

## CHAPTER 12 INCIDENTAL CONSTRUCTION

### 12.00 UTILITIES

#### 12.01 UTILITY RELOCATION

The Utility Coordination Section of the Support Services Bureau is responsible for obtaining statutory notices and preparing written agreements. Utilities involved may be telephone lines, telegraph lines, electric transmission lines, and underground utilities outside cities and towns. Within a city or town, a preconstruction agreement is made with that city or town. They, in turn, will deal with the utility company if facilities are located on public property. Exceptions include agreements made directly with the utility company for interstate work and facilities located on private right of way in which the utility company has a compensable property interest.

Utility relocations are governed by:

- *Iowa DOT Policy & Procedures Manual, Policy 500.06*
- *1992 Utility Accommodation Policy of the Iowa Department of Transportation*
- *Federal-Aid Policy Guide: 23 Code of Federal Regulations, (CFR) Part 645 - Utilities, Subparts A and B; Dated December 9, 1991*

The "*Utility Accommodation Policy of the Iowa Department of Transportation*" dated 1992, identifies conditions under which utilities may be allowed within State right-of-way. Application for utility use of State right of way includes a statement negating consequential damage for a utility break.

Fiber optics generated new concerns when located within the State right-of-way. Down time on a fiber optics line is very expensive. On construction projects involving existing right-of-way, resident construction engineer (RCE) should check with District staff concerning location of existing utilities.

Utility companies report existence of their utilities to the city clerk in cities over 2,000 population and to the county auditor in cities under 2,000 population and rural areas. This provides a good source to identify utilities involved in the area, but not exact locations.

Prior to project letting, preliminary plans should be reviewed by RCE and District staff to assure that all utilities have been identified. As utilities develop their utility relocation plans, RCE and District staff may be contacted to provide assistance in plan interpretation and utility accommodation.

During construction, inspectors should review project plans and utility agreements to identify utility relocation work required. *Section 115.13 of the "Utility Accommodation Policy"* specifies construction responsibilities and procedures for utility construction work. Inspectors should accurately identify depth and location of underground utilities to insure that permit is followed. This information should be transferred to "as built" plans.

#### **Procedure**

Utility facilities which may interfere with construction of the highway improvement can generally be divided into two classes:

**CLASS 1**

Utility facilities presently located within the limits of an established public highway, except in conjunction with interstate highway construction, are handled through waiver or by statutory notice. Facilities falling under Class 1 must be relocated to accommodate a highway improvement at the sole expense of the utility company upon receipt of official notice to do so from the Iowa Department of Transportation.

**Waiver:**

Approximately six months prior to letting, the Utility Coordination Section forwards utility company notice of impending construction and approximate letting date. Letter also informs utility company that Code of Iowa provides the right to serve them with official legal notification to remove their obstruction from the right-of-way. However, letter requests that utility company waive this right of statutory notice and forward evidence that they will voluntarily relocate their facilities at their expense to avoid any delay to highway construction. Copy of transmittal letter will be sent to District Construction Engineer (DCE) and RCE.

When the Utility Coordination Section receives notification that utility company agrees to waive their right of statutory legal notice, an acknowledging letter is sent to the company with copies to DCE, RCE, and District staff. Utility company is also instructed to contact RCE to discuss construction scheduling, possible utility facility relocation, contractor coordination, and applicable permits.

Waivers of utility company statutory rights should be received no less than six weeks prior to letting. If waiver is received, just prior to letting, the Utility Coordination Section will send utility company a letter advising:

- Construction letting date
- That RCE will send preconstruction conference notice
- District staff to be contacted for obtaining blank copy of permit and filing permit
- Letting plans will be sent

If not received, the Utility Coordination Section will serve an official notice to utility company with instructions to remove their facility to or beyond the new right-of-way line so construction can be accomplished.

**Statutory Notice:**

A "certified letter" is sent to utility companies which is formal notification of impending construction. They are advised of letting date, RCE, and District staff. A set of plans and a blank utility permit are sent along with the letter. If the utility company needs help at project site, they are asked to contact RCE.

After utility company has either waived their right of statutory notice or been served statutory notice to remove their obstruction, all future contacts by utility company should be with RCE.

All utility companies relocating their facilities must file an updated utility permit covering new locations.

**CLASS 2**

Utility facilities occupying private property adjacent to but not within an established highway right-of-way, usually located on private easement acquired from owner of

property occupied or relocations necessitated by interstate construction, require relocation agreements. Facilities falling under Class 2 require a written agreement between the Iowa Department of Transportation and the utility owner whereby the Iowa DOT will pay for all or part of any relocation of their facilities caused by highway improvement.

Approximately 6 to 10 months prior to letting, the Utility Coordination Section will notify utility companies having facilities to be relocated under Class 2 of the necessity for such relocation. For these utilities, the Utility Coordination Section will prepare an agreement between the utility company and the Iowa DOT describing how relocations are to be accomplished, where facilities are to be relocated, and relocation costs to be reimbursed by Iowa DOT.

