traffic control requirements.
- Work that maintenance is planning to perform within the area.
- Notification that changes to permitted utility work requires prior approval from ITD.
- Utility as-built plans need to accurately reflect completed work including any approved changes to original plans.
- Any problem areas or concerns.

Field reviews are conducted thereafter on a regular schedule as warranted to ensure that the utility work is being performed in accordance with permit requirements. Changes to the plans or utility permit conditions requested by a Utility require approval in accordance with District procedures.

**NOTE:** ITD is not inspecting utilities facilities regarding their functionality. ITD is inspecting the utility facility as to the location within the State Highway Right-of-Way and for safety requirements in regards to the Highway system and its users.

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.

SECTION 310.00 – STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE

Maintenance may issue a stop order to the Utility to stop utility work at any time if there is evidence the work is in non-compliance with the utility permit or if the utility work is being performed in an unsafe manner. A verbal stop order may be used to immediately stop any work that is perceived to create an imminent safety hazard. All verbal stop orders will be followed by a written stop order that describes the non-compliant conditions. Upon correction of the non-compliance or unsafe work manner, the stop work order will be rescinded in writing.

If a Utility continues to be in non-compliance with the conditions of the utility permit or continues to use unsafe work manners, the District may revoke the Utility's permit. In drastic instances, ITD may refrain from issuing any additional permits to the offending Utility until the situation is rectified.
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 District will issue a written stop order to immediately stop all non-permitted utility work. The stop order will remain in effect until the Utility has submitted a utility permit application and a utility permit is issued in accordance with the procedures of Section 200.

ITD is empowered to order the removal of utility facilities that have been installed without a utility permit or agreement, installed improperly, or damaged other utility facilities. Should a Utility fail to satisfactorily remove any utility facility so ordered and restore the right-of-way to its original condition, ITD may choose to perform the removal and restoration process itself, and then require compensation from the Utility.

SECTION 315.00 – AS-BUILT UTILITY PLANS

The approved utility plans of the utility permit or agreement may be used for as-built utility plans if there were no deviations, otherwise the Utility is required to provide to the District as-built utility plans reflecting the actual work.

The maintenance foreman reviews the as-built utility plans submitted by the Utility for correctness and submits them to the District’s utility permit person.

A copy of the as built utility plans that involve existing structures shall be sent to the Bridge Section by the District’s permit person.

SECTION 320.00 – MAINTENANCE ACTIVITIES

Before any work in the States Highway Right-of-way, maintenance should contact the District utility permit coordinator for information of utility location.

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 one-call centers). The utility one-call center will forward the “utility locate” request to each participating Utility within the defined project area. Direct contact to those Utilities not participating in the one-call system may need to be made for location information.

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 charge by Utilities that do provide the initial field marking of utility facilities. However, remarking of utility facilities is normally provided at a cost.

Bridge maintenance activities should also include the following:

- A field reconnaissance of the utility facilities to evaluate whether their location impacts the repair.
- Notify the Utility if the repair is going to impact utility facilities.
- Meet with the Utility at the work site so consensus can be reached regarding the utility facility relocation and the bridge maintenance work.
- Document the decision with the Utility in writing.
SECTION 400.00 – UTILITY PLAN DEVELOPMENT

SECTION 405.00 – PLAN DEVELOPMENT INTRODUCTION

SECTION 410.00 – UTILITY PROCEDURE WITH A LOCAL PUBLIC AGENCY (LPA)

SECTION 415.00 – CONCEPT OF PROJECT

SECTION 420.00 – INITIAL UTILITY CONTACT
   420.01 Cost of Utility Facility Relocation.
   420.02 Utility to Individual Parcels of Property.
   420.03 Continue Coordination with Utility.

SECTION 425.00 – FINAL UTILITY PLANS

SECTION 430.00 – SERVICE AGREEMENTS

SECTION 435.00 – UTILITY AGREEMENT
   435.01 Utility Adjustment Agreement.
   435.02 Lump Sum Utility Agreement.
   435.03 Actual Cost Utility Agreement.
   435.04 Special Utility Agreement.
   435.05 Irrigation or Drainage Agreement

SECTION 440.00 - ACTION BY UTILITY COORDINATOR AND DISTRICT

SECTION 445.00 – UTILITY HEARING PROCESS

SECTION 450.00 – PROJECT SUBMITTED FOR ADVERTISING
SECTION 400.00 – UTILITY PLAN DEVELOPMENT

SECTION 405.00 – PLAN DEVELOPMENT INTRODUCTION

There are several steps and procedures that are accomplished by the designer in developing any project that includes the potential for utility facility conflicts. The ITD Design Manual covers all aspects of the project development process for highway improvement projects using State and/or Federal-Aid funds.

SECTION 410.00 – UTILITY PROCEDURE WITH A LOCAL PUBLIC AGENCY (LPA)

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.

Generally, a State/Local Agreement for a given project will identify the party (ITD, Local, or Consultant) responsible for project development.

When a consulting engineering firm is selected to develop a project, the procedures shown in the ITD Design Manual and this guide must be followed and activities must be coordinated with the project administrator.

When utility facilities are being relocated at the expense of the LPA, LHTAC or the Utility Coordinator will negotiate the utility agreement.

For Final Design Review, ITD Districts and LHTAC will have approval authority.

For details regarding ITD responsibilities related to these projects refer to ITD Guidelines for Local Public Agency Projects.

SECTION 415.00 – CONCEPT OF PROJECT

During concept, perform the following:

- 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.

- Review existing utility permits for Utilities within the project limit. Also, discuss the project with the District individual(s) responsible for permitting.

- Verify utility facility locations by a field survey.

- Contact the applicable port of entry for any limitations for overhead clearances.

For complex utility facility situations consider Subsurface Utility Engineering (SUE). Contact the Utility Coordinator for information.

NOTE: A local government-owned utility facility (sewer, water, etc.) shall be treated in the same way as any other utility facility.
SECTION 420.00 – PRELIMINARY PREPARATION OF UTILITY PLANS

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.

Be aware that the utility one-call centers 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.

Contact all Utilities within the project limits by writing an initial letter (see Appendix G.1) The initial contact letter may be edited to address conditions each project may require.

- 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.).
- Requests the Utility provide information concerning the location and elevation of all utility facilities located below and above ground.
- State that the Utility will be provided, at a later date, the roadway plans showing existing utility facility locations.
- Includes the following paragraph for all State and/or Federal-Aid funding projects:
  - 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 State and/or Federal participation after the date of this letter. If utility facility removal, adjustment, or relocation is at Company expense, State and/or Federal participation is not available and preliminary engineering costs will be at Company expense.
- Includes a deadline date for when the information is required from the Utility.

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.

