

**UTILITIES**  
**INTERNAL POLICIES AND PROCEDURES**  
**MANUAL**



**Arkansas State Highway and Transportation Department**  
**Right of Way Division**

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# **UTILITIES POLICIES AND PROCEDURES MANUAL**

## **1.00 GENERAL**

Whenever the relocation of any utility facility is necessitated by the improvement or construction of any highway in the State, the Arkansas State Highway and Transportation Department (AHTD) has made it the function of the Utilities Section (Section) of the Right of Way Division (Division) to handle the contractual details of the relocations with the utility owners. In addition, the Section coordinates with the Resident Engineers overseeing the relocation of the facilities in the field and the construction of the highway project to ensure the work is accomplished in accordance with the approved Utility Agreements and plans.

Relocations and related activities will be accomplished in accordance with the Federal Aid Policy Guide Part 645 and the AHTD's current Utility Accommodation Policy (Accommodation Policy), and amendments thereto.

The Section also issues utility permits for the installation and maintenance of utility facilities on highway right of way.

The AHTD on occasion enters into contractual agreements with other governmental entities for highway related type projects. The Section responsibility in these instances will follow normal procedures as set out herein or as set out in the contractual agreement for the required relocation of any utility facilities involved.

## **1.01 ORGANIZATION**

The positions of the Section are filled by personnel who have education and experience to a varying degree in utility or highway construction or administration, engineering, accounting, and clerical services to fulfill the requirements for handling all phases of utility relocations on a statewide basis. Supervision of the actual relocation work in the field is handled by a Resident Engineer under the direction of the District Engineer.

### **1. Utilities Section Head**

The Utilities Section Head functions as a liaison between the AHTD and utility owners for the exchange of information pertaining to the existing systems and their condition, and the planning and timing of proposed construction improvements of both systems. Utility owners may direct their inquiries through the Section Head for: existing highway right of way boundaries; permits for facilities to be placed upon or cross the existing or planned State and/or Interstate Routes; information concerning both proposed and completed highway

construction and improvements; general information to aid in the planning of new facilities and improvements; general AHTD policies and procedures; training classes on the proper submittal of relocation plans and permits; other related information that might avoid duplicating expenditures and service interruptions to both systems; or to alleviate or reduce expenditures for relocation in the utility facilities on highway locations that may be avoided through advanced and coordinated planning.

## **2. Utility Coordinators**

Utility Coordinators (Coordinators) are responsible for the following, including but not limited to:

- a. Conducting field inspections on highway projects to determine ownership, type, and location of existing utilities that may be involved or conflict with proposed highway improvements or construction
- b. Developing cost estimates for anticipated utility relocation
- c. Furnishing information and plans to utility owners
- d. Conducting project coordination meetings
- e. Receiving and checking estimates of cost and plans for proposed utility relocations
- f. Preparing and securing execution and approval of agreements covering preliminary engineering services and utility relocation
- g. Coordinating the relocation of utility facilities to ensure relocations are completed in a timely and cost efficient manner
- h. Receiving, processing, and approving Preliminary Engineering Change Orders and Relocation Change Orders prior to issuance of a construction work order
- i. Coordinating with the Resident Engineer regarding Relocation Change Orders in the field
- j. Receiving and checking intermediate and final invoices; preparing Utility Estimate Sheets for reimbursement of expenses
- k. Processing permit applications and issuing permits for the installation of utilities on highway rights of way
- l. Attending and/or moderating meetings as required with AHTD and utility owner personnel, as needed, and handling other related duties in connection with project assignments
- m. Act as a liaison between the AHTD and utilities to ensure utility relocation activities are accomplished expeditiously and in accordance with State and Federal regulations

### **1.02 UTILITY OWNERS - DEFINED**

The term "Utility Owner" includes publicly, privately, and cooperatively owned facilities used in connection with the production, manufacture, storage, transmission, and distribution of electric power, natural or manufactured gas,

petroleum products, water, steam, sewerage, communication systems, and cable television.

### **1.03 HIGHWAY PROJECTS PROGRAMMED**

1. When a highway project is programmed and steps are to be taken to determine if the location(s) of the existing utility facility(s) conflicts with the construction or reconstruction limits of the highway project, funds are to be requested.
2. If a project is to be funded with State or Local funds, a request is sent to Programs and Contracts requesting that an allotment be established based on the type of funds involved.
3. If a project is to be funded with Federal funds, a request for Preliminary Engineering funds is sent to Programs and Contracts Division for preparation of a Federal Aid Project Agreement. Upon approval of Federal funds the utility owner will be notified, as appropriate, by the Section of the proposed highway construction project.
4. Detailed construction plans with cross sections will be furnished to each involved utility owner. These plans will indicate the requirements of the project insofar as the relocation of the utility facilities are concerned.
5. Each utility owner will review the plans to determine conflicts with their facilities and submit a relocation proposal and cost estimate, when requested.
6. Upon preparation of Relocation Agreements, the Section will send a notification to the Programs and Contracts Division to modify the Project Agreement based on the estimated cost to complete the utility relocations.

### **1.04 REGULATIONS**

The AHTD receives reimbursement, in part, from Federal funds for the relocation of utilities on Federal-aid highway projects.

1. All relocations are handled under the provisions of Code of Federal Regulations, Title 23, Part 645, the Accommodation Policy, and amendments thereto. Copies of these documents are available on the AHTD's website at [www.arkansashighways.com](http://www.arkansashighways.com).
2. These regulations not only prescribe the procedure but also establish controls and general requirements in regard to eligibility, agreement preparation and handling, plan and estimate preparation, developing and recording costs, plant betterment and salvage value credits, reimbursement, bills, and other items.

## **1.05 PRELIMINARY PLAN DEVELOPMENT ACTIVITIES**

1. Upon receipt of the Commission Minute Order establishing a construction project, the Planning and Research (P&R) and Surveys (Surveys) Divisions will utilize the OneCall database to identify potential utility conflicts to assist in the selection of a preferred route.
2. When an alignment has been selected, Surveys begins work on the Design Survey (DSUR) and preparation of aerial photogrammetry.
3. When the DSUR is 70% complete, Surveys provides an aerial map to Roadway Design Division (Roadway Design) with the topography shown.
4. Surveys contacts OneCall for utility information and locates along the alignment. The Utilities Section is advised and coordinates with Surveys and OneCall during the Underground and Drainage (U&D) process. Information obtained by Surveys related to utility facilities is sent to the Utilities Section for review.
5. The Utilities Section reviews the information, uses AHTD's Multimedia-based Highway Information System (MMHIS) to review the project route and reviews the OneCall database to identify major conflicts. Results of the Utility Section's review are transmitted to Surveys by memo.
6. When roadway design plans are 10% complete, Roadway Design issues the plans to various Divisions requesting preliminary design information regarding existing right of way, utility involvement, drainage, and bridge layouts. This information will be used in the development of the preliminary design.
7. The Utilities Section performs a Utility Field Inspection (UFI) in accordance with the procedures noted in Section 1.09 and prepares a written report of findings and comments along with a preliminary cost estimate for utility facility relocation.
8. Surveys provides the completed DSUR to Roadway Design for preparation of cross sections.
9. Roadway Design requests and receives information on the type and level of design from the Project Planning Committee (PPC).
10. Roadway Design incorporates the information received from the various Divisions into the preliminary plans. When plans are 25% to 45% complete, Roadway Design will distribute the preliminary plans to the appropriate Divisions for review and comment. At this time the preliminary plans should include the following information:

- a. Title sheet
  - b. General layout
  - c. Typical sections
  - d. Profiles
  - e. Retaining wall, noise wall and bridge locations
  - f. Preliminary major drainage features
  - g. Preliminary cross sections showing existing and proposed right of way
  - h. Staging information
11. The Utilities Section will hold a Utility Information Meeting with the involved utility owners. Any pertinent information gained at the meeting regarding utility conflicts will be transmitted to the Roadway Design Division by memo.
12. When plans are 50% complete, Roadway Design distributes plans to appropriate AHTD Divisions for review and comment and a preliminary field inspection is held. The Utilities Section will attend this inspection and provide the preliminary plans to utilities identified as being located in the project area for review and comment.
13. Roadway Design reviews comments received and prepares plans for public review and comment.

#### **1.06 DEVELOPMENT OF 60% PRELIMINARY PLANS**

1. Based on comments received at public information meetings or public hearings, Roadway Design develops 60% preliminary plans.
2. Once Roadway Design has developed the 60% preliminary design, the plans will be submitted to the Utilities Section for transmittal to the utility owners for review and comment and to begin preparation of relocation proposals.
3. The 60% preliminary plans shall include the following information at a minimum:
  - a. Title Sheet
  - b. Typical Sections of Improvements
  - c. Special Details
  - d. Plan and profile sheets that include:
    - Horizontal and vertical alignments
    - Major and minor structures
    - Drainage notes
    - Hydraulics information
    - Temporary and proposed construction limits
    - Proposed right of way and easements
  - e. Cross section sheets that include:
    - Drainage information
    - Temporary and proposed roadway information

- f. Detour/Staging detail
- g. Preliminary traffic signal layout
- h. Bridge layout

#### **1.07 REVIEW AND REVISION OF 60% PRELIMINARY PLANS**

1. Utilities Section reviews the 60% preliminary plans and provides comments and an updated cost estimate to Roadway Design.
2. Roadway Design reviews any comments and revises plans, as needed.
3. Revisions are provided to the utilities for finalization and submission of utility relocation proposals.
4. Additional revisions to the design will be transmitted to the Utilities Section by memo with a description of the specific changes made so that the revised plans may be forwarded to the utilities.

#### **1.08 UTILITY COORDINATOR PROCEDURES DURING INITIAL PROJECT DEVELOPMENT**

The procedures the Utility Coordinator follows in initial project development include, but are not limited to:

1. Utilizes the 70% DSUR information to review the existing utility locations and compare the survey information to the OneCall database to ensure that information contained in the database is included in the DSUR.
2. Utilizes the MMHIS to review the section(s) of highway included in the proposed project area for aerial or other utility involvement that may not be shown on the DSUR.
3. Forwards the DSUR and other information related to utility facility location to those utilities believed to be located in the project area for review. The utility owners will be given two weeks to review the information and provide comments regarding their facilities in the area.
4. These reviews will be performed and a memo prepared and submitted to Surveys detailing any information obtained by the reviews within one week after receipt of the utilities comments.
5. When Roadway Design provides 10% plans to the Utilities Section for review, the Coordinator will perform a UFI in accordance with Section 1.09.
6. The Coordinator will provide written comments and a preliminary cost estimate to Roadway Design within one month. A cost estimate will also be

forwarded to Programs and Contracts Division requesting authorization of preliminary engineering funds.

7. When Roadway Design submits revised plans for review, the Coordinator will review and provide written comments within one week.
8. Upon receipt of the revised design plans, the Coordinator will send the plans to the utilities within one week for review, comment and to begin preparation of relocation proposals.
9. The Coordinator will provide written comments to Roadway Design based on the utilities comments within two weeks.

