

III-08.01 General

These guidelines apply to all public and private utilities, including, but not limited to, electric power, communications, cable television, water, gas, oil, slurry, petroleum products, steam, sanitary sewers, wireless facilities (towers), drainage, irrigation, and similar facilities that are to be located, adjusted, or relocated within any NDDOT right of way.

The location and design of all utilities within highway right of way must conform to Chapter 23 of the Code of Federal Regulations Part 645, and the NDDOT “A Policy for the Accommodation of Utilities on State Highway Right of Way”. Subpart A of 23 CFR Part 645 relates to Utility Relocation, Adjustment and Reimbursement. The Accommodation of Utilities is in Subpart B.

III-08.02 Preliminary Survey

Seventy two (72) hours prior to starting the topography survey, the North Dakota One Call System (1-800-795-0555) should be contacted to have the underground utilities marked. Each caller will receive an ID number, and this number should be used for all future locate requests. Each utility is required to start marking the underground facilities within 72 hours. Should they be unable to be on the project within this time period, they must contact you to make other arrangements.

Be prepared to give the attendant each and every 1/4-1/4 section of land within which the survey will be conducted, along with the section, township, and range. Make sure that the attendant is given your name, title, and telephone number. The attendant will give you a request or confirmation number. Record this in the survey book.

You have the option of requesting an onsite meeting with the utilities prior to the marking of their underground facilities. This could result in reducing the time it takes to locate, mark, and survey unaffected utilities.

Be sure to record in the survey books each company, the locator’s name and telephone number, along with the dates of the locating and marking. Attempt to identify the utility name, size of facility, type of pipeline, and the type of transmittant in the pipeline.

III-08.03 Preliminary Utility Coordination

The Designer or Consultant Project Manager shall meet with the NDDOT Utilities Engineer to discuss the Preliminary Utility Coordination milestone after the Environmental Document CATEX has been approved by FHWA. The Designer or Consultant Project Manager will meet with the NDDOT Utilities Engineer to discuss the alternate selected for the project, any preliminary potential utility impacts, review any available preliminary survey, information, or comments from the SOV letters, and discuss future utility coordination. After this meeting, a

Preliminary Utility Coordination Letter shall be sent to all potential impacted Utility Co. requesting comments, share preliminary information, or further correspondence with Utility Co. as follows:

- **Design Division, Bridge Division, and District Projects**

The NDDOT Utilities Engineer will generate the Preliminary Utility Coordination Letter and available associated documents and distribute to the Utility Co.

- **Consultant Projects**

The Consultant Project Manager will generate the Preliminary Utility Coordination Letter and available associated documents and distribute to the Utility Co. The Consultant Project Manager shall send a copy to the Technical Support Person, and the Technical Support Person will forward to the NDDOT Utilities Engineer.

- **Local Government Projects (ND and US Highways)**

The Consultant Project Manager will generate the Preliminary Utility Coordination Letter and available associated documents and distribute to the Utility Co. The Consultant Project Manager shall send a copy to the Local Government Technical Support Person, and the Local Government Technical Support Person will forward to the NDDOT Utilities Engineer.

- **Local Government Projects (Urban & County Federal Aid Routes, TE, and SRTS)**

The local public agency will complete any necessary Preliminary Utility Coordination.

III-08.04 Preliminary Utility Engineering

During the design of the project, the Designer or Consultant Project Manager shall meet with the NDDOT Utilities Engineer to discuss the Preliminary Utility Engineering milestone. This meeting is to ascertain the location and extent of any utility relocations necessary to accommodate the planned project including any state optioned borrow sites, and where feasible and within acceptable design standards, to avoid relocation or adjustment or major or costly utilities without changing the scope of the project. The Utilities Engineer or Consultant Project Manager may at this time request comments, share preliminary information, or further correspondence with Utility Co.

Each above-ground utility that is to be relocated or lowered will be shown on the plan & profile sheets with the appropriate symbols.

On grading projects or projects with complex utility impacts, the NDDOT Utilities Engineer may request a plan note to be put in the plans requiring the contractor to hold a post bid utility coordination meeting. The contractor shall provide an agenda, tentative construction schedule for coordinating utility relocations, publish minutes from the meeting, and distribute to attendees. This plan note can be found on the Plan Preparation Guide (PPG) website.

III-08.05 Notification to Utility Companies

After determination of the location and extent of utility relocations necessary to accommodate highway construction including any state optioned borrow sites, each Utility Co. affected is notified which of its facilities must be relocated or adjusted and which portions, if any, will be eligible for reimbursement.

The notification to the Utility Co. will include a Notification Letter, a Conflict Summary Sheet, highway plan sheets, including title sheet, scope of work sheet, plan and profile sheets, and when necessary, cross section sheets showing the approximate location of its facilities, which must be relocated or adjusted to accommodate highway construction. These plan sheets will also indicate which facilities will be reimbursed for relocation expenses, and which portions will not be reimbursable. Whenever possible, these utility coordination plan sheets will be made available to the potential bidders prior to the bid letting date via the NDDOT ePlans website. Depending on the complexity of the utility relocations or adjustments, a meeting may also be held between NDDOT Utilities Engineer or Consultant Project Manager with the affected Utility Co. and further correspondence. The Utility Co. is requested to proceed with the necessary field inspection, preparation of plans