Incorporate the utility information received into the utility plans.

When the alignment and grade of the road are established, and the topography is shown along with any proposed features, determine the following:

- Which utility facilities must be relocated or adjusted and at whose expense.
- Utility service life requirements in relation to the expected service life of the roadway and related facilities.

**NOTE:** Any existing pipe that will not be used shall be removed, unless prior approval is obtained to fill the pipe with concrete and leave it in place. Under no circumstances shall any pipe be abandoned that is within the limits of the roadway prism.
420.01 Cost of Utility Facility Relocation. 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 to be relocated.

Property rights of a Utility may consist of an easement, prescriptive rights, or other property interest. The cost of acquiring the property rights of a Utility is paid by either relocating utility facilities at project expense within the road right-of-way (method encouraged by ITD) or replacing the Utility’s property rights in kind outside of the road right-of-way at project expense. Property rights of a Utility being acquired that does not involve the relocation of utility facilities is acquired in accordance with the R/W procedures used to acquire other private property.

Relocation of a utility facility consists of the labor and materials necessary to provide a service or product to the user/customer in a manner that maintains the overall functional capacity that existed prior to the utility relocation. Rearrangement or changes to the existing capacity for a more efficient operation as a result of present day codes or operation needs is allowed. Additional costs to improve capacity of a relocated utility facility substantially above that which existed before the relocation of the utility facility will be at the expense of the Utility.

Where an existing utility facility has existing property rights, the cost of relocating the utility facilities is at project expense.

Where a utility facility was previously located on the public right-of-way at project expense under a prior project, the relocation under a new project will also be at project expense.

Where an existing utility facility occupies existing public right-of-way, the cost of relocation is at the Utility’s expense. A claim of prescriptive rights for a utility facility located on public right-of-way is not eligible for reimbursement of relocation costs based upon a 1959 Idaho Supreme Court ruling. A claim of franchise rights for a utility facility located on public right-of-way is not eligible for reimbursement of relocation costs unless the Utility is granted or conveyed property rights.

420.02 Utility to Individual Parcels of Property. A property owner may request, during negotiations of property acquisition, that utility facilities be relocated or adjusted. If the property owner’s request involves service of an Utility to the property, then the costs to accommodate the property owner should be included and paid for during the right-of-way acquisition process.

When the service of an Utility to an individual user/customer or single parcel of property is being relocated at project expense and the property is being acquired (e.g. a building or water well) for the project, all costs for disconnecting, removing, or adjusting the utility facilities providing services to that parcel of land, not including utility facilities that just cross the property, should be included and paid for during the right-of-way acquisition process.

420.03 Continue Coordination with Utility. Send a letter (see Appendix G.2) which requires editing for each project and two sets of preliminary plans to all Utilities involved that:

- Requests verification of utility facilities location information depicted by plans.
- Requests identification of any utility easements or ownership on the plans.
- Invites representatives to a field inspection.
- 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.
Requests copies of property documents or other information to substantiate reimbursement of utility relocation or adjustment costs at project expense, if applicable. An Utility may claim prescriptive rights if utility facilities have been in place for a minimum period of twenty (20) years or longer, except for public right-of-way, in accordance with (Idaho Code 5-203, 5-204, 5-206, 5-207, 5-210, and 5-211). Request copies of documentation, maintenance records, installation records, etc., to verify the utility facilities have been at the present location for at least twenty (20) years.

Asks whether the relocation or adjustment work will be done by Utility’s forces or by contract.

Requests 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.

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.

Issues that must be resolved, prior to submitting final utility plans to Utility Coordinator, include:

- Requirements for Utility coordination with highway contractor.
- Any constraints regarding the location, relocation or adjustment of utility facilities.
- Use of poles or bridge conduits and hangars by more than one Utility (commonly known as “joint use” or “underbuilt”).

Utility is required to get its own environmental approval

- Whether utility work can be completed prior to project construction or during project construction (determine a general length of time needed to do work).
- 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.
- Consideration of ITD’s Contractor performing utility work at the expense of the Utility. This work can be accomplished by a Utility Adjustment Agreement.

On some projects, it is advantageous and feasible to have utility facilities moved in advance of project advertisement or construction. The Districts have the responsibility for initiating action toward advance relocation of utilities.

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.

**SECTION 425.00 – FINAL UTILITY PLANS**

After the Utility returns the requested information, review the following:

- Utility locations, relocations and adjustments for conflicts or problems with the project.
- Location of wires and anchors for poles.
- Buried utility conflicts with guardrail and sign locations.
• Identification of utility critical elevations to determine whether “potholing” or other Subsurface Utility Engineering (SUE) methods are warranted.
• Enough utility data and information has been provided.
• Review the provided property information and cost estimate to substantiate that utility relocations or adjustments at project expense are justified and reasonable.

If the information provided is inadequate, continue to request additional necessary information.

NOTE: Consider inviting Utilities to design review meetings as necessary throughout the project development process if it is determined that utility work is critical to the successful construction of the project.

Incorporate the information into the project plans or utility plans (see Appendix G.3) for example plan sheet). At a minimum, the plans should show:
• The locations of all utility facilities to be relocated, adjusted, removed, or retained including the identification of the Utility.
• Indicate which utility facilities are to be removed, relocated, or adjusted by whom and at whose expense, either project or company.
• Identify joint use utilities by each Utility.

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.

Include activities in the CPM schedule created during project development for all utility relocation and adjustment work.
For utility facilities outside of right of way that require relocation obtain copy of deed or easement. If Utility Company declares the facilities are there by prescriptive rights, (see Section 420.03).

SECTION 430.00 – SERVICE AGREEMENTS

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 luminaries or traffic signals, telephone service for traffic counters, water for irrigation system, etc.

Required utility facilities to service components of the highway system shall be serviced by underground utility facilities where feasible.

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.

Include the service hook-up contact and payment requirement in the proposal under the the latest version of the standard utility insert SUBSECTION 105.07 – UTILITY FACILITIES in the special provisions.
SECTION 435.00 – UTILITY AGREEMENT

A utility agreement is entered into with a Utility whenever there is monetary compensation 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. All utility agreements are reviewed by the Legal Section as to form and are signed by the District Engineer after being recommended for signature by the Right of Way Manager. All attachments of the utility agreement (including plans, cost estimates, special provision, etc.) and references are part of the utility agreement.

A utility agreement may be written to cover any situation. The following utility agreements cover the majority of situations involving utility facilities.

435.01 Utility Adjustment Agreement. 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:

- utility facilities located on a major bridge to be constructed or existing bridge being reconstructed;
- areas where the Utility cannot obtain access after the project is constructed (e.g., behind retaining walls or very steep slopes);
- when special construction equipment or methods of construction are used that is normally not available to the Utility.