### **1.09 UTILITY FIELD INSPECTION (UFI) PROCEDURES**

1. A UFI will be performed upon receipt of 10% design plans to determine the utility owners involved and the type of facilities on every project.
2. The Section Head and/or Senior Utility Coordinator will review the 10% plans and provide to the assigned Coordinator.
3. The Coordinator will send a set of plans to each utility owner that has been identified during the U&D process for review and comment concerning utility involvement on the proposed project.
4. The Coordinator will prepare for the field review with the following steps:
  - a. Review the utility area maps available in the Section.
  - b. Consult with the District Permit Officer as to utilities located in the project area and whether the utilities are located on highway right of way or private easement.
  - c. Request that ArkUps mark the utilities within the project area, if markings from the preliminary plan development activities (Section 1.05) are no longer visible.
  - d. Utilize the AHTD's electronic plan files to ensure that all associate files from Surveys and Roadway Design are active and reflecting all utility information available prior to printing a set for use in conducting the UFI.
  - e. Send a set of electronic plans to each utility and schedule a meeting with the utilities on site.
  - f. Determine the date the applicable highway(s) entered the state system by contacting the Statewide Planning Section of Planning and Research.
  - g. Research the Right of Way Division correspondence files, Programs and Contracts Division, staff minutes and minute orders to determine if the AHTD, City or County will be responsible for handling utility arrangements.
  - h. Research Utility Permit records to determine what utilities have installed facilities on existing highway right of way.

5. The Coordinator will perform a UFI by following these steps:
  - a. Notes will be recorded on the plan sheets showing all visual facilities, underground utility markers, manholes, meters, poles, etc. The direction of overhead lines and service drops should be noted.
  - b. Record information provided by each utility owner during the on-site meeting as to their facilities in the area.
  - c. Ask local businesses or residents on the project the names of the utilities that provide service – power, telephone, water, gas, cable, etc. Inquire about possible private utilities such as wells, septic systems, butane tanks, etc. (Information on these private facilities must be coordinated with the Appraisal Section and Property Management).
  - d. Discuss with those utilities that attend the field inspection or visit the local offices of utilities that do not attend to explain the proposed highway construction and possible impacts to utility facilities. The Coordinator should also explain to the utilities the guidelines, requirements and responsibilities included in the Accommodation Policy.
  - e. Information to be obtained should include: facilities involved, type, size, material, age, history of leaks, estimate of cost for replacement, within existing right of way or on private easement, ability to pay for relocation, etc.
  - f. Special attention should be given to every facility that conflicts with the highway construction. Expensive, difficult or time-consuming relocations should be noted for possible avoidance during plan development.
6. Development of the UFI Report
  - a. A UFI report in the form of a memo is prepared by the Coordinator and submitted to the Senior Coordinator or Section Head for review and approval. The report will show in detail the information determined during the UFI process, including:
    1. Date performed
    2. Names of utilities believed to be in the area
    3. Whether facilities were located and marked by ArkUps
    4. Names of utilities attending UFI
    5. Locations of utilities related to project such as station locations, right or left side, distance from centerline
    6. Types of facilities
    7. Significant utility facilities impacted and estimate of cost to relocate
    8. Any utilities that may not have adequate funds to relocate facilities
  - b. The UFI report must be prepared within four days of the UFI.
  - c. The approved UFI report must be placed in the Utility job file with the marked up plans.
7. Submission of UFI Information to other Sections, Surveys and/or Roadway Design

- a. The Section Head will determine what information should be forwarded to other Sections, Divisions and request the Coordinator prepare a transmittal memo.
  - b. When instructed, the Coordinator will meet with the appropriate personnel to discuss the UFI findings.
8. Preparation of Updated Cost Estimate
- a. The Coordinator will prepare an updated cost estimate based on the UFI showing each utility owner involved, estimated cost of relocations, and reimbursement eligibility.
  - b. Notes should be included identifying any utilities that may lack funds for their relocations.
  - c. The cost estimate will be sent to Programs and Contracts Division by memo requesting that funds be authorized for preliminary engineering. The Section Head will determine if the estimate should be provided to other Divisions.

#### **1.10 UTILITY INFORMATION MEETING**

1. The Utility Information Meeting should occur when construction plans are 25 to 45 percent complete. At this time, the construction plans should include the following information:
  - a. Title sheet
  - b. General layout
  - c. Typical sections
  - d. Profiles
  - e. Retaining wall, noise wall, and bridge locations
  - f. Preliminary major drainage features
  - g. Preliminary cross sections showing existing and proposed right of way, and
  - h. Staging information.
2. After identifying existing utility owners affected by a proposed highway project during the UFI, the Coordinator sends each utility owner a meeting notification letter setting a date, time, and location for the Utility Information Meeting. The Coordinator also invites representatives from the AHTD's Bridge, Construction and Roadway Design Divisions to attend the meeting.
3. The Coordinator sends the notification letter along with the 25 to 45 percent plans to each utility owner. The letter asks the utility owners to mark the following information on the plans and bring them to the meeting:
  - a. Location of their existing facilities
  - b. Mark any discrepancies on the plan sheets, and
  - c. Mark their existing easements on the plan sheets.
4. The utility owners must mark the location of their existing facilities and any

proposed facilities on the appropriate plan sheets using the red, green, and brown color scheme:

- a. Red - existing facilities that will be removed
  - b. Green - existing facilities that will remain
  - c. Brown - location of proposed facilities.
5. The notification letter will also request that the utility owner provide a written statement that indicates whether they will claim reimbursement for any utility relocations explaining the basis for a claim
  6. The Coordinator uses the Utility Information Meeting to obtain and share information early in the design process. When reviewing the plans, the Coordinator looks at the location of the utility facilities as they relate to the existing and proposed roadway and should be prepared to explain to the meeting participants those utility facilities that may have to be relocated or adjusted.
  7. Upon receipt and review of the plans, the Coordinator will advise the utility owner of any errors or omissions in its plans and, if necessary, schedule a follow-up meeting to resolve any outstanding issues.
  8. The Coordinator reviews alternatives to minimize utility impacts and recommends design changes appropriate. Making such design changes is at AHTD's sole discretion and must be approved by the Assistant Chief Engineer for Design.
  9. During the meeting, the Coordinator keeps meeting notes, recording important discussions, milestones, decisions, and action items as part of those notes. The Coordinator sends the minutes to all attendees and invitees requesting comments and corrections within 10 days of receipt.

#### **1.11 UTILITY DESIGN CHANGE MEETING**

1. When significant changes occur after the Utility Information Meeting, the Coordinator invites all involved utility owners and appropriate AHTD personnel to the Utility Design Change Meeting.
2. Prior to the meeting, each utility owner should receive one set of plan sheets showing the project revisions.
3. During the meeting, the Coordinator explains how the plans have changed since the Utility Information Meeting.
4. The Coordinator will discuss the effects of the changes concerning above ground utilities first, and then address underground facilities next and in order of their significance with regards to size, type, or other relevant parameters.

5. Minor changes do not require a Utility Design Change Meeting, but the Coordinator communicates any changes that affect existing and proposed utility facilities to the appropriate utility owners. Sharing any information about changes helps avoid duplication of effort.
6. The Coordinator keeps meeting notes, recording important discussions, milestones, decisions, and action items as part of those notes. The Coordinator sends the minutes to all attendees and invitees requesting comments and corrections within 10 days of receipt.

### **1.12 REQUESTING UTILITY RELOCATION PROPOSALS**

1. When the 60% preliminary design plans are received, the Coordinator will provide the plans to utilities within one week and request that relocation proposals be submitted within a reasonable time frame based upon the complexity and involvement of the utility. This time frame must be approved by the Utility Section Head and should not exceed 60 days.
2. Plans should be provided to the utilities electronically to facilitate delivery and preparation of relocation proposals in the format required by the Utility Accommodation Policy. A hard copy of the plans may be provided upon request by the utility owner.
3. The Coordinator must contact the utility owner within one week to ensure the plans were received and no additional information is needed.
4. Contact with the utilities should be made at least every other week to ensure preparation of the proposal is proceeding on schedule or to determine if assistance is needed.

### **1.13 PRELIMINARY ENGINEERING BY A CONSULTANT**

In the event a utility owner is not adequately staffed with technical personnel or for some other reason is unable to perform the Preliminary Engineering Services with its own forces, a consulting engineer may be employed by the utility owner after approval to do so is requested of and received from the Section. No work is to be performed and no outside preliminary engineering cost is to be incurred by the utility owner until approval to employ a consultant is given.

1. The utility owner will request approval from the Section to use a consulting engineer for development of a proposal to adjust the utility owner's facilities.
2. The utility owner will be notified in writing of approval or denial of the request.

3. The utility owner will enter into and select by negotiation with competent and qualified engineers, a consulting engineer whose qualifications and fee the utility owner has determined will accomplish the required work to the most economical advantage for the utility owner and the AHTD.
4. The utility owner will notify the Section in writing of the selected engineer and submit the Certification of Consultant. The AHTD must approve the selected Consultant prior to the utility owner and engineer entering into a contract.
5. The utility owner will instruct the consultant to prepare a formal proposal setting out the preliminary engineering services to be performed and indicating the amount for the services to be performed, which amount shall be reasonable and in keeping with the normal fees charged for professional engineering in the State of Arkansas.
6. Once approved by the AHTD, the utility owner and the consulting engineer will enter into a Contract for Preliminary Engineering Services based on the consultant's proposal, binding on both parties with a copy forwarded to the Section for review.
7. This document is submitted to the Section for review and, if in order, a Utility Agreement for Preliminary Engineering is prepared by the Coordinator.

#### **1.14 UTILITY AGREEMENTS FOR PRELIMINARY ENGINEERING**

1. A Utility Agreement for Preliminary Engineering Services will be prepared by the Coordinator. The agreement will embody the terms of the consultant's proposal and the contract between the utility owner and consultant including an itemized cost estimate for the consultant's fee. The agreement shall contain a time limiting clause for completion of preliminary engineering services.
2. The agreement will set forth obligations of the AHTD, the utility owner and the consultant, each to the other and mutually agreed to and executed by the utility owner and the AHTD.
3. Reimbursement for preliminary engineering services will be made at the same reimbursable percentage established for relocation of the utility owner's facilities. Therefore, reimbursement for preliminary engineering costs will not be processed until the Highway/Utility Relocation Agreement is approved. In addition, final payment for preliminary engineering will not be processed until the final payment for relocation work is processed to ensure the final reimbursable percentage is applied. Reimbursement for the consultant's profit is limited to 12 percent.

4. A written work order will be issued to the utility owner authorizing the consultant to proceed with the preliminary engineering work on the project. Verbal work orders shall not be issued.
5. In some instances, an alternate method will allow the Preliminary Engineering activity to be included in the Utility Agreement. Approval for this method must be obtained from the Division Head prior to preliminary engineering cost being incurred. A cost estimate for the consultant's fee and expenses will be provided by the utility owner to the Coordinator in writing, and upon approval, written authorization will be issued for the consultant to proceed.