RCE should carefully read the agreement, particularly the exhibits which denote method of relocation and location of facilities before and after construction. Utility relocation shall be in accordance with relocation agreement and current "*Utility Accommodation Policy*."

Should it be found during construction that facilities cannot be relocated as shown in agreement, a Change Order shall be executed indicating this change in agreement and approximate estimated costs. This Change Order is to be executed and filed in the same manner as other Change Orders. A copy of approved Change Order must be sent to the Utility Coordination Section to assist in review and audit of invoices. Vouchers and payments due the utility company will be originated by the Utility Coordination Section including final payment after an audit of the company's cost records. Normally, reimbursement due the utility company is the actual cost incurred. Costs shown in agreement and in Change Order indicate only the basic range of costs and items involved. Assistance in preparing Change Order may be obtained from the Utility Coordination Section and from *Construction Manual Chapter 2*.

Should a utility adjustment become necessary for which no prior agreement exists, details normally shown on profile plans should be submitted to the Utility Coordination Section with a request to prepare an agreement for the work required. If project has been let, a determination will be made by the Utility Coordination Section, DCE, and RCE to either prepare an agreement or process a Change Order to the project to be paid by general external voucher.

### **Reporting Agreement Work Status**

Project engineer shall advise DCE by letter the date agreement work is started.

When work is completed, "*Certificate Of Completion And Final Acceptance For Agreement Work*" (*Form 640003*) shall be prepared as per *Construction Manual 12.04*. A copy of this form is in *Appendix 12-1*. The "field completion date" to be documented on this form should be verified with the utility company's representative to ensure that all billings are representative of work performed through the date of completion.

## **12.02 UTILITY RELOCATION - FEDERAL AID PROJECTS**

Ordinarily a utility company will be reimbursed for relocating their facilities in only two cases:

- On interstate project where federal participation is 85% of cost

- Where utility is located on property acquired for right-of-way purposes in which utility company has compensable real estate interest

### Procedure

The Utility Coordination Section is responsible for obtaining a formal agreement with each utility company, or other utility owners, whose property is affected by proposed highway construction. Agreements will be initiated as soon as construction and right-of-way plans are sufficiently advanced so extent of utility work can be determined.

The Utility Coordination Section will secure FHWA authorization on the basis of plans, cost estimate, and utility agreement. Where federal aid is to be claimed, authorization must be obtained prior to the start of any work by utility firm.

The DCE is responsible for action on utility adjustments after being furnished with copies of agreement and letter authorizing utility owner to proceed with work pending notification to RCE. Job is then assigned to RCE.

The RCE and District staff should review utility relocation plans to determine that adequate details are provided to insure compliance with "Utility Accommodation Policy." Dimensions from known reference points must be included to allow for inspection during relocation. When preliminary plans are used, RCE and District staff should conduct on-site review prior to relocation to assure that utilities will be located in accordance with "Utility Accommodation Policy."

Should additional work or a change in approved work become necessary, approval must be obtained by use of a Change Order in the same manner as extra work is documented on a construction contract in accordance with [Construction Manual Chapter 2](#). Copy of approved Change Order must be furnished to the Utility Coordination Section to assist in review and audit of invoices.

Should a utility adjustment become necessary for which no prior agreement exists, details normally shown on profile plans should be submitted to the Utility Coordination Section with a request to prepare an agreement for the work required. If project has been let, a determination will be made by the Utility Coordination Section, DCE, and RCE to either prepare an agreement or process a Change Order to the project to be paid by general external voucher.

### Inspection

All agreements with utilities are subject to requirements set forth in *Federal-Aid Policy Guide 23 CFR 645, Subparts A: "Utility Relocations, Adjustments and Reimbursement" and B: "Accommodations of Utilities" dated December 9, 1991*. RCE should have a copy on file in office.

RCE must maintain a record of work done by utility company to verify that work is satisfactorily accomplished and that proper credit is received for salvaged materials. An inspector can visit the work once or twice a day and obtain necessary information. When documenting information furnished by contractor or utility personnel, note contact's name with the information. Ordinarily, it is not necessary to assign a full-time inspector to a utility relocation. However, in a residency with several such agreements, it may be desirable to give one person the prime responsibility of being familiar with all pertinent regulations and procedures and assigned the task of inspecting all utility work underway.

Guidelines for inspection procedure and documentation:

- Read *Sections 645.105, 645.113, 645.115 and 645.117 of Federal-Aid Policy Guide.*
- Review agreement to discover whether work is to be done by contract or by utility company labor; and method of computing cost, usually force account as per utility company procedure.
- Notify utility company well in advance who to contact in resident office when they start work. They may receive no reimbursement for work done prior to notifying resident office, since we cannot record and verify work completed that we have not seen performed.
- Use separate field book for each agreement.
- On daily visits, record the following:
  - Date
  - Weather
  - Time
  - Hours worked or part of day
  - Work in progress
  - Number and classification of workers, i.e. supervisor, welder, etc. but not wage rate
  - New material installed
  - Major item only, i.e. cable and poles but not cross arms or insulators
  - Hauling means for new material, company or commercial equipment in use and hours
  - Work by utility personnel or contractor
  - Salvaged material and valuation, reusable or scrap not dollar value.