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.

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).

435.02 Lump Sum 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 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 $25,000.00 and can be precisely defined with small likelihood that there would be any changes to the work.

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.

435.03 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.

435.04 Special Utility Agreement. 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 Coordinator when these situations arise.

435.05 Irrigation or Drainage Agreement. This is an agreement between ITD and a Irrigation or Drainage Company. The District will prepare the agreements. The work to be done under the Irrigation Agreement will be at project expense. The Right of Way Manager will recommend for signature and the District Engineer will sign the original agreements. Upon execution of the agreement, the originals will be distributed by the District.

SECTION 440.00 - ACTION BY UTILITY COORDINATOR AND DISTRICT

For projects requiring relocation of utilities, the District identifies the utility facilities, prepares and approves Utility Plans, drafts and obtains Utility Hearing Waivers, and drafts any necessary Utility Agreements. Projects that do not require Utility relocations do not require Utility Plans, Waivers, Board Orders, or Agreements. The HQ Utility Coordinator finalizes all Utility Agreements and/or coordinates issuance of all Board Orders. Specific duties and responsibilities shall be conducted as follows:

1. 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.

2. 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.

3. 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. District will forward copy of signed Waiver to Utility Coordinator for Coordinator’s records. 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.

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.

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.

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.

5. 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.

SECTION 445.00 – UTILITY HEARING PROCESS

A utility hearing is held in accordance with Subsection 40-312(3) of Idaho Code when a Utility requests a utility hearing. The intent of a utility hearing is to allow an opportunity for a Utility to present objections to relocating or adjusting utility facilities to accommodate a highway improvement project to the Idaho Transportation Board. The Utility may rescind its request for a utility hearing up to the time that the Idaho Transportation Board takes the Utility’s objections under advisement.

The utility hearing process takes a number of months to complete. The process includes a utility hearing meeting consisting of a discussion of hearing issues; taking of testimony at the utility hearing; submittal of a Board agenda item with hearing testimony; time for the Idaho Transportation Board to consider and make a determination on the hearing testimony during a regular scheduled meeting; and finally, actions to implement Board’s decision. A project cannot be advertised until a requested utility hearing is held and a determination by the ITD Board is made on the utilities objections to relocating or adjusting their facilities. The District is encouraged to try to resolve any potential utility hearing issues as soon as the issues are identified. These issues may be resolved by modifying various design elements of the project to eliminate or lessen impacts to utility facilities, if the changes wouldn’t compromise the purpose and the need of the project.

The steps of the utility hearing process are as follows:

1. Utility submits a written request for a utility hearing to ITD. The Utility may rescind its request for a utility hearing and sign a waiver to the utility hearing up to the time that the Idaho Transportation Board takes the Utility’s objections under advisement.

2. The Utility then identifies the issues to the proposed utility relocation or adjustment to the District, and the District attempts to resolve these issues.

3. The District schedules a utility hearing meeting.
• Generally a date, time, and location agreeable to the Utility is arranged, although ITD has the authority to establish any of the meeting parameters.

• Utility is officially notified of utility hearing meeting by certified letter with return receipt (identifies the utility representative that signs for the letter). Utility is encouraged to limit oral testimony to one or two representatives and to provide written testimony.

• District coordinates the utility hearing portion of the utility hearing meeting with an available ITD hearing officer.

• The District coordinates the discussion portion of the utility hearing meeting. Appropriate exhibits and/or plans need to be available.

4. The utility hearing meeting starts with a discussion between the Utility and ITD about the issues so that everyone is aware and knowledgeable of the project and utility issues with the intent of possibly resolving the Utility’s objections to the project. Attendance of this discussion is normally anyone involved with the project and includes ITD, the Utility and any necessary person they wish to have in attendance. Attendees may leave at the conclusion of the discussions except those who are going to present testimony at the utility hearing.

• Provide an overview of the project and utility issues.

• Discuss and concisely define the objections of Utility.

• Discuss any potential modifications to project design that could eliminate or lessen impacts to utility facilities without compromising the purpose and need of the project.

5. Utility hearing is held by a hearing officer in a private area to tape oral and take written testimony separately from the Utility and local entities. Consultants and other parties of interest for the Utility and local entities may present testimony as authorized to do so by the Utility or local entities. The conclusion of the utility hearing ends the utility hearing meeting. If the Utility does not attend, the hearing officer notes this fact. ITD does not provide testimony because ITD’s position will be shown by the Idaho Transportation Board agenda item with Board resolution.

6. Hearing officer provides original tape of oral testimony and original written testimony to the District Project Development Engineer and duplicate tape of oral testimony and copies of written testimony to the District Project Development Engineer.

7. The District has the tape of oral testimony transcribed by Office of Communication.

8. The District submits a Idaho Transportation Board agenda item including Board resolution and copies of the utility hearing testimony.

9. Idaho Transportation Board meeting is held and board members make a decision. Generally a decision is made against the Utility if it did not attend the utility hearing meeting. Please be aware that the decision may be to hold the agenda item to future meetings or request additional information; generally the Utility is not allowed to make a direct presentation to the Idaho Transportation Board.

10. The District notifies all parties involved of the Idaho Transportation Board’s decision and takes other actions to implement the Board’s decision.

SECTION 450.00 – PROJECT SUBMITTED FOR ADVERTISING

The District will notify the Utility Coordinator as to when the project will be advertised. The District will forward to the Utility Coordinator a copy of the Project Clearance Summary Sheet. The Utility Coordinator will verify all utilities have been addressed.
SECTION 500.00 – CONSTRUCTION
SECTION 505.00 – CONSTRUCTION INTRODUCTION
SECTION 510.00 – PRIOR TO AWARD OF CONTRACT
SECTION 515.00 – AFTER AWARD OF CONTRACT
SECTION 520.00 – PROGRESS OF UTILITY WORK
SECTION 525.00 – COMPLETION OF UTILITY WORK
SECTION 500.00 – CONSTRUCTION

SECTION 505.00 – CONSTRUCTION INTRODUCTION
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 Resident/Regional Engineer during the construction process relating to Utilities, and is outlined below.

SECTION 510.00 – PRIOR TO AWARD OF CONTRACT
While some utility work may be completed prior to start of project construction, many projects require utility work to be done in concurrence with construction of the project. Therefore, communication and coordination between utilities and the contractor is essential.

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:

- 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.
- Verify the Utility has a copy of the plans and proposal and that the utility facilities are correctly shown.
- 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.
- Discuss work requirements.

SECTION 515.00 – AFTER AWARD OF CONTRACT
After notice of award to the successful bidder, share the above utility information with the Contractor so it can be included in the CPM schedule.

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 Contractor prior to the work starting. The District Record Inspector must apply these funds to the project.