### **1.15 PREPARATION OF A PRELIMINARY ENGINEERING AGREEMENT**

The Coordinator will prepare the Highway – Utility Agreement for Preliminary Engineering Services using the following procedures and actions. An agreement template is provided at Appendix A – 1.

1. Mark if the agreement is to be Actual Cost or Lump Sum.
2. Enter AHTD Job Number.
3. Enter Job Name.
4. Enter Route and Section.
5. Enter County/Countries where the job is located.
6. Enter Federal Aid Project (FAP) Number.
7. Enter Name of Utility Owner.
8. Enter Name of Consultant.
9. Leave this area blank. Date will be entered by Coordinator when document is fully executed.
10. Enter name of Utility Owner.
11. Enter name of Consultant.
12. Enter the total estimated cost of the preliminary engineering.
13. Enter the number of calendar days established within which the consultant will begin preliminary engineering activities.
14. Enter the number of calendar days established within which the consultant will complete the preliminary engineering activities.
15. Enter utility owner name.
16. Name of utility owner representative authorized to execute agreement.
17. Title of utility owner representative authorized to execute agreement.
18. Signature of utility owner representative authorized to execute agreement.
19. Utility owner's Federal Tax ID number.
20. Signature blocks for additional utility owner representatives.
21. Signature of authorized individual representing the Director of Highways and Transportation.
22. Signature of Right of Way Division Head.
23. Signature of Section Head – Utilities Section.

## **1.16 REVIEW OF NON-REIMBURSABLE PROPOSALS**

1. Where utility facilities are on highway right of way by sufferance or permit, the relocation, removal or relocation must be at the expense of the owner. The utility owner is required to inform the Section that its facilities will be adjusted as required by the highway construction and without claim for reimbursement.
2. The utility owner will submit a written statement that any relocation of its facilities required for the highway construction project will be non-reimbursable and the number of working days to start and complete the relocations after a work order is issued.
3. Two sets of plans showing the necessary relocations must be prepared in accordance with the Accommodation Policy and submitted for review.
4. The Coordinator will review the plans within one week of submittal to ensure they are properly prepared and in conformance with the Accommodation Policy. Specifically, a comparison will be made of the existing and proposed facilities with the highway construction plans and cross sections to confirm all existing facilities are being properly adjusted and the new facility placement will not interfere with the highway construction.
5. The methods, locations and schedules proposed by each utility involved will be reviewed and coordinated by the Coordinator to ensure the relocations proposed by the utilities will not create additional conflicts.
6. The time frames for starting and completion of the relocations will be reviewed to ensure it is reasonable and will be complete prior to the scheduled letting date.
7. This review is to be completed within three days or the Senior Coordinator or Section Head should be advised immediately.
8. If the time frame or plans are not satisfactory, the Coordinator will discuss the issue with the Senior Coordinator or Section Head to determine if the utility owner should be contacted to revise the plans or negotiate a reduction in the number or days requested.
9. If the proposal seems to be acceptable, the Coordinator will submit the proposal to the Senior Coordinator for review and approval.
10. If the Senior Coordinator approves the proposal, he/she will initial the first page of the plans.

## **1.17 REVIEW OF REIMBURSABLE PROPOSALS AND PREPARATION OF AGREEMENTS**

1. Where the utility owner has acquired the location for its facilities in or near the highway by virtue of the fact that it has obtained or acquired a property right from the original owner of the fee interest or is on privately owned land on which it has obtained an easement from the land owner by purchase or other means of acquisition, then this property right cannot be taken for highway purposes without just compensation.
2. Just compensation has been construed to be the net cost of making a relocation to restore the function of the interfering facility, including the cost of replacing the right of way taken in lieu of the market value approach to determine the value of the property taken.
3. When a utility owner's existing facilities are on private property to be acquired for highway construction and are required to be removed, and it is determined that the facilities need not be replaced, the actual cost of removal will be reimbursable. No other costs will be paid and salvage will be required for materials removed.
4. The utility owner will submit correspondence advising that its relocations will be reimbursable along with the required documents and requesting either an actual cost or lump sum reimbursement. See Section 1.18 for additional information concerning lump sum agreements.
5. Two sets of plans showing the necessary relocations must be prepared in accordance with the Accommodation Policy and submitted for review.
6. The Coordinator will review the relocation proposals within one week of submittal. Specifically, a comparison will be made of the existing and proposed facilities with the highway construction plans and cross sections to confirm all existing facilities are being properly adjusted and the new facility placement will not interfere with the highway construction.
7. The methods, locations and schedules proposed by each utility involved will be reviewed and coordinated by the Coordinator to ensure the relocations proposed by the utilities will not create additional conflicts.
8. The time frames for starting and completion of the relocations will be reviewed to ensure it is reasonable and will be complete prior to the scheduled letting date.
9. This review is to be completed within three days or the Senior Coordinator or Section Head should be advised immediately.

10. The Coordinator must immediately request clarification or any required information or documents that were not provided. The Coordinator must follow up with the utility owner weekly until the information is received and document the contacts. If a meeting with the utility owner is necessary for clarification, the meeting should be arranged as soon as possible.
11. If the time frame or plans are not satisfactory, the Coordinator will discuss the issue with the Senior Coordinator or Section Head to determine if the utility owner should be contacted to revise the plans or negotiate a reduction in the number or days requested.
12. If the proposal is in order, the Coordinator must prepare the Utility Relocation Agreement within one week and submit the agreement and "Estimate and Plan Check List" to the Senior Utility Coordinator for approval and forwarding to the Section Head. The Section Head will sign the Estimate and Plan Check List and initial the back of the agreement and forward to the Division Head.
13. When approved by the Division Head, three original copies of the agreement must be transmitted to the utility owner by email, fax, hand delivery, or mail within two days for execution and return.
14. The Coordinator must follow up with the utility owner weekly until the agreement is executed and received back in the Section. Contacts are to be properly documented.
15. Upon receipt of the executed agreement, the three copies of the agreement should be submitted to the Section Head, Division Head and Assistant Chief Engineer – Design for execution on behalf of the Director of Highways and Transportation.
16. One original is filed in the Section's job file, one original is returned to the utility owner and one is sent to the main job file.

#### **1.18 LUMP SUM REIMBURSABLE AGREEMENTS**

1. When proposed utility relocation work to be performed by a utility can be clearly and concisely defined and the cost can be accurately estimated, an agreement can be prepared based upon a lump sum payment without later confirmation by audit of actual costs.
2. The cost estimate in support of the lump sum agreements must be accurate, comprehensive, verifiable, and in sufficient detail to give a clear picture of the work involved and the cost of the individual items.
3. The Coordinator must review the utility's proposal, plans and cost estimate thoroughly and using their knowledge, experience and documented historical

costs determine that the use of a lump sum agreement is reasonable and in the best interest of the AHTD.

4. A memo of justification will be prepared by the Coordinator, approved by the Section Head and attached to the agreement prior to submitting the agreement to the Division Head.

#### **1.19 CITY REIMBURSEMENT AGREEMENTS**

1. In some instances a City agrees to be responsible for the cost of utility relocations for a city street project as set forth in the Project Agreement between the AHTD and the City.
2. A City – Utility Relocation Agreement is used to reimburse the utilities for allowable relocation expenses.
3. If the City requests and the AHTD agrees, the Section will handle the administration and coordination of necessary utility relocations in accordance with this Manual utilizing the City – Utility Relocation Agreement.
4. If the City is to handle the administration and coordination of utility relocations, the Coordinator will provide technical or other assistance to the City.
5. The Coordinator will maintain regular contact with the City to ascertain the status of relocation activities.

#### **1.20 DETERMINATION OF REIMBURSEMENT FACTOR**

1. When it is determined that a relocation is required in a utility owner's facility by the construction of a highway project, all or a portion of the cost is eligible for reimbursement and the utility owner will make claim for reimbursement of its share of the total cost of making the relocation.
2. The utility owner will prepare or have prepared and furnish to the Section, estimates of cost and drawings or sketches in support of the required relocation. Such documents must be prepared in accordance with the requirements of the Accommodation Policy and FHWA.
3. Net cost of relocation is the total amount of all appropriate and eligible costs of the relocation less credits for plant betterment not required by highway construction and for salvage value of removed material.
4. Where part of the existing facilities to be adjusted or relocated is on highway right of way and part is on the utility owner's property right, reimbursement will be for that portion of the total net cost of the relocation as the number of units on the utility owner's property bears to the number of units in the total

relocation. This ratio of eligibility will be determined based on a pole count or linear footage basis as appropriate to establish a percentage basis for reimbursement. This factor must be finalized after the project has been completed and actual quantities have been installed and actual costs determined.

5. An alternate method will be to take the estimated reimbursable cost (replacement in kind) divided by the total estimated project cost. This is to determine reimbursement on a percentage basis. This reimbursement factor can then be applied to all applicable charges. This factor must be finalized after the project has been completed and actual quantities have been installed and actual costs determined.
6. Some utility owners have facilities furnishing two or more classes of service, such as distribution and transmission lines for gas and electric services, toll lines and exchange lines, aerial and underground lines for telephone service. The applicable ratio of eligibility for reimbursement will be determined separately for each class of facility to be applied to the net cost of the relocation for each class of facility by one of the previously mentioned methods.
7. Under certain conditions, specific application of the general policy will require special treatment, and in these cases the determination will be made as a joint effort of the Section and the utility owner with approval by the Division Head.
8. During the review of the utility owner's proposal in Section 1.17, the Coordinator will ensure the reimbursement factor utilized is properly supported and computed.

## **1.21 PREPARATION OF HIGHWAY-UTILITY RELOCATION AGREEMENT**

The Coordinator will prepare the Utility Relocation Agreements using the following procedures and actions. An agreement template is provided at Appendix A - 2.

1. Mark if the agreement is to be Actual Cost or Lump Sum.
2. Enter AHTD Job Number.
3. Enter Federal Aid Project (FAP) Number.
4. Enter Job Name.
5. Enter County/Countries where the job is located.
6. Enter Route and Section.
7. Enter Name of Utility Owner.
8. Leave this area blank. Date will be entered by Coordinator when document is fully executed.
9. Enter name of Utility Owner.
10. Enter type of reimbursement – either actual cost or lump sum.