In case of doubt on terminology, delivery means, rental, or evaluation, don't guess, ask the supervisor.

- Utility company shall give inspector an opportunity to view the salvage. This includes notification of when it is available. Note in the field book any failure to see salvage. Auditor may take full value credit for any such salvage, but must know about it.
- Basis of payment for a Change Order can usually be the same as original agreement, force account. Major extensions of work or change of plan require a Change Order.
- Frequently the utility company will be performing work outside the scope of the agreement concurrently with our work. Keep this separate by showing actual hours spent on each or by using a percentage of total day spent on our work. Utility company should use a separate work code for nonparticipating work.
- When possible, obtain copy of utility company's daily report signed by the supervisor to supplement field book entries.
- When inspection personnel observe a poor construction procedure or a problem

with utility company contractor, corrective action should be discussed with utility company representative. Assurance is needed for proper construction methods within our right of way, but inspector should not deal directly with utility company contractor. Utility company may use an alternate method to obtain proper construction procedure. This deals primarily with underground utility relocation. The "*Utility Accommodation Policy*" specifies procedures required for utility relocation work. Work performed shall be to the satisfaction of the RCE and consistent with DOT specifications.

### **Verification and Payment**

When utility relocation has been completed, utility company or municipality shall submit a billing to the Utility Coordination Section. After utilities negotiator reviews billing for conformity with agreement, an initial payment voucher is prepared. Upon receipt of:

- Final billing from a utility company or municipality and
- "Certificate of Completion and Final Acceptance of Agreement Work" ([Form 640003](#)) from RCE,

the Utility Coordination Section requests a review by Office of External Audits. After audit, the Utility Coordination Section submits the final payment voucher and forwards copies to DCE and RCE.

### **Reporting Agreement Work Status**

Project engineer shall advise DCE by letter the date agreement work is started.

When work is completed and before an audit can be requested, a "Certificate of Completion And Final Acceptance For Agreement Work" ([Form 640003](#)) shall be prepared as per [Construction Manual 12.04](#). A copy of this form is in [Appendix 12-1](#). The "field completion date" to be documented on this form should be verified with the utility company's representative to ensure that all billings are representative of work performed through date of completion.

## **12.03 RAILROAD AGREEMENTS FOR HIGHWAY PROJECT ACCOMMODATION**

The Office of Rail Transportation of the Modal Division negotiates preconstruction agreements with railroads for primary road project accommodation where track has not been abandoned. The project engineer and DCE will receive a copy of the railroad/state agreement. Each preconstruction agreement must be reviewed by project engineer to determine work to be performed by the railroad, the state, and their coordination as well as conditions imposed on state's contractor to work on railroad right-of-way.

In 1997 the Federal Railroad Administration (FRA) established new regulations on safety. These new safety regulations are being incorporated into railroad company safety policies and are currently being applied as conditions that contractor's must comply with when working on railroad right-of-way.

As a result of the new FRA safety regulations, it is anticipated that future preconstruction agreements with railroads for primary road projects will include very detailed safety and performance requirements. In the interim, the following are recommended items for consideration in administering projects with railroad involvement.

- Thoroughly review railroad agreement and all contract documents to ensure that the provisions for the work to be performed, performance requirements, and

railroad safety policies are clearly understood.

- Notify the appropriate railroad representatives, as identified in the contract documents, of the date for the preconstruction conference. Attendance by the railroad representative is very important to establish a clear understanding between the contractor, railroad, and construction residency staff prior to start of work. The following is a list of some of the points which should be discussed at the preconstruction conference:
  - Railroad safety policies and requirements
  - Railroad contacts and communication procedures
  - Review of contractor's work adjacent to and/or within railroad right-of-way for clarification of specific railroad requirements
  - Railroad provisions and specific requirements related to temporary railroad crossings and flagger protection

#### 12.04 "CERTIFICATE OF COMPLETION AND FINAL ACCEPTANCE FOR AGREEMENT WORK" (FORM 640003)

Form 640003 is to be used for final acceptance and certificate of completion for all railroad highway accommodation and utility agreements for which the railroad or utility company is to be reimbursed by the Iowa Department of Transportation.

When a fully executed utility or railroad highway accommodation project agreement is forwarded to project engineer, an appropriate number of Form 640003 will be included.

##### Preparation of Form 640003

After completion of utility or railroad agreement and acceptance of the work by the DCE and project engineer, Form 640003 is prepared and signed by project engineer. An original and 5 copies are forwarded to DCE, who after signing, forwards all copies to the Utility Coordination Section for utility agreements or to the Office of Railroad Transportation for railroad agreements. When applicable, 2 copies of the summary of the salvaged material and valuation shall be attached to these forms.

##### State Reimbursement from Utilities

Occasionally the design for new structures (bridges) will include provisions for carrying utility services across a river. An agreement with the utility company will usually provide for reimbursement to the state by the utility company for part of the extra cost. When project is completed and Form 640003 has been prepared, project engineer shall also send a letter to Office of Finance (Revenue Control) advising that work is completed and they can proceed with the billing as per agreement.