Invite all Utilities to the preconstruction conference and include utility work as a topic. It is recommended that this discussion occur early in the conference so that the Utilities may leave if they wish. At the preconstruction conference:
• Discuss the utility work items and 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.

• Discuss methods to be implemented for protecting utility locate markings.

• Emphasize that it is the Contractor’s responsibility to coordinate the utility work and include:
  • **Timely** prior notification of when Utilities need to perform utility work.
  • **Sufficient** time in the Contractor’s work schedule for the Utilities to complete utility work.

• Stress to the Contractor that if delays occur because of Contractor’s failure to properly communicate and coordinate with the Utilities (e.g., untimely notification, not enough time given to Utilities to accomplish utility work), it will be considered avoidable and no additional compensation will be available to the Contractor.

• Adequately document in the meeting minutes the necessary utility notification and work schedule requirements.

Require the Contractor to show utility work as activities on the CPM schedule and verify with the Contractor that the Utilities agree with the durations shown. Confirm that the Contractor is communicating adequately with the Utilities concerning CPM schedule adjustments and updates. Accomplish this by including this as a topic during the regular weekly progress meetings and discussing with the Utilities.

**NOTE:** There is no contractual relationship between the Contractor and the Utilities. The above procedures will facilitate communications between the Contractor and the Utilities resulting in the prevention and mitigation of utility conflicts and delays to the Contractor.

**SECTION 520.00 – PROGRESS OF UTILITY WORK**

The Resident/Regional Engineer should:

• Evaluate whether to send CPM schedule updates to Utilities. This is especially critical if the contractor has revised activities or durations that were agreed upon in the initial or previous schedules.

• Invite Utilities to jobsite progress meetings when warranted.

• Verify that the Contractor is coordinating with Utilities as required and agreed upon.

• Verify that Utilities are coordinating with each other as required and agreed upon.

The Resident/Regional Engineer must also:

1. Oversee inspection of utility work for compliance to plans and all agreement requirements.
   • Complete an ITD-25 Standard Construction Diary for a Utility on each day work is done.
   • Inspect salvaged utility materials prior to disposal per utility agreement.

2. Prepare Change Orders
• If there are changes to the plans involving utility work covered by a utility agreement, a change order must be executed.

• For work to be completed by the Contractor, payment is obtained from the Utility prior to work start.

• Concurrence from the Utility/Railroad Supervisor is required for the ITD-2317. The ITD-403 must be signed by an authorized utility representative prior to the work commencing. Send a copy of the executed change order to the Utility/Railroad Supervisor.

• Verify that these changes are on the project as-built drawings.

• Request funds to be obligated for any additional cost for utility work at project expense by ITD-2101 when necessary.

3. Review and pay billings from each Utility

• Utility submits billing(s) including any supporting cost documentation to Resident/Regional Engineer for reimbursement of utility facility relocation costs in accordance with a utility agreement.

• These utility billings and any supporting cost documentation are reviewed by the Resident/Regional Engineer for obvious errors or discrepancies with the understanding that ITD personnel are not necessarily experts in utility work.

• Questions regarding utility billings are to be directed to the billing Utility. Any billing disputes or adjustments are to be resolved with the Utility prior to the final payment.

• Established rates for overhead, equipment and other items may be obtained from Internal Review. The District may request an audit by Internal Review of either the utility billings or utility billing procedures of a Utility at anytime.

• Utility payments are made by the District in accordance with the Utility agreement and Section 8.5 of the Financial Services Manual. The District prepares an Invoice and Tracking form that in turn will generate a warrant from the State Controller’s Office. Generally a retainage amount of 5% is withheld from each progress payment.

• Payments are to be made within 60 days in accordance with Subsection 67-2302 of Idaho Code or as specified by the Utility agreement. Otherwise the billing Utility may assess a late fee and/or interest charge.

• Utility payments are reviewed by the District Records Inspector in accordance with Section V of the District Record Inspector Manual.

Utility adjustment agreements are to be reviewed for any additional payments required from each Utility after the Contractor completes the utility work.

SECTION 525.00 – COMPLETION OF UTILITY WORK

The Resident/Regional Engineer is responsible to complete a Utility Permit ITD-2110 for each Utility covering all utility relocation work. Attach the as-built utility plans to the permit. This permit is maintained within the District in accordance with District procedures (see Section 200).
An ITD-1865 Utility/Railroad Fiscal Final Review Report is prepared by the Resident/Regional Engineer and submitted to the District Records Inspector for completion and distribution, including one copy going to the Utility/Railroad Supervisor. This form is to be completed for all projects that include any utility relocation work, whether at project expense or company expense. Any request by a Utility for additional money shall be reviewed in regard to any utility agreement or utility change order with the Utility. Some agreements, such as railroad agreements, require that ITD reimburse the company for all additional costs or losses. The District is responsible for obtaining funding for any payments for valid requests. Payment is made in accordance with Section 8.5 of the Financial Services Manual. No retainage amount is withheld.

Final payments and any retainage withheld from previous payments are paid in full after the Utility has completed the agreed work, in accordance with Sections 8.3.4 and 8.5 of the Financial Services Manual and Section V of the District Record Inspector Manual. An audit by Internal Review of either the billings or billing procedures of the railroad or utility company can be requested through the ITD-1865.

Generally audits are not conducted on agreement amounts less than $200,000 or for agreements where the actual cost exceeds the estimated amount by less than 15% or $50,000.
SECTION 600.00 – RELATED DOCUMENTS

Various laws, regulations, and internal ITD policies govern the relocation and adjustment of existing utility facilities and the installation of new utility facilities within the right-of-way of the State Highway System and other highway improvement projects using Federal-Aid funding. The following listing is provided for information and should not be considered as a complete listing of all references.