11. Enter a description of the work to be performed under the agreement. If needed, this information may be attached and referenced as an Exhibit.
  - a. This information should include the type and quantity of the utility facilities to be removed, abandoned or relocated and the type and quantity of facilities needed to restore service.
  - b. The basis for the reimbursement factor must be shown such as the number or quantity of poles, pipe, cable, etc or total estimated cost of that is on private property or is in place with prior rights versus the total facilities to be relocated.
  - c. The reimbursable percentage must be computed and rounded to two decimal places.
  - d. A summary of cost including separate cost line items such as Material, Contract Labor, Company Labor, Equipment, Overhead, Right of Way Clearing, Right of Way/Easement Acquisition, Preliminary or Construction Engineering, etc.
  - e. Computation of the reimbursable cost of the relocation using the determined reimbursable percentage.
  - f. The utility owner must provide detailed estimates of cost for each line item to be included in the agreement.
12. Enter the reimbursable percentage (rounded to two decimal places).
13. Enter the type of reimbursement – actual cost or lump sum.
14. Enter the total estimated cost of the utility relocation.
15. Enter the portion of the estimated cost that is estimated to be the responsibility of the AHTD.
16. Enter the portion of the estimated cost that is estimated to be the responsibility of the utility owner.
17. Enter the number of calendar days established within which the utility owner will begin actual relocation work.
18. Enter the number of calendar days established within which the utility owner will complete the relocation work.
19. Enter utility owner name.
20. Name of utility owner representative authorized to execute agreement.
21. Title of utility owner representative authorized to execute agreement.
22. Signature of utility owner representative authorized to execute agreement.
23. Utility owner's Federal Tax ID number.
24. Signature blocks for additional utility owner representatives.
25. Signature of authorized individual representing the Director of Highways and Transportation.
26. Signature of Right of Way Division Head.
27. Signature of Section Head – Utilities Section.

## **1.22 UTILITY RELOCATION WORK ORDERS**

1. The AHTD will issue each utility owner a written work order authorizing the utility owner to proceed with the relocations as set out in the approved

agreement and proposal. Use of a partial work order must have prior approval by the Division Head. No verbal work orders will be used.

2. Non-reimbursable Relocations – When utility relocations are non-reimbursable a work order will be issued as soon as right of way acquisition is sufficient to allow the utility owner adequate access to begin relocation work.
3. Reimbursable Relocations – When utility relocations are reimbursable a work order will be issued after the agreement is executed so that the utility owner may begin ordering material and/or acquiring easements.
4. If a portion of the utility owner’s relocations will be performed on the new highway right of way, a delay of entry will be issued to the utility owner to prevent work on those tracts not yet acquired.
5. Work orders will be prepared by the Coordinator and transmitted to the utility owner by email, fax or mail along with a copy of the executed agreement (if applicable), approved relocation plans, and most recent roadway design plans with cross sections.
6. Copies of the work order are sent to the Section job file, main job “C” and “U” files, District Engineer and Resident Engineer.
7. The Resident Engineer is also provided with a copy of the agreement and relocation plans for use in overseeing the relocations.

### **1.23 COMPETITIVE BID PROCESS**

When utility relocation work is to be accomplished by a contract secured under a fully competitive bidding process controlled by a utility, the AHTD will provide the following oversight.

#### **1. Authorization to Solicit Bids**

After review and approval of the plans, proposal, cost estimate and contract specifications the Coordinator will provide a written authorization to solicit bids. The utility owner will then advertise for bids following the utility’s normal procedures. The Coordinator must provide oversight of the bid process to ensure that the process is handled in a timely manner.

#### **2. Concurrence in Low Bid**

Upon the utility owner’s analysis of the bids received for the relocation work to be performed, the bid spreadsheet reflecting the bids received by line item will be forwarded to the Section with a recommendation of award. The Coordinator will review the bids and concur in the lowest responsive bid in writing.

### **3. Award of Contract**

The fully executed contracts and supporting documentation will be forwarded by the utility owner to the Coordinator for review and concurrence in award. The Coordinator will provide written concurrence to the utility owner along with a work order.

## **1.24 CONTINUING CONTRACT PROCESS**

If utility relocation work is to be accomplished under a utility's continuing contract, it normally would not be necessary for the AHTD to verify the bidding process used by the utility owner to secure the continuing contract. However, the AHTD will review the costs to be incurred under the continuing contract. This type of arrangement will be utilized only if the costs are deemed to be reasonable.

### **1. Review of Continuing Contract**

The utility owner will submit a copy of the continuing contract it wishes to use for the proposed relocation work along with the proposal, plans and cost estimate, if the current contract is not on file with the Section. The Coordinator will review the continuing contract and estimated costs and perform an analysis of the reasonableness of the costs. This analysis will be documented by memo to the Section Head explaining the basis for the determination.

### **2. Approval**

The Section Head will review the memo and either approve or disapprove the use of the continuing contract. The memo will be included with the agreement prior to submittal to the Division Head for review and approval of the agreement.

## **1.25 UTILITY CHANGE ORDERS**

The following procedures must be used to document changes in preliminary engineering, relocation activities, construction engineering, etc. No work covered by a Change Order should be allowed prior to obtaining the necessary approvals.

### **1. Preliminary Engineering**

Deviations in the amount or cost of preliminary engineering from that set forth in the approved Preliminary Engineering Agreement must have prior approval of the AHTD and be authorized by a Utility Change Order (Change Order).

- a. When a Change Order originates because of revisions to the highway design or plans, the utility owner shall notify the Coordinator in writing of the proposed change and reasons for its necessity.
- b. The utility owner shall submit an explanation of the change and a detailed estimate of cost and time for the additional work or cost required. The Coordinator will analyze the request, and if needed, prepare and process

- a Change Order to fully indicate the difference in costs in its variance from that originally proposed and approved.
- c. Each Change Order is numbered consecutively for each utility owner, by AHTD Job Number with copies of estimates and sketches attached as required. A copy of the approved Change Order is furnished to the utility owner with authorization to proceed with the work as provided in the approved Change Order. Copies are also distributed to the appropriate AHTD files.
  - d. On Change Orders made at the request of the utility owner and not required by a change in design; although incidental thereto, the same procedure of analysis, preparation, documentation and approval shall be followed.
  - e. Any increase in cost in excess of \$1,000 or 5% of preliminary engineering cost as contained in the agreement must be documented by a Change Order prior to work being accomplished.
  - f. Increases within the following ranges, must have the indicated level of approval:
    - 1. \$1,001 - \$10,000 – Utilities Section Head
    - 2. \$10,001 - \$25,000 – Right of Way Division Head
    - 3. \$25,001 & greater – Assistant Chief Engineer – Design.

## **2. Adjustments to Low Bid Amounts**

If a utility owner is contracting out any work associated with the relocation of its facilities and the actual low bid amount approved for the work differs from the estimated amount included in the Agreement, the Coordinator must prepare a Change Order to adjust the agreement amount to the low bid amount.

When the Change Order has been approved, the Coordinator will advise the utility owner, which will then enter into a contract with the approved bidder. Upon approval of the executed contract(s) the Coordinator will issue the utility owner a Work Order to begin relocation work.

## **3. Utility Relocations**

- a. Minor Changes in Quantity, Cost or Scope of Work
  - 1. Minor alterations in the planned utility relocation work may be authorized by the Resident Engineer if it involves minor changes in quantities or minor items not included in the approved proposal that may be necessary to accomplish the intent of the proposed relocation.
  - 2. Changes in the scope of work or design that do not substantially affect the cost of the work are considered minor changes.
  - 3. Minor changes are those that result in a net increase or decrease of \$10,000 or less for each element of relocation cost. Each change order will stand alone.
  - 4. These changes may be made without the necessity of a formal Change Order, but the Resident Engineer will provide adequate

documentation of the minor changes involved. This documentation will be shown in Site Manager.

- b. Substantial Changes in Quantity, Cost or Scope of Work
  1. Any substantial deviation made in the method, materials, cost and/or type of construction from that set forth in the approved Construction/Relocation Agreement must have prior approval of the AHTD and be authorized by a Utility Change Order (Change Order).
  2. Substantial changes are those that result in a net increase or decrease of more than \$10,000 for each element of relocation cost. Each change order will stand alone.
  3. The utility owner shall notify the Resident Engineer immediately when any change in the work to be performed or cost from that in the approved proposal. The Resident Engineer and the utility owner will discuss the situation and determine the best solution. The utility owner may include their contractor and engineering consultant in the discussions.
  4. The Resident Engineer will notify the Utilities Section Head if assistance is needed.
  5. If it is determined that a Change Order is needed, the utility owner shall submit an explanation of the change, sketches and a detailed estimate of cost for the additional work required to the Resident Engineer.
  6. The Resident Engineer will analyze the request, prepare and process Change Orders for utility relocations to fully document the difference in costs, quantities or change in design from that originally proposed and approved.
  7. Each Change Order is numbered consecutively for each utility owner, by AHTD Job Number with copies of estimates and sketches attached as required.
  8. Each Change Order stands on its own and is independent with regard to dollars and quantities.
  9. Changes within the following ranges, must have the indicated level of approval:
    - a. \$10,001 - \$25,000 – District Engineer
    - b. \$25,001 & greater – Assistant Chief Engineer – Operations.
  10. A copy of the approved Change Order is furnished to the utility owner with authorization to proceed with the work as provided in the approved Change Order. A copy is provided to the Utilities Section for forwarding to Fiscal Services.
  11. On Change Orders made at the request of the utility owner and not required by a change in design; although incidental thereto, the same procedure of analysis, preparation, documentation and approval shall be followed.
- c. Changes in Reimbursement Factors
  1. If a change in the relocation work causes a change in the percentage of the relocation cost that is reimbursable, the change must be documented by Change Order.

2. The Change Order should document the changes in the utility work that result in the change and fully describe why the reimbursement factor is changing.
3. The Resident Engineer will consult with the Section Head, if needed, to ensure the revised reimbursement factor is properly computed.

#### **4. Increases in Utility Relocation Time**

- a. If a change in the time to start or complete a utility relocation is requested, either at the owner's request or as a result of design changes, the Resident Engineer must document the change in the diary.
- b. If the cumulative number of calendar days will cause the utility relocations to finish subsequent to the scheduled letting date, the Resident Engineer must advise the Utilities Section Head.
- c. The Utilities Section Head will advise the Right of Way Division Head. If the additional days are approved, the Utilities Section Head will document the approval in the job file and the Resident Engineer will document the approval in Site Manager and advise the utility owner.
- d. If the additional days are not approved, the Utilities Section Head and Resident Engineer will work with the utility owner on a solution to allow relocations to finish within the authorized time period.

#### **5. Final Reconciliation Change Order**

- a. If at the completion of the utility relocation there are differences in the estimated and actual quantities and amounts incorporated into or associated with the work, a final reconciliation Change Order should be prepared.
- b. These differences should be minor in nature as any significant differences would have been documented by Change Order during the progress of the relocation activities.
- c. The utility will submit a detailed explanation of the remaining differences in each line item as noted in the agreement with the final invoice submitted for payment.
- d. The Coordinator will prepare a Change Order, if necessary, with the assistance of the Resident Engineer, prior to preparing the final Utility Pay Estimate.

#### **6. Preparation of the Change Order Form**

- a. The Change Order consists of several parts, as follows:
  1. AHTD Job Number, Job Name, Utility Owner Name, Route, Section.
  2. Change Order Number (Numerical sequence per job and utility owner).
  3. Description of Change.
  4. Reason for Change.
  5. Summary Section, showing the line item(s) included in the agreement, present amount and revised amounts, totals and dollar value of the overruns or underruns as the case may be.
  6. Reimbursement Factor(s) rounded to two decimal places.

7. Summary Section, showing the total dollar amount under agreement based on the present amount and revised amount and the dollar value of the overrun or underrun after applying the reimbursement percentage.
- b. The Change Order shall be filled out in its entirety; it shall be concise in the Description of Change; clear in the meaning and phrasing of the Reason for Change; and the items and money values accurate.
    1. Additional sheets, sketches, etc. may be attached to the Change Order if needed to clarify the situation. However, extraneous remarks, notes, computations, etc. should not be placed on or attached to the Change Order unless the additions are essential and necessary for attachment to and inclusion in the APPROVED copy. If this information is necessary for internal use during the course of the review, it shall be submitted on a separate sheet accompanying the Change Order.
    2. All discussions and/or correspondence regarding a proposed Change Order will be with the utility owner. If a utility owner has hired a consulting engineer to oversee its relocations, then that representative may be included in the discussions also.
  - c. Instructions for Completing the Change Order Form
 

A Change Order template is provided at Appendix B – 1.

    1. Enter the name of the utility owner.
    2. Enter the AHTD Job Number as noted on the Utility Work Order.
    3. Enter the Route and Section No.
    4. Enter the County/Counties in which the job is located.
    5. Number the Change Order consecutively for each utility owner. In the event a proposed change order is not approved, the rejected change order should be filed and the next proposed change order given the next consecutive number.
    6. Enter the Job Name and FAP No.
    7. Enter the “Description of Change”. This should be a brief description of the change proposed. Additional plan sheets, attachments, etc. may be referred to. The location of the change, preferably by Station number, must be entered in this area. Any increases in the number of calendar days to complete the relocation should be noted.
    8. Enter the “Reason for Change”. This is the “Why” of the Change Order. It should make clear the reasons the change is necessary. While brevity is often desirable, it is not always best when explaining the reasons for approval of a Change Order.
      - a. Often Change Orders include several different line items or types of work in the “Description of Change”. When this occurs, each line item or type of work should be numbered and then the same numbering used in the “Reason for Change” section.
      - b. If there is not sufficient space on the Change Order face to write a clear “Description of Change” or “Reason for Change” an attachment should be used. Indicate the job number, utility owner, and change order number on all attachments so that the

attachments will not lose their identity if they become separated from the other parts of the Change Order.

9. Enter the line items of cost as shown in the Highway/Utility Relocation Agreement in the first Summary Section of the Change Order. This will normally be items such as Preliminary Engineering, Construction Engineering, Construction Labor, Contract Labor, Materials, Overhead, Easement Cost, Clearing, etc.
10. Enter the estimated amount for each item as represented in the initial agreement or most recent change order.
11. Enter the revised estimated amount for each item as recommended in this proposed change order.
12. Enter the difference in the amounts shown in Items 10 and 11 for each line item on the change order as an increase or decrease.
13. Enter the totals of the current and revised amounts for each column.
14. Enter the reimbursable percentage included in the agreement.  
If the reimbursable percentage is changing as a result the proposed change order show the present reimbursable percentage and the revised reimbursable percentage (rounded to two decimal places).
15. Enter the amount of the total present cost from Item 13.
16. Enter the amount of the total revised cost from Item 13.
17. Enter the current reimbursable percentage.
18. Enter the revised reimbursable percentage or current percentage, if there is no revision.
19. Calculate the present reimbursable amount.
20. Calculate the revised reimbursable amount.
21. Determine the amount of the total reimbursable underrun or overrun.
22. The Coordinator or Resident Engineer will sign the Change Order requesting the change, as applicable.
23. The Section Head or District Engineer will sign recommending the change, as applicable.
24. The Division Head or Construction Engineer will sign approving the change, as applicable.
25. The Assistant Chief Engineer – Design or Assistant Chief Engineer – Operations will sign authorizing the change, as applicable.
26. Enter date of each approval action.

## **1.26 PREVIOUSLY UNIDENTIFIED UTILITY CONFLICTS**

1. If utility relocation work or highway construction work is underway and a previously unidentified utility conflict is discovered, the Resident Engineer should immediately contact the Section Head. A review of the situation will be conducted, including a site visit by the Coordinator responsible for the project, to determine the affected utility, extent of the conflict and initiate the necessary corrective action.

2. If the utility relocation work is reimbursable, the utility will be required to submit a proposal, plans and cost estimate for the work. The Coordinator will prepare a Highway/Utility Relocation Agreement in accordance with this Manual.
3. If the utility relocation work is non-reimbursable, the utility will be required to submit plans showing the adjustments to be made and time frame to complete in accordance with this Manual.
4. All parties will act as expeditiously as possible to ensure any conflicts are resolved in a timely manner so as to not delay the highway construction.

### **1.27 UTILITY RELATED CONSTRUCTION DELAYS**

Utility related construction delays could impact projects in significant ways. If a utility owner does not respond to requests from AHTD to resolve delays, it may be liable for the costs that a utility related delay causes the highway contractor. The basic procedure to resolve utility related delays is as follows:

1. As soon as possible, the highway contractor should notify the utility owner and the Resident Engineer of utility related delays.
2. At the first indication of delay in the field, the Resident Engineer documents the situation in the project files and discusses the issue with the utility owner's main contact.
3. If the delay cannot be immediately resolved, the Resident Engineer sends a follow-up letter to the utility owner indicating that contractor delay costs will be assessed if the utility relocation is not completed on schedule. The Resident Engineer also sends a copy of the letter to the prime contractor, any affected subcontractors, and the Utilities Section Head.
4. The Construction Division then determines the most appropriate action for the project. If the work by the utility owner directly results in a delay to the progress of the controlling operation, the Construction Division will determine whether a time extension is acceptable or whether an adjustment in working day assessments is needed.
5. If the work cannot be suspended, or if it proceeds at a slower pace without severe impact to the project, the Construction Division will order the contractor to continue working around the utility relocation.
6. The Construction Division forwards a copy of all documentation and letters to the Utilities Section Head.
7. If requested by the Resident Engineer, the Utilities Section Head may be involved in determining future steps and will assist in implementing actions to prevent future delays.
8. If the contractor requests the utility owner to make moves or changes or to do work solely for the contractor's benefit or convenience, the contractor must pay the cost of the work.

## **1.28 UTILITY SPECIAL PROVISIONS – HIGHWAY CONTRACTS**

Utility Special Provisions advise the highway contractor of activities that will occur within the project limits during the life of the project and will require mutual coordination between the utility owner and the highway contractor. The Special Provisions are prepared by the Coordinator, reviewed and approved by the Section Head and forwarded to the Assistant Division Head for approval. The Special Provisions are transmitted to the Roadway Design Division for incorporation into the Plans, Specification and Estimate (PS&E) package to be approved by FHWA prior to the advertisement date.

1. The Coordinator provides as accurate and specific information as possible to assist bidders with bid proposal preparation and contractors with planning their operations to avoid damage and disruption to utility facilities and with preparing their own project construction schedules accordingly.
2. Special Provisions include the most up-to-date version of the following information, which the Coordinator gathers in conjunction with the utility owners through the coordination process. Again, the Coordinator takes care to avoid duplicating information in project plans and other special provisions that may create discrepancies. The content of contract special provisions and other contract documents include the following:
  - a. Utility contact information including the name of utility, contact person, phone, fax, and e-mail for all utility owners that have facilities located within the project limits including ones whose facilities are not affected.
  - b. Written description of utility relocations and other factors, as necessary, to supplement information on the utility tabulations.
  - c. Relocation schedule that includes the number of calendar days and/or the specific calendar completion date for individual relocations. The schedule details pre-work activity of the utility owner, such as material delivery, and any contingencies and tasks that the contractor or another utility owner must perform before relocation can occur, such as staking or clearing of the right of way. By using the information from the relocation schedule, the highway contractor can determine the amount of lead time a utility owner will need to complete a specific relocation.
  - d. Restrictions for in-place facilities such as working around pipelines or other facilities.

## **1.29 UTILITY CERTIFICATIONS**

A Right of Way Certification must be prepared for each AHTD highway construction job prior to the job being advertised for bids to ensure the required right of way, relocation and property management activities have been completed in accordance with 49 CFR Part 24. In addition, the status of utility relocation activities must be included to ensure the highway contractor will have sufficient areas to work on the project upon award of the contract.

### **1. Initial Utility Certification**

Approximately one week prior to the date the bid letting is advertised, a Utility Certification will be prepared by the Coordinator and reviewed and approved by the Section Head. This certification will include the names of the utility owners involved on the project, location, types of facilities, status, and estimated completion date. The approved utility certification is forwarded to the Assistant Division Head for incorporation into the Right of Way Certification prior to approval by the Division Head.

### **2. Updated Utility Certification**

Approximately five days prior to the letting date, an updated Utility Certification will be prepared by the Coordinator and reviewed and approved by the Section Head. This document will contain the same information as the initial certification. It is forwarded to the Assistant Division Head and incorporated into the updated Right of Way Certification prior to approval by the Division Head.

### **3. Utility Certification at Award**

Prior to award of the highway construction contract to the successful bidder, Programs and Contracts Division will advise the Assistant Division Head that updated certifications are required. An updated utility certification will be prepared by the Coordinator, reviewed and approved by the Section Head and forwarded to the Assistant Division Head. The same type of information will be included in this certification. A Right of Way Certification for Award will be prepared including the updated utility information and forwarded to the Division Head for approval.

### **4. Final Utility Certification**

Upon completion of the utility relocations for a project, the Final Utility Certification will be prepared by the Coordinator showing that all utility owners have completed their relocation activities. The Section Head will review and approve the Final Utility Certification and forward to the Assistant Division Head for incorporation into the Final Right of Way Certification prior to approval by the Division Head.

## **1.30 PAYMENT PROCEDURES – PRELIMINARY ENGINEERING**

### **1. Overall Process**

- a. Utilities may submit progress or final billings for preliminary engineering as allowed in the Accommodation Policy, Section 14.
- b. Upon receipt of a progress billing the Section Administrative Assistant will log the request into the billing tracking system by utility owner, date received and amount requested.
- c. The Coordinator must review the billing within three days of receipt to determine if all necessary information has been submitted to allow processing of the payment.

- d. If additional information is needed, the Coordinator must notify the utility owner in writing (by email or fax) of the specific items or information required within two days.
- e. If all required information has been submitted but a change order is needed, the Coordinator must prepare the Change Order within two days.
- f. If all required information has been submitted, the Coordinator must, within two days, prepare the Utility Pay Estimate and submit along with supporting documents to the Section Administrative Assistant to check mathematical accuracy and conformity with payment procedures. Review will be documented by initialing the form.
- g. If acceptable, the Section Administrative Assistant will forward the pay estimate to the Senior Utility Coordinator for review and approval within one day. The pay estimate will then be forwarded to the Section Head.
- h. If not properly prepared, the pay estimate will be returned to the Coordinator for correction or to request additional information. Such action must be taken within one day.
- i. The Section Head will verify the pay estimate is correct and forward to the Assistant Division Head, through the Administrative Assistant III in the Administrative Section, for review. When approved, the pay estimate is forwarded to the Division Head who will approve and forward to the Assistant Chief Engineer – Design for approval. The Section Administrative Assistant will log this information.
- j. When the pay estimate has been approved, the Section Administrative Assistant will prepare a transmittal memo for the Section Head's signature forwarding the estimate to the Chief Fiscal Officer for payment. The Section Administrative Assistant will log this information.
- k. Fiscal Services Division will process the payment and the State Treasurer will send a state warrant directly to the utility owner.
- l. After payment, two paid copies of the estimate will be returned showing the voucher number and date paid. One copy is for the utility Owner and one for the job file. The Section Administrative Assistant will log this information.
- m. The Coordinator will send the utility owner the copy of the paid estimate to indicate the payment has been processed.