Idaho Public Utilities Commission IDAPA 31.00.00 (ITD is in accordance with these rules)
Board Policy B-01-09 Authority to Sign Agreements
Board Policy B-14-08 Movement of Utilities
Administrative Policy Memorandum Number 15 Use of Metric System
Administrative Policy A-01-09 Authority of Sign agreements
Administrative Policy A-01-15 Release of Department Records
Administrative Policy A-03-01 Acquisition of Real Property
Administrative Policy A-06-25 Department Record Management
Administrative Policy A-07-02 Appealing Department Actions and Orders
Administrative Policy A-12-01 R/W Use Permits
Administrative Policy A-12-04 Traffic Control During Utility Operations
Administrative Policy A-13-02 Public Involvement for Location and Design Determinations
Administrative Policy A-14-08 Movement of Utilities
Administrative Policy A-19-01 Financing Construction of State Highways in Cities
Idaho Administrative Code 39-03-42
Idaho Administrative Code 39-03-43
Idaho Code 5-203 (prescriptive rights)
Idaho Code 5-218 (time limit for legal action)
Idaho Code 5-224 (time limit for legal action)
Idaho Code 7-701and 714 (eminent domain)
Idaho Code 40-203 (abandoned public R/W)
Idaho Code 40-300 (powers of Idaho Transportation Board)
Idaho Code 40-312 (regulates utilities and successors and assigns)
Idaho Code 40-400 (turnpike – fee highways)
Idaho Code 40-605 (width of roadway R/W)
Idaho Code 40-2308 (utility and railroad rights to city R/W)
Idaho Code 40-2308 (cable TV in cities and counties)
Idaho Code 40-2312 (width of roadway R/W)
Idaho Code 42-3212 (water and sewer districts rights to public R/W)
Idaho Code 50-311 (eminent domain for cities)
Idaho Code 55-2200 (underground utility protection – Digline)
Idaho Code 55-2400 (power line safety)
Idaho Code 61-402 (inventory and location of facilities)
Idaho Code 62-701 (telecommunication and power rights to road R/W)
Idaho Code 62-1101 (oil and gas pipeline rights to road R/W)
Idaho Code 67-5229 (rulemaking)
Idaho Code 67-5700 (Division of Purchasing)

ITD Standard Specifications for Highway Construction
- 105.07 – Utility Facilities
- 105.11 – Inspection of Work
- 107.07 – Use of Explosives
- 107.12 – Contractor’s Responsibility for Utility Property and Services
- 203.03 – Construction Requirements; Part A – General
- 619.02 – Materials
- 619.03 – Construction Requirements; Part A – Conduit Installation; subpart 1 – General
- 656.02 – Materials

Utility Accommodation Policy

Access Management: Standards and Procedures for Highway Right-of-Way Encroachments

Code of Federal Regulations (CFR); sometimes known in ITD as Federal Aid Policy Guide
- 23 CFR 635B (force account)
- 23 CFR 645A (relocation agreements)
- 23 CFR 645B (accommodation)
- 23 CFR 710B (property)
- 29 CFR 1926 – Occupation Safety and Health Administration (OSHA) 1926.550 (power safety)

R/W Use Policy (10-1982)

ITD Manuals
- Contract Administration
- 104.03 – Change Orders and Extra Work
- 105.07 – Utility Facilities
- 110.01 – Ledgers and Materials Inspection Summary
- Maintenance – 51.5
• Bridge – Section H
• Financial Services 8.3.4 and 8.5
• Design

ITD Forms
• 654–A Hazardous Wastes/Materials (HW/M) Preliminary Site Assessment Checklist
• 767 Project Quality Evaluation
• 783–A Design Standards
• 783–C Idaho Transportation Department Roadway Inventory
• 1150 Project Cost Summary Sheet
• 1983 Local Public Agencies Certificate of R/W of a Federal-Aid Project
• 2435 Local Federal-Aid Project Request
• 2708 Preliminary Project Concept
UTILITY ACCOMMODATION POLICY

IDAHO TRANSPORTATION DEPARTMENT
Edition
July 2003
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1.1 PURPOSE AND APPLICATION

This document supersedes “A Policy for the Accommodation of Utilities within the Right-of-way of the State Highway System in the State of Idaho 1990 Edition” 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.

The policy of the Idaho Transportation Department (ITD) is to 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 utilities, new utility installations, 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 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 Current Edition (GUM) 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 Office of the Utilities/Railroad Supervisor at the Idaho Transportation Department central office, 3311 West State, Boise, Idaho 83707 or the Idaho Transportation Department WEB site http://itd.idaho.gov/manuals/manualsonline.htm.

1.2 AUTHORITY

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

- Administrative Rule (IDAPA) 39.03.43 “Rules Governing Utilities on State Highway Right-of-Way.”; references this manual as policy for utilities occupying the highway right-of-way of the State Highway System.

- Administrative Rule (IDAPA) 39.03.42 states the regulations for using and occupying the highway right-of-way of the State Highway System.
These Administrative Rules are available electronically at the following web site

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

<table>
<thead>
<tr>
<th>Access</th>
<th>The ability to enter or leave a public highway or highway right-of-way from an abutting private property or other public highway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backfill</td>
<td>Approved material used to replace excavated material.</td>
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<tr>
<td>Bedding</td>
<td>Soil or other suitable material to support a pipe, conduit, casing, or gallery.</td>
</tr>
<tr>
<td>Boring</td>
<td>Rotary drilling into the earth to insert a conduit or casing in the bore.</td>
</tr>
<tr>
<td>Carrier</td>
<td>Pipe directly enclosing a transmitted fluid (liquid or gas).</td>
</tr>
<tr>
<td>Casing</td>
<td>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.</td>
</tr>
<tr>
<td>Clear Zone</td>
<td>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.</td>
</tr>
<tr>
<td>Coating</td>
<td>Material applied to or wrapped around a pipe.</td>
</tr>
<tr>
<td>Conduit or Duct</td>
<td>An enclosed casing for protecting wires or cables.</td>
</tr>
<tr>
<td>Depth of Cover</td>
<td>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.</td>
</tr>
<tr>
<td>District</td>
<td>An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the State of Idaho.</td>
</tr>
<tr>
<td>Driving</td>
<td>A mechanical means to forcibly install a casing without the means of drilling or boring.</td>
</tr>
<tr>
<td>Easement</td>
<td>An interest in real property that conveys use, but not ownership, of a portion of an owner’s property.</td>
</tr>
<tr>
<td>Encasement</td>
<td>A larger structural element around an underground utility facility. Includes casing or utility tunnel.</td>
</tr>
<tr>
<td>Encroachment</td>
<td>Any authorized or unauthorized use of highway right-of-way or the air space above the highway right-of-way.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>FORESLOPE</td>
<td>The area from the edge of pavement to ditch line.</td>
</tr>
<tr>
<td>FRONTAGE ROAD</td>
<td>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.</td>
</tr>
<tr>
<td>GRADE SEPARATION</td>
<td>A structure separating the elevations of two or more intersecting roads above or below a highway.</td>
</tr>
<tr>
<td>HIGHWAY(S)</td>
<td>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.</td>
</tr>
<tr>
<td>HIGHWAY RIGHT-OF-WAY</td>
<td>Property rights to land generally designated for transportation purposes, open to the public, and under the jurisdiction of a Public Highway Agency.</td>
</tr>
<tr>
<td>IDAHO TRANSPORTATION BOARD</td>
<td>Is vested with authority, control, supervision and administration of the Idaho Transportation Department established by Title 40, Chapter 3, of the Idaho Code.</td>
</tr>
<tr>
<td>INTERSECTION</td>
<td>The general area where two or more highways join or cross at-grade.</td>
</tr>
<tr>
<td>INTERSTATE HIGHWAY</td>
<td>As identified by U.S. Code, a part of the National System of Interstate and Defense Highway System with a fully controlled access and having medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way.</td>
</tr>
<tr>
<td>JACKING</td>
<td>A method to place underground pipe without trenching by cutting an opening ahead of the pipe and forcing the pipe into the opening by means of horizontal jacks.</td>
</tr>
<tr>
<td>MAINTENANCE</td>
<td>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.</td>
</tr>
<tr>
<td>MEDIAN</td>
<td>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.</td>
</tr>
<tr>
<td>PERFORMANCE BOND</td>
<td>A statutory bond, issued by a surety company authorized to do business in the state of Idaho, that guarantees performance of work in accordance with permit requirements.</td>
</tr>
<tr>
<td>REST AREA</td>
<td>A roadside area with parking and other facilities, separated from the</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<td>roadways, provided for motorists to stop and rest.</td>
<td></td>
</tr>
<tr>
<td>RIGHTS-OF-WAY</td>
<td>A general term denoting land, property, or interest therein and under the jurisdiction of specified entity.</td>
</tr>
<tr>
<td>ROADSIDE</td>
<td>A general term denoting the area adjoining the outer edge of the roadway with-in the right-of-way.</td>
</tr>
<tr>
<td>ROADWAY</td>
<td>The portion of a highway, including shoulders, for vehicular use.</td>
</tr>
<tr>
<td>SHOULDER</td>
<td>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.</td>
</tr>
<tr>
<td>STATE HIGHWAY SYSTEM</td>
<td>The principal highway arteries in the state, including connecting arteries and extensions through cities, and includes roads to every county seat in the state.</td>
</tr>
<tr>
<td>SUBBASE</td>
<td>A layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.</td>
</tr>
<tr>
<td>SUBGRADE</td>
<td>The surface of the roadbed or that surface noted as “Subgrade” on the highway plans.</td>
</tr>
<tr>
<td>TRAVELED WAY</td>
<td>The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.</td>
</tr>
<tr>
<td>TYPE V (Interstate)</td>
<td>Type V access control is applicable to State highways accessible only by interchanges (ramps). These highways typically include the interstate system and require FHWA approval for any change in access.</td>
</tr>
<tr>
<td>UTILITY</td>
<td>An entity comprised of any person, private company, public agency or cooperative owning and/or operating utility facilities.</td>
</tr>
<tr>
<td>UTILITY FACILITY</td>
<td>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 storm water not connected with highway drainage, and other similar commodities.</td>
</tr>
<tr>
<td>UTILITY TUNNEL</td>
<td>An underground structure capable of containing several pipes, cables and conduits for utility facilities.</td>
</tr>
<tr>
<td>VIEW AREA</td>
<td>A roadside area provided for motorists to pull off the traveled way and view the scenery in safety.</td>
</tr>
</tbody>
</table>
SECTION 2  RIGHT-OF-WAY & PERMIT

2.1 USE
ITD acquires rights-of-way which are adequate not only for the construction of the highway facility, but also for its safe operation and maintenance. ITD recognizes Idaho law which acknowledges the benefits to the public interest for 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.

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 see GUM) is the document which specifies the requirements and conditions under which installing and maintaining utility facilities on the highway right-of-way shall be performed.

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 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.

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 Supervisor (Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129) 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 Supervisor will have fourteen (14) working days to review and prepare the appeal for review by the ITD Chief Engineer.
3. The ITD Chief Engineer shall have twenty one (21) working days to review and notify by certified mail the appellant of his decision.
4. If further arbitration is required the appellant has thirty (30) days 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”.

If at anytime during the appeal process it is determined that insufficient documentation was submitted with the appeal, all parties shall be notified that the appeal process is on hold until the necessary documentation is provided.

2.5 REQUIREMENTS OF PERMITTEE
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" 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 and 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 a reasonable time to fully correct the same.

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 was damage 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.

In such emergency situations, the utility shall contact ITD per the GUM. None of the provisions of this policy are waived for emergency situations 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 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.

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
The Idaho Transportation Department 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.
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 to locate or adjust its utility facility within the highway right-of-way or attached to a highway structure, the utility is responsible for the design. 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 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 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 which 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 its 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.

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 shall, as a minimum, 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.

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 which 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.

Where frontage roads are provided, utility facilities shall be located so they can be serviced only 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 deterrent 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)
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 with 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 2.6. 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
New utility facilities will not be permitted to be installed longitudinally within the rights-of-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 are not established at locations where it is feasible to 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.

Where a longitudinal utility installation is permitted, service connections to adjacent properties shall not be permitted.

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

5.7.2 CROSSING TYPE 5 ACCESS CONTROL
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 be given to conversion to underground facilities 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.

Utility facility mountings shall be of a type which limit rattle due to vibrations caused by traffic. Attachment shall be made below the deck. Bolting through the bridge floor will not be allowed. The design of the attachment device shall be reviewed and approved by ITD.

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 facilities shall be designed to minimize any adverse visual impact. Locations should be planned to preserve attractive landscapes.

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 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 covered by the Utility permit to accommodate any project or site specific conditions 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, luminaries, 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 clear zone. Work zone access during construction shall be described as well as protection of 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” as adopted by the State 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. No work, except emergency work, shall be done at night without prior approval of ITD.
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 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 Type V access control 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.
- 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.

6.4 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.

6.5 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 Section 5.5.
- Rocks brought to the surface by plowing shall be removed from the highway right-of-way. The ground surface shall be graded to conform to that of the surrounding terrain and restored to ITD satisfaction.
- Right-of-way markers and highway delineators shall be protected from damage.

6.6 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 not be used 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 highways, 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.

6.7 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 to not interfere with the 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 decoration, display, flag, banner, colored light, structure or other advertising or decoration 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


- *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 Federal Register National Archives and Records Administration and any amendments or supplements which are in effect prior to execution of the agreement.


Idaho Local Utility Coordinating Councils

For listings of Utility Coordinating Councils in Idaho; visit www.iducc.com

- **Ada County Utility Coordinating Council**
c/o Dig Line, Inc.
50 South Cole Road
Boise, ID 83709
Operating Area: Ada County, ID  Meetings: Second Wednesday of each month
Contact Person: Linda Philips of Dig Line  lphillips@digline.com
Telephone: (208) 342-1585

- **Bonner-Boundary Utilities Council, Inc.**
P.O. Box 1096
Sandpoint, ID 83864
Operating Area: Bonner & Boundary Counties, ID  Meetings: Second Wednesday of each month
Contact Person: Darlene Edwards of City of Sandpoint  darlene@ci.sandpoint.id.us
Telephone: (208) 263-3407

- **Canyon County Utility Coordinating Council**
c/o Dig Line, Inc.
50 South Cole Road
Boise, ID 83709
Operating Area: Canyon County, ID  Meetings: Third Wednesday of each month
Contact Person: Linda Philips of Dig Line  lphillips@digline.com
Telephone: (208) 342-1585

- **Kootenai County Utilities Council**
P.O. Box 1310
Hayden, Idaho 83835-0278
Operating Area: Kootenai, Benewah & Shoshone Counties, ID
Meetings: Second Thursday of each month
Contact Person: Marie Mayben of Password  mmayben@passworkinc.com
Telephone: (208) 769-6000

- **Lewis Clark Utility Coordinating Council**
P.O. Box 1262
Lewiston, ID 83501
Operating Area: Nez Perce, Lewis & Idaho Counties, ID / Asotin County, WA
Meetings: Bi-monthly meetings
Contact Person: Tom Donohue of Cable One  tdonohue@cableone.net
Telephone: (208)
Palouse Empire Utilities Coordinating Council  
c/o Avista Utilities  
5702 S.R.270  
Pullman, WA 99163  
Operating Area: Pullman, WA / Moscow, ID (Latah & Clearwater Counties)  
Meetings:  
Contact Person: Don Polley of Avista don.polley@avistacorp.com  
Telephone: (509)

- Payette/Washington Utility Coordinating Council  
3890 NW 1st  
New Plymouth, ID 83655  
Operating Area: Payette, Washington, Adams Counties, ID  
Contact Person: Jerry Campbell of City of Fruitland jcampbell@fruitland.org  
Telephone: (208) 452-4421

- Shoshone-Benewah Utility Coordinating Council  
P.O. Box 1310  
Hayden, Idaho 83835-0278  
Operating Area: Shoshone & Benewah Counties, ID  
Meetings: Second Wednesday every other month  
Contact Person: Marie Mayben of Password mmayben@passworkinc.com  
Telephone: (208) 769-6000
## Idaho Map with District Contact Person for Utility Permit

<table>
<thead>
<tr>
<th>Dist. #</th>
<th>City</th>
<th>Contact Person</th>
<th>Telephone # (208)</th>
<th>Mailing Address</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Coeur d’Alene</td>
<td>Stephanie Hale</td>
<td>772-1219</td>
<td>600 West Prairie</td>
<td>83815-8764</td>
</tr>
<tr>
<td>2</td>
<td>Lewiston</td>
<td>Shane Niemela</td>
<td>799-5090</td>
<td>P.O. Box 837</td>
<td>83501-0837</td>
</tr>
<tr>
<td>3</td>
<td>Boise</td>
<td>Matt Ward</td>
<td>334-8341</td>
<td>P.O. Box 8028</td>
<td>83707-2028</td>
</tr>
<tr>
<td>4</td>
<td>Shoshone</td>
<td>Mike Scott</td>
<td>886-7806</td>
<td>P.O. Box 2A</td>
<td>83352-0820</td>
</tr>
<tr>
<td>5</td>
<td>Pocatello</td>
<td>Charles Heisler</td>
<td>239-3355</td>
<td>P.O. Box 4700</td>
<td>83205-4700</td>
</tr>
<tr>
<td>6</td>
<td>Rigby</td>
<td>Ray Wolf</td>
<td>745-5635</td>
<td>P.O. Box 97</td>
<td>83442-0097</td>
</tr>
</tbody>
</table>
UTILITY ONE-CALL CENTERS OF IDAHO

DIG LINE
Toll free notification telephone number: 1-800-342-1585
Local notification telephone number: (208)342-1585
Fax notification number: 1-800-342-1586
Address: 50 South Cole Road, Boise, ID  83709
Contact: Linda Phillips, Manager
Contact telephone number: (208)342-1583
Contact Fax number: (208)342-8907
E-mail: digline@digline.com

PASSWORD
Toll free notification telephone number:
for Bonner and Boundary Counties is 1-800-626-4950
for Benewah and Shoshone is 1-800-398-3285
for Kootenai County is 1-800-428-4950
Local notification telephone number: (208)769-6000
Fax notification number: (208)769-2805
Address: 1919 North 3rd Street, Coeur D’Alene, ID  83814
Contact: P. Marie Mayben, Manager
Contact telephone number: 1-800-428-4950
Contact Fax number: (208)769-2805
Counties: Benewah, Bonner, Boundary, Kootenai, and Shoshone
Project Development Flow Chart for Utility

Are utility facilities located or to be located within R/W of State Highway System? (Utility has right to road R/W by Idaho Code 40-3212 for Water and Sewer Districts, 62-701 for Power & Telecommunications, and 62-1101 for Oil & Gas Pipelines)

- **Yes**
  Utility governed by ITD regulations. (Idaho Code 40-300 and Administrative Code 39-03-43)

- **No**
  Utility governed by County, Highway District, or City regulations.

Utility has or requests ITD utility permit from ITD District (ITD-2110). (Administrative Policy A-12-01 R/W Use Permits) (Administrative Policy A-12-04 Traffic Control During Utility Operations)

CONCEPT

Are utility facilities located within proposed project area?

- **Yes**
  ITD District requests location of existing utility facilities from each Utility. Can request a “Design Locate” from the Utility One-Call Center for the County.

  Each Utility provides location of existing utility facilities to ITD District. Information is incorporated into the project plans.

  PRELIMINARY DESIGN

  Will utility facilities be affected by the proposed project?
  Consider utility costs in design decisions. Consider using Subsurface Utility Engineering

    - **Yes**
      ITD District sends plans to each affected Utility requesting proposed relocation of utility facilities. Request cost estimate and copy of property rights for work reimbursable by the project. Field review is optional.

      Utility provides proposed relocation of affected utility facilities including cost estimate and copy of property rights for work reimbursable by the project.

    - **No**
      Note utility facilities to be retained and protected on the plans.

        End of process.
ITD District reviews proposed relocation of affected utility facilities. Is relocation acceptable?

Yes
Utility relocation information is incorporated into plans. Determination is made of whether utility relocation is at project or Utility expense. Determination is made of when utility relocation will be done, prior to or during construction (consider obstructions, road cuts and fills, etc.). ITD District submits utility plans to ITD Roadway Design (Utility Unit) including cost estimate and copy of property rights for work reimbursable by the project.

NOTE: Generally Utility Plans Submittal is done prior to or shortly after Final Design Review.

No
ITD District requests proposed relocation of affected utility facilities be modified from Utility. (Optional - field review)

Utility provides modified proposed relocation of affected utility facilities.

ITD District reviews modified proposed relocation of affected utility facilities. Is relocation acceptable?

Does Utility have property rights recognized by ITD?
(Administrative Policy A-19-01 Financing Construction of State Highways in Cities)
(Idaho Code 5-203 Prescriptive Rights)

No
Utility relocation at Utility expense.

ITD Roadway Design sends plans and Waiver of Hearing to each Utility with affected utility facilities. [Idaho Code 40-312(3)]

NOTE: Utility can request relocation work be done by ITD’s Contractor at Utility expense by an Adjustment

Yes
Utility relocation at project expense. ITD Roadway Design sends agreement Lump Sum or Actual Cost), with attachment of plans & cost estimate, and Waiver of Hearing to each Utility with affected utility facilities.

(Idaho Code 40-300, 23 CFR 645A & B)
(Board Policy A-01-09 Authority to Sign Agreements)
(Admin. Policy A-01-09 Authority to Sign Agreement)
Utility requests hearing. (See Hearing Procedure on Sheet F-5) [Idaho Code 40-31(3)] (Board Policy B-14-08 Movement of Utilities)

Utility signs and returns Waiver of Hearing and agreement.

ITD executes agreement and returns a copy to the Utility. Utility costs are obligated by ITD-2101.

District makes PS&E Submittal to Roadway Design. Utility work and contacts listed in proposal.

PS&E SUBMITTAL

Board Order is issued to entity Utility by ITD Secretary of the Board. (Board Policy B-14-08 Movement of Utilities) (Admin. Policy A-14-08 Movement of Utilities)

ITD Roadway Design sends a courtesy copy of Bid Package (including plans) to each Utility at time of project bid advertising.

PROJECT AWARD

Bid Opening and award of Project. (Design Manual Section 900)

Utility relocates utility facilities either prior to or during project construction. (Standard Specs for Highway Construction 105.07 & 107.12) (Idaho Code 55-2200 Underground Utility Protection)
ITD to reimburse relocation expenses by agreement?

No

Changes in utility relocation by ITD?

No

ITD District makes utility permit (ITD-2110).

Yes

Utility Change Order (ITD-2317, 403 & 406).

Billing reviewed and paid by ITD District.
(Financial Services Manual 7.5)

ITD District makes utility permit (ITD-2110).

Close-out of utility agreement and billing by use of ITD-1865.

Yes

Changes in utility relocation by ITD?

No

Utility submits billing to ITD District.
HEARING PROCEDURE

Request for hearing by Utility

Roadway Design sends Notice of Hearing to Utility stating time, date, and location of hearing.

Does Utility attend hearing?

Yes
Representatives from ITD and the Utility present testimony before an ITD Hearing Officer.

No relocation of utility facilities.

End of process.

Idaho Transportation Board makes determination based on testimony.

Relocation of utility facilities.
Agreement if applicable (see Sheet 2)

No
ITD Board automatically makes a determination against the Utility.
Follow this link for the Microsoft Word copy of the Initial Contact Letter.

[Date]
[Name of Person]
[Title of Person]
[Name of Company]
[Mailing Address of Company]
[City, State Zip Code]

Re: Project No. [---]; [Highway]; [Project Name]; [----] County
Key No. [----]

Dear [Name of Person]:

The Idaho Transportation Department is in the preliminary design stage of a proposed highway [Type] project on [Route] between mileposts [MP to MP] as shown by the attached vicinity map and preliminary plan. [Detail location and what work will be done]. This project is scheduled for construction for the summer of 2005.

According to our records, [Name of Company] has a [describe utility facilities] within the right-of-way of [Route] through the project limits. Please provide utility facility location information, including depth of buried facilities and height of above ground facilities, to me by [Date]. With your information I will prepare and send to you project plans that show the existing utility facilities and proposed locations for needed utility facility relocations or adjustments.

[Include this paragraph for Federal-Aid projects]
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.

If you have any question or concerns please call me [NAME] at [Phone Number] or [NAME] at [Phone Number] to discuss the project. Thank you.

Sincerely,

[NAME]
[TITLE]
[author’s initials:typiest’s initials/document pathname]
Attachment: Vicinity Map

bcc: PDE-#
PDE-# (Name)
RD (Util)
Follow this link for the Microsoft Word copy of the Preliminary Utility Plans Letter.

[Date]

[Name of Person]
[Title of Person]
[Name of Company]
[Mailing Address of Company]
[City, State Zip Code]

Re: Project No. ----; [Highway]; [Project Name]; ---- County

Key No. ----

Dear [Name of Person]:

This project requires the relocation/adjustment of Company facilities. Enclosed are duplicate sets of preliminary plans showing existing locations of Company facilities noting those facilities requiring to be relocated and at whose expense.

[The intent of this letter is to have Companies verify location of existing facilities and provide proposed locations for relocated facilities as stated in the GUM.]

Please review the plans for any errors or omission of the location of existing Company facilities. Consider that the highway’s service life is expected to be through the year [XXXX], and any subsurface utility facilities under the roadway prism should have the same minimum service life. Make any corrections with comments that are needed on one set of the enclosed plans along with the Company’s proposed relocations of facilities and return them to me. The second plan set is for Company records.

Please furnish a cost estimate for work to be done at project expense, prints of the plan of relocation proposed by your company, and one (1) copy of each permit or easement by which the facilities are presently located on private property. If the facilities presently located on private property are not covered by a formal permits or easements, please advise what rights your company is claiming and furnish whatever information you have to substantiate your claim. If the cost estimate or relocation prints are not of standard copier size (i.e. 8.5 inches by 11 inches or 11 inches by 17 inches) then six (6) copies of each need to be provided.

In preparing the estimate of cost, please begin with a narrative paragraph stating: (1) the scope, description and location of the work to be undertaken; (2) whether the work is to be done with company forces or by contract; and (3) the method to be used for developing relocation costs by reference to Section 645.113(a) of 23 CFR 645A of the Federal Highway Administration’s Federal-Aid Policy Guide, issued May 25, 2000.

Our design team has scheduled a field inspection for [DATE] to review for any special condition which may influence the construction process. We recommend that a representative for you company attend, therefore we need to have your response by [DATE]. Please call me at [PHONE #] if you have any questions.

Sincerely,

[NAME]
[TITLE]

[author’s initials:typiest’s initials/document pathname]

Enclosures: (2) sets Preliminary plans

bcc: PDE- RD (Util)
The new Sections 100,200,400 are to replace the current Sections. Due to multiple revisions to each Section, the Section will be replaced in its entirety. All text that was colored blue has been changed to red. 12/1/2011 Section 400 that was in the Production Folder was replaced with a new Section 400, due to errors. The Edition Revisions document has been changed to reflect the changes to Section 400. Appendix “C” has been removed.