## **2. Progress Billing Review**

- a. The Coordinator will ascertain that an appropriate utility owner representative has acknowledged the billing is correct and requested reimbursement. Billings received directly from a consulting engineer will not be processed for payment until the utility owner acknowledges and submits request for reimbursement.
- b. Review the progress billing to ensure it totals \$5,000 or more and is prepared in the same format as the initial cost estimate.
- c. Check the mathematical accuracy of the billing including subtotals and check the accuracy of unit costs and payroll charges by checking a

sample of transactions. Coordinator must note by checkmarks those computations verified.

- d. Verify the utility owner has provided documentation for each type and amount of expense for which reimbursement is claimed.
- e. Verify that documentation of actual expenditures was received, i.e. canceled check, paid receipt or voucher.
- f. Verify any overhead or indirect expense rates are properly documented and supported by rate information on file in the Utility Section.
- g. Compare billed cost for each line item with the approved estimated cost for each line item to ensure the approved amount is not being exceeded without an approved change order.
- h. Compare the line item quantities and costs to date for contracts with the contract line item quantities and costs to ensure items are not overrunning the amounts under contract.

### **3. Final Billing Review**

- a. Review of final billings for preliminary engineering costs will be accomplished in the same manner as progress billings with the following additional steps.
- b. The final billing received from the utility owner must clearly note that this is the final bill for this work.
- c. The proper certification must be submitted by the utility owner stating the work was performed in accordance with the agreement and any approved change orders.

### **4. Preparation Of Progress Pay Estimates**

- a. The Coordinator must complete the utility pay estimate by inserting the utility name, AHTD job number, job name, estimate number, type, dates included, work order dates, agreement dates and any approved change order dates.
- b. Enter pay items as set forth in the agreement.
- c. Enter previous payment amounts from previous pay estimate or zero if first estimate.
- d. Enter current pay amounts for each line item from the progress billing.
- e. Verify the computed amounts shown for payment this billing and subtotals are correct.
- f. Enter the approved reimbursable percentage from the agreement or approved change orders.
- g. Verify the computed reimbursable amounts from the previous pay estimate, current billing and current amount to be paid are correct.
- h. If a lump sum agreement, the utility owner must certify the percentage of work under agreement that has been completed. No more than 90% of the agreement amount will be paid on current estimates.
- i. For lump sum agreements, the amount of profit to be paid is limited to the percentage of work performed.

- j. Attach a copy of the agreement and/or most recent approved change order, previous paid estimate, current billing and supporting documentation to the pay estimate.
- k. Sign the pay estimate and forward for review and approval.

### **1.31 PAYMENT PROCEDURES – FACILITY RELOCATIONS**

#### **1. Overall Process**

A Utility Pay Estimate template is provided at Appendix C – 1.

- a. Utilities may submit progress or final billings for relocation and adjustment of facilities as allowed in the Accommodation Policy.
- b. Upon receipt of a progress billing in the Section, the Section Administrative Assistant will log the request into the billing tracking system by utility owner, date received and amount requested. The billing will then be given to the Coordinator for review and preparation of the Utility Pay Estimate.
- c. The Coordinator must review the billing within three days of receipt to determine if all necessary information has been submitted to allow processing of the payment.
- d. If additional information is needed, the Coordinator must notify the utility owner in writing (by email or fax) of the specific items or information required within two days.
- e. If all required information has been submitted but a change order is needed, the Coordinator will notify the Resident Engineer who must then review the situation and prepare the Change Order within five working days.
- f. If a change order is not necessary, the Coordinator must check mathematical accuracy and conformity with payment requirements and then prepare the Utility Pay Estimate.
- g. The documentation will be scanned and forwarded to the Resident Engineer for review of the pay estimate, billing and supporting documentation to determine that the work has been completed in accordance with the proposal and should be paid.
- h. The Resident Engineer may request additional information from the utility owner or job inspector and, if needed, return the pay estimate to the Coordinator for correction. Such action must be taken within two working days.
- i. The Resident Engineer will verify the estimate is correct and return the signed pay estimate to the Coordinator. Within two working days, the Coordinator will sign the pay estimate and submit to the Section Head who will approve and forward to the Division Head for approval. The pay estimate will be sent to the Assistant Chief Engineer – Design for authorization to pay. The Section Administrative Assistant will log this information.
- j. When the pay estimate has been approved, it will be returned to the Utilities Section for transmittal to Fiscal Services Division.

- k. The Section Administrative Assistant will prepare a transmittal memo for the Section Head's signature forwarding the estimate to the Chief Fiscal Officer for payment. The Section Administrative Assistant will log this information.
- l. Fiscal Services Division will process the payment and the State Treasurer will send a state warrant directly to the utility owner.
- m. After payment, two paid copies of the estimate will be returned to the Section showing the voucher number and date paid.
- n. One copy is for the utility owner and one for the job file. The Section Administrative Assistant will log the payment information and give the copies to the Coordinator.
- o. The Coordinator will send the utility owner the copy of the paid estimate to indicate the payment has been processed.

## **2. Progress Billing Review**

- a. Ascertain that an appropriate utility representative has acknowledged the billing is correct and requested reimbursement. Billings received directly from a consulting engineer will not be processed for payment until the utility owner acknowledges and submits the bill and request for reimbursement.
- b. Review the progress billing to ensure it totals \$5,000 or more.
- c. Verify the mathematical accuracy of the billing including subtotals and the accuracy of unit costs and payroll charges by checking a sample of transactions. Reviewer must note by checkmarks those computations verified.
- d. Verify the utility owner has provided documentation for each type and amount of expense for which reimbursement is claimed.
- e. Verify that documentation of actual expenditures was received, i.e. canceled check, paid receipt or voucher.
- f. Verify any overhead or indirect expense rates are properly documented and supported by rate info in the job file.
- g. Compare billed cost for each line item with the approved cost for each line item to ensure the approved amount is not being exceeded without an approved change order.
- h. Compare the line item quantities and costs to date for contracts with the contract line item quantities and costs to ensure items are not overrunning the amounts under contract.

## **3. Preparation of Utility Pay Estimates – Facility Relocations**

- a. Prepare Utility Pay Estimate by entering utility name, job number, job name, estimate number, type, dates included, work order dates, agreement dates and any approved change order dates.
- b. Enter pay items as set forth in the agreement.
- c. Enter previous payment amounts from previous pay estimate.
- d. Enter current pay amounts from the progress billing.

- e. Verify the computed amounts shown for payment this billing and subtotals are correct.
- f. Enter the approved reimbursable percentage from the agreement or approved change orders.
- g. Verify the computed reimbursable amounts from the previous pay estimate, current billing and current amount to be paid are correct.
- h. If a lump sum agreement, the utility owner must certify the percentage of work under agreement that has been completed. No more than 90% of the agreement amount will be paid on current estimates.
- i. For lump sum agreements, the amount of profit to be paid for engineering activities is limited to the percentage of work performed.
- j. Attach a copy of the agreement and/or most recent approved change order, previous paid estimate, current billing and supporting documentation to the pay estimate.
- k. Sign the pay estimate.

#### **4. Final Billing Review**

- a. Review of final billings for the cost of adjusting the utility owner's facilities will be accomplished in the same manner as progress billings with the following additional steps.
- b. The final billing received from the utility owner must clearly note that this is the final bill for this work.
- c. Two sets of as-built plans must be provided by the utility owner.
- d. The proper certification must be submitted by the utility owner stating the work was performed in accordance with the agreement and any approved change orders.
- e. Any outstanding issues or deficiencies in the utility owner's work must be resolved prior to processing the billing.
- f. The Resident Engineer's memo stating the work is complete and was performed in accordance with the agreement and any approved change orders must be attached to the estimate. A copy of the Resident Engineer's utility diary must be included in the project file. Any changes not previously documented by change order must be addressed in the diary or by preparation of a final change order.

### **1.32 RECORD KEEPING REQUIREMENTS**

#### **1. Utility Section Information Tracking System**

The Utility Section Information Tracking System (USITS), a database maintained by the AHTD, provides for tracking of the utility relocation and billing processes. It is vital that information relative to these activities be entered into the USITS in a timely and accurate manner. This will allow Division, District and other AHTD officials to obtain current information on the status and estimated completion dates for utility relocations and payment status. It also provides a tool for the

Coordinators and Resident Engineers to plan their work and accomplish necessary tasks in a timely and efficient manner.

Information should be entered into the USITS no later than two days after receipt of information related to a project. The Utility Section staff is responsible for entering information through the preliminary engineering stage of the process including billings for PE. Each data field is set up to allow a certain position such as Coordinator, Section Administrative Assistant, Utility Section Head, etc. to enter the information. Each individual will be responsible for ensuring the information required is entered in a timely and accurate manner.

## **2. Site Manager**

Once a work order is issued allowing a utility owner to begin the relocation work, the Resident Engineer and his staff will become responsible for entering information related to the project in Site Manager in a timely and accurate manner. Such information includes, but is not limited to: dates work started and completed; estimated completion date; percent of work complete; type and quantities of work performed; equipment and manpower utilized; weather conditions; delays; issues discussed and resolutions; change orders.

## **3. Utility Section Job Files**

The Utility Section will maintain separate files for each utility relocation project. The files will consist of, at a minimum, components for each utility contacted and the various documents, correspondence, plans, etc. prepared or received related to a determination whether or not relocation is needed. Any documents or information related to relocation proposals, agreements, billings, change orders, etc. will be maintained in these files.

### **1.33 UTILITY PERMITS**

The laws of the State of Arkansas (Statutes 27-67-218 & 27-67-304) provide that utility facilities may be located on or cross state highway rights of way provided that the facilities will be so located, installed or constructed so as not to interfere with the use of the rights of way for highway purposes as defined and regulated by the AHTD.

1. If a utility owner requires accommodations on the highway system for the installation of their facilities, then they must submit an application for a utility permit to the District Engineer for his recommendations.
2. The District Engineer will recommend the amount of bond required and any special conditions deemed necessary for the protection of the highway facility or the traveling public. AHTD Utility Permits are forwarded to the Section for approval and processing. Vegetation Control Permits are forwarded to the

Section through Environmental for processing. District Utility Permits are not sent to the Section.

3. The required bond amount set by the District Engineer is determined by the extent of work to be performed on highway rights of way and is to guarantee the restoration of said rights of way in accordance with State Law.
4. The bond will be released upon acceptable restoration of the rights of way as determined by the District Engineer.
5. The Section approves permit requests by reviewing them for conformity to the Federal Aid Policy Guide Part 645 and the Accommodation Policy.
6. Upon approval of the requested work the approved permit is returned to the requesting utility owner authorizing the work to be performed.
7. After completion of the work and upon receipt of the required documentation from the District Engineer of the acceptability of the restoration of the rights of way, the bond amount will be released or returned to the utility owner by the District or Section, as appropriate for the type of bond or permit.

#### **1.34 SECTION PERMIT PROCESSING PROCEDURE**

The following procedures are followed by the Section regarding the receipt, review and processing of AHTD Utility Permits and Vegetation Control Permits.

1. Receipt of Permit Applications  
Permit applications that have been reviewed and recommended by the appropriate District Engineer or other reviewing Divisions are received in the Section by mail, e-mail or in person. Applications mailed or hand-delivered are stamped in by the Office Administrative Assistant III and those received by e-mail are printed and stamped by the Office Administrative Assistant I. Applications are then forwarded to the Section Head or the appointed reviewer. Applications accompanied by a check/cash deposit will normally be reviewed the same day received. Checks/cash will be secured in a locked drawer if kept overnight prior to submittal to Fiscal Services Division (Fiscal Services).
2. Permit Application Review  
The Section Head or appointed reviewer will review the permit application and plans within one working day to ensure the District Engineer has made a recommendation and the plans meet the requirements of the Utility Accommodation Policy. Upon approving the application, the reviewer initials the application and provides any special comments that need to be documented. Questions arising during the review process should be addressed to the appropriate District for additional information, comments or

handling. Applications must be forwarded to others for approval in the following circumstances.

- a. Bridge attachments are forwarded by memo to the Bridge Engineer.
- b. Luminaries are forwarded by memo to the State Maintenance Engineer.
- c. Applications related to an upcoming highway improvement project are forwarded to the assigned Utility Coordinator.
- d. Special or unusual situations are forwarded to the Right of Way Division Head.

3. Processing Approved Permit Application

An approved permit application is forwarded to the Office Administrative Assistant I who logs the approved permit application into the Permit Log Book within one working day. Data included is the assigned permit number, permittee, description of installation, route, section, county and date.

Information on Part III of the Permit Application is also filled out that includes the assigned permit number, route, section, county, deposit amount and method of deposit. Based on the type of deposit utilized for the permit the following processes are utilized:

- a. Standing Bond
  - i. Permit information is entered into a DOS based program by the Office Administrative Assistant I.
  - ii. The balance of the existing standing bond is reviewed by Office Administrative Assistant I for adequate coverage.
    - 1) If bond balance is adequate, any special conditions required for the work are added to the DOS program.
    - 2) Permit is printed from the DOS program for Section Head to review and sign if approved.
    - 3) When signed, the permit is scanned as a PDF file into the Utilities Section Permit e-files.
    - 4) Approved permit is e-mailed to the District Permit Officer.
    - 5) Approved permit is mailed to the Owner.
    - 6) Hard copy of the permit is filed in the Section's permit files for a minimum of one year.
  - iii. If the balance of the standing bond is inadequate, the Office Administrative Assistant I will advise the Section Head. The Section Head will review amount of bond required for the work, bond limit, utility owner performance, etc. to determine if a permit will be issued. If so, the determination will be noted on the permit application.
    - 1) If the permit will not be issued, the District Permit Officer will be notified by e-mail and provided a report showing the current status of the utility's outstanding permits.
    - 2) The permit officer may review the list for any permits that may be released to create an adequate amount of bond coverage or notify the utility of the need to increase the bond.
    - 3) Until the bond balance is such that a sufficient amount is available to cover the bond set for the work to be performed, a hold is noted in the DOS based permit program.

- b. One Time Bond
  - i. One Time Bond is presented to the Section Head for review and approval by signature.
  - ii. Permit and bond information is entered into the One Time Bond Access database by the Office Administrative Assistant I.
  - iii. Permit and bond information along with any special conditions are entered by the Office Administrative Assistant I into a form letter, printed and forwarded to the Section Head for review and approval by signature.
  - iv. Approved permit is scanned as a PDF file into the Utilities Section e-files.
  - v. Approved permit is e-mailed to District Permit Officer.
  - vi. Copy of the one time bond and the approved permit are transmitted by letter to the Owner.
  - vii. Hard copy of the permit and the original one time bond are filed until released.
- c. Check or Cash Bonds/Deposits
  - i. Permit and check/cash information is entered into the Permits Check/Cash Access database by the Office Administrative Assistant I.
  - ii. Permit and check/cash information, along with any special conditions, is entered by the Office Administrative Assistant I into a form letter, printed and forwarded to the Section Head for review and approval.
  - iii. Copy of the permit release and the original check/cash are hand carried to Fiscal Services.
  - iv. Fiscal Services stamps the permit release acknowledging physical transfer of the check/cash from the Section to Fiscal Services.
  - v. Approved permit and stamped release transfer acknowledgement are scanned as PDF files into the Utilities Section e-files.
  - vi. Approved permit is e-mailed to District Permit Officer.
  - vii. Approved permit is mailed to Owner.
  - viii. Hard copy of the approved permit is filed for a minimum of one year.

#### 4. Release of Permit

Upon completion of the work performed under the permit, the District Engineer forwards a statement to the Utilities Section advising that the permit can be released. The statement is dated stamped and the Office Administrative Assistant I enters the release date into the Permit Log Book for the appropriate permit. Releases will be processed as follows, based on the type of deposit for the permit:

- a. Standing Bond
  - i. Date permit is released is entered by the Office Administrative Assistant I into the DOS based program and on the permit.
  - ii. Released Permit is scanned as a PDF into the Utilities Section Permit e-files.
  - iii. Scanned released permit is e-mailed to the District Permit Officer.
  - iv. Released Permit is mailed to the Owner.
  - v. Released permit is filed for a minimum of one year.

- b. One Time Bond
  - i. Date permit is released is entered into Access Data Base by the Office Administrative Assistant I.
  - ii. Released permit is scanned as a PDF into the Utilities Section Permit e-files.
  - iii. The scanned released permit is e-mailed to the District Permit Officer.
  - iv. Office Administrative Assistant I prepares a letter to the Owner advising that the permit has been released. The Section Head or his designee signs the letter and it, along with the original bond, is mailed to the Owner.
  - v. Copies of the letter and the original bond are filed in the permit folder for a minimum of three years.
  - vi. Hard copy of the permit release is filed for a minimum of one year.
- c. Check/Cash
  - i. Copy of letter Fiscal Services sends to the Owner stating the permit has been released and the amount of the deposit being returned is dated stamped by the Office Administrative Assistant I when received from Fiscal Services.
  - ii. Permit release date is entered into the Access database by Office Administrative Assistant I.
  - iii. Fiscal Services letter is scanned as a PDF file into the Utilities Section Permit e-files.
  - iv. Copy of the letter with the date stamp is e-mailed to the District Permit Officer.
  - v. Copy of the letter is filed for a minimum of one year.

5. Verification of Standing Bonds

The status of existing Standing Bonds is verified annually by contacting the bond owner to determine the current status as follows:

- a. A Bond Verification Form is forwarded to the utility owner by letter for current bond and contact information, as shown in the DOS based permit system. Copies of the letter and form are filed in the Section permit files. The Office Administrative Assistant I enters the name of the utility owner and date the form was sent into an Excel file for tracking purposes.
- b. The owner confirms the accuracy of the information or provides the current bond expiration date and the amount of the last premium paid by certification on the Bond Verification Form and returning the form to the Section. The date the form is returned is entered into the Excel tracking file by the Office Administrative Assistant I.
- c. The Office Administrative Assistant I enters the bond information provided on the Bond Verification Form into the DOS permit system and notes the date on the form. The form is filed in the Standing Bond folder in the Permit files.
- d. If the forms are not provided within 30 days after the initial request, the Office Administrative Assistant I will contact the owner by phone to confirm receipt of the Bond Verification Form. A second request will be made after

another 30 days has passed without a response. Follow up dates and comments are to be made on the Excel tracking spreadsheet.

- e. The Section Head will be advised of all non-responses after 60 days for appropriate follow-up action.

#### 6. Standing Bond Cancellation Process

The process followed in cancelling a standing bond is:

- a. Upon written notification of intent to cancel a standing bond the Office Administrative Assistant I checks the bond balance in the DOS permit system.
- b. If there are outstanding permits issued against the bond, a list of the outstanding permits is sent to the pertinent District Permit Officers to determine if the permits can be released. If some permits cannot be released at that time, the Section will notify the bonding company by letter that the standing bond cannot be cancelled until the work authorized under the outstanding permits has been completed and the permit released by the District Engineer. A copy of the letter is also sent to the owner of the bond. The word "hold" is added to the bond owner's name to ensure no additional permits are processed on the bond.
- c. If there are no outstanding permits issued against the standing bond, the bond is released in the DOS permit system ("zeroed out") and the word "cancelled" is added to the bond owner's name to ensure no future permits are issued on that bond. The original standing bond is then sent back to the utility owner along with a letter confirming that their standing bond has been cancelled.
- d. A paper copy of the standing bond is kept in the standing bond file for a minimum of three years and then discarded.
- e. District Permit Officers are notified by e-mail of the specific cancellation. The listing of current standing bond holders is updated and forwarded to the District Permit Officers by e-mail for their reference.

#### 7. District Utility Permit Program

Under this program, the Section administers the approval process to prequalify utilities for use of District Utility Permits. District Utility Permits may be issued by the District Engineer to those utilities that meet the requirements of Section 6.4 of the Utility Accommodation Policy. Procedures for review and approval are as follows:

- a. Request from utility owner for participation in the program is received in the Section, date stamped and forwarded to Section Head for review.
- b. Current Standing Bond on record is reviewed by the Section Head to determine if the utility is eligible to participate.
- c. If utility is eligible, Section Head presents the request for approval to the Right of Way Division Head.
- d. Letter of acknowledgement is sent to Owner and a copy is sent to the District Engineers.
- e. Newly approved utility is added to list of approved utilities for District Utility Permits by the Office Administrative Assistant I.

- f. The updated list is forwarded to all District Permit Officers by e-mail.
  - g. Annually, utilities participating in the program are contacted by letter to determine if they wish to continue participation. If so, the Owner will so state in writing. The Office Administrative Assistant I will update the list of approved utilities and forward to the District Permit Officers by e-mail.
  - h. If a utility is no longer eligible, notification is sent to the Owner by the Section Head along with requirements for approval to participate.
8. Bridge Attachments  
Utility applications requesting permission to attach to bridge structures are forwarded by memo from the Section Head to the Bridge Engineer. Upon approval by Bridge Division and meeting of other requirements, the permit is issued. Should the Bridge Engineer deny the request, the District Engineer is notified by memo from the Section Head stating the reason for denial. The District Engineer will contact the Owner.
9. Vegetation Control  
Requests for vegetation control for utility corridor maintenance and scenic enhancement are submitted by the Permittee to the appropriate District Engineer. The District Engineer shall consult with the Environmental and Maintenance Divisions in determining the acceptability of the request. If acceptable to the District Engineer, the request is forwarded to the Section through Environmental for final review and approval. Bonding is handled in the same manner as Utility Permits.

### **1.35 SPECIAL PROVISION AND ACCESS DRIVEWAY PERMITS**

Special Provision (SP) Permits and Access Driveway (AD) Permits issued by the Districts under a Standing Bond are sent to the Section for data entry and to hold until released by the District. Upon activation of the Statewide Permit System this process will be accomplished at the District. Upon receipt of an approved SP or AD permit from a District, the Office Administrative Assistant performs the following:

- 1. Permit information is entered into the DOS based permit system.
- 2. Balance of the existing Standing Bond for the utility is reviewed for adequate coverage. District Permit Officer is notified by e-mail of inadequate coverage.
- 3. The date the information is entered into the DOS based permit system is noted on the permit copy, permit is scanned and filed in the Section Permit files and emailed to the District Permit Officer.
- 4. Upon notification of the permit release by the District Engineer, the release date is entered into the DOS permit system and noted on the permit which is scanned and e-mailed to the District Permit Officer.
- 5. The permit release is attached to the permit copy in the Section Permit files and held for a minimum of one year.

### **1.36 SHARED RESOURCE FIBER OPTIC FACILITIES**

The installation of fiber optic communications lines longitudinally on fully controlled access highways is allowed only when a Shared Resource Agreement is in force between the utility owner and the AHTD. Requests for such placement are not handled by the Section but are referred to the Fiber Optic Task Force for consideration. Once a Shared Resource Agreement is approved by the utility owner and the AHTD, the installation and maintenance of the fiber optic lines are by Utility Permit issued by the Section in accordance with the policies and procedures contained herein and in the Utility Accommodation Policy.

APPENDIX A - 1

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ARKANSAS STATE HIGHWAY COMMISSION  
HIGHWAY - UTILITY AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES

Job No. (Utilities) 2 \_\_\_\_\_ FAP No. 6 \_\_\_\_\_  
 Job Location 3 \_\_\_\_\_ Utility Owner 7 \_\_\_\_\_  
 \_\_\_\_\_  
 4 Route \_\_\_\_\_ Section \_\_\_\_\_ Consultant 8 \_\_\_\_\_  
 County 5 \_\_\_\_\_

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 9, 20\_\_\_\_, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department" and the \_\_\_\_\_ acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH: 10

(1). The "Department" proposes to make highway improvements and the "Owner" is required to adjust or relocate its facilities, as necessary, to clear highway construction.

(2). The "Owner" is not adequately staffed to carry out the necessary preliminary engineering and has requested the services of the licensed engineering company of 11 to perform the following services.

- (a) Make all necessary field surveys and investigation and subsequently prepare complete plans, estimate of costs, and construction specifications.
- (b) Furnish four (4) copies of plans, specifications, etc. for "Department" review and approval.
- (c) If construction work is to be performed by other than "Owner's" forces, prepare all necessary documents to secure bids and let a contract for the proposed work.
- (d) Conduct bid opening and complete contract documents.

(3). The "Owner" has entered into a contract with the consultant, subject to the "Department's" approval, and has furnished a copy which is attached and made part of this agreement. The estimated costs are not to exceed

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(4a). The cost of preliminary engineering services shall be eligible for reimbursement from the "Department" at the same ratio as the adjustment of "Owner's" facilities are eligible.

(4b). "Owner" agrees to retain cost records and accounts for inspection and audit for a period of three (3) years from the date of final payment.

(5). The consultant shall begin work 13 days after receiving written authorization from "Owner" and complete 14 days thereafter.

(6). The "Department" may suspend or cancel the work under this contract at any time. Reimbursement will be made, in a proportionate amount, for any services performed by the consultant prior to the receipt, by the "Owner," of written notice of cancellation.

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(7). "Owner" shall be responsible for any and all hazards to persons, property, and traffic. With respect to traffic control, owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

(8). This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

(9). Subject to the terms and conditions herein, neither the "Owner" nor the "Department" by execution of this agreement waives or relinquishes any rights which either may legally have within the limits of the law or constitution either State or Federal.

**ARKANSAS STATE HIGHWAY COMMISSION  
Acting By and Through The  
ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

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\_\_\_\_\_  
Name (Typed or Printed)

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\_\_\_\_\_  
Title

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\_\_\_\_\_  
Signature

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\_\_\_\_\_  
FEDERAL TAXPAYER IDENTIFICATION#

21

\_\_\_\_\_  
*(For)* Director of Highways & Transportation

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\_\_\_\_\_  
Right of Way Division Head

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\_\_\_\_\_  
Section Head-Utilities Section  
Right of Way Division

20

\_\_\_\_\_  
Name (Typed or Printed)  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Signature

APPENDIX A - 2

Rev. 09-23-08

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ARKANSAS STATE HIGHWAY COMMISSION  
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT

2 State Job No. \_\_\_\_\_ (Utilities) \_\_\_\_\_

3 Federal Aid Project \_\_\_\_\_

4 Job Location \_\_\_\_\_

5 County \_\_\_\_\_

6 Route \_\_\_\_\_ Section \_\_\_\_\_

7 Utility Owner \_\_\_\_\_

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department," and the 9 acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH.

The Department proposes to make highway improvements as specified under the above referenced job number and, the "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The Department will participate in the cost of said adjustment/relocation to the extent that eligibility is hereinafter established.

Payment will be made on a 10 basis as mutually agreed between "Owner" and "Department."

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: 11

The Department agrees that the required adjustment is 12% eligible for reimbursement for the 13 which is estimated to be \$ 14 of which \$ 15 to be paid by the Department and \$ 16 is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within 17 calendar days and complete within 18 calendar days thereafter.

On completion of said work, "Owner" is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

Final billing must include all supporting detail. "Owner" shall also submit one (1) set of "as-built" drawings at this time.

Payment will be 100% of lump sum bills and actual cost bills, at the discretion of the Department a 10% retainage can be withheld and released upon completion of an audit review. All final bills for utility relocation are subject to review and audit by state and/or federal auditors.

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Rev. 09-23-08

Expenses incurred under an actual cost agreement may be billed to the Department monthly in increments of \$5,000.00 or more.

"Owner" must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

"Owner" shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

Owner shall be responsible for and shall hold harmless the Arkansas State Highway Commission, the Department and their officers and employees from any and all claims, actions, causes of action, suits, damages, losses or liability whatsoever, arising out of Owner's performance of the work subject to this Agreement.

Notwithstanding anything hereinbefore written, neither the "Owner" nor the "Department" by execution of this Agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

**ARKANSAS STATE HIGHWAY COMMISSION  
Acting By and Through The  
ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

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20 \_\_\_\_\_  
Name (Typed or Printed)

25 \_\_\_\_\_  
(For) Director of Highways & Transportation

21 \_\_\_\_\_  
Title

26 \_\_\_\_\_  
Right of Way Division Head

22 \_\_\_\_\_  
Signature

27 \_\_\_\_\_  
Section Head-Utilities Section  
Right of Way Division

23 \_\_\_\_\_  
FEDERAL TAXPAYER IDENTIFICATION#

24 { \_\_\_\_\_  
Name (Typed or Printed)  
\_\_\_\_\_ Title  
\_\_\_\_\_ Signature

**ARKANSAS STATE HIGHWAY COMMISSION  
UTILITY CHANGE ORDER**

1 Utility: \_\_\_\_\_ Change Order No.: 5  
 2 Job No.: \_\_\_\_\_ FAP No.: \_\_\_\_\_ Job Name: 6  
 3 Route: \_\_\_\_\_ Section: \_\_\_\_\_  
 4 County: \_\_\_\_\_

7 Description of Change: *(use attachment if more space is required)*

8 Reason for Change: *(use attachment if more space is required)*

**SUMMARY SECTION:**

9 Item Description	10 Present Amount	11 Revised Amount	Increase (Decrease) 12
Construction Engineering			
Construction Cost			
Easements			
Advertising			
Health Department Review			
<b>TOTALS</b>	13	13	13

**COMPUTATION OF REIMBURSABLE AMOUNT:**

14 Reimbursable Percentage: **00.00%**

Present Amount	15 \$000,000.00	17 Reimb. 00.00%	19 \$000,000.00
Revised Amount	16 \$000,000.00	18 Reimb. 00.00%	20 \$000,000.00
<b>Overrun (Underrun)</b>			21 <b>\$0,000.00</b>

22 Requested: \_\_\_\_\_ Date: 26  
                     Resident Engineer / Utilities Coordinator  
 23 Recommended: \_\_\_\_\_ Date: 26  
                     District Engineer / Utilities Section Head  
 24 Approved: \_\_\_\_\_ Date: 26  
                     Construction Engineer / Right of Way Division Head  
 25 Authorized: \_\_\_\_\_ Date: 26  
                     ACE-Operations / ACE-Design

ARKANSAS STATE HIGHWAY COMMISSION  
UTILITY CHANGE ORDER

---

**“Exhibit A”**

*(if needed)*

Utility Name \_\_\_\_\_

Job No. \_\_\_\_\_

Change Order No. \_\_\_\_\_

**Description of Change:**

**Reason for Change:**

APPENDIX C - 1

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

UTILITY ESTIMATE SHEET

FEDERAL ID# \_\_\_\_\_ JOB NAME \_\_\_\_\_ JOB # \_\_\_\_\_

UTILITY OWNER \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ESTIMATE NO. \_\_\_\_\_  
 FROM \_\_\_\_\_  
 TO \_\_\_\_\_  
 FAP NO. \_\_\_\_\_  
 ROUTE: \_\_\_\_\_  
 SECTION: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_

REF# \_\_\_\_\_

Highway-Utility Relocation Agreement Dated:		Work Order Dated:	
Change Order One:	Change Order Two:	Change Order Three:	
L.S.	A.C.	PREVIOUS PAYMENTS	CURRENT AMT DUE
		TOTAL TO DATE	
Construction		\$0.00	\$0.00
Materials		\$0.00	\$0.00
Construction Engineering		\$0.00	\$0.00
Easements		\$0.00	\$0.00
Health Dept Review Fee		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
		\$0.00	\$0.00
Construction Amount Under Review		\$0.00	\$0.00
Subtotals		\$0.00	\$0.00
Reimbursable Percent	xx.xx%	\$0.00	\$0.00
TOTALS		\$0.00	\$0.00
LESS ALL PREVIOUS PAYMENTS			\$0.00
AMOUNT DUE THIS ESTIMATE			<b>\$0.00</b>

RECOMMENDED:

EXAMINED:

Right of Way Division Head \_\_\_\_\_

Utility Coordinator \_\_\_\_\_

APPROVED FOR PAYMENT: \_\_\_\_\_

VERIFIED: \_\_\_\_\_

Asst. Chief Engr. - Design \_\_\_\_\_

Resident Engineer \_\_\_\_\_

Section Head - Utilities Section \_\_\_\_\_

PAID VOUCHER NO.
DATE

Pur. Code	Expend Code	Bud	Func	Obj	Co	Rt	Sec	Job No.	Orig	Project No./FAP	Req. No.	Amount	AASIS GL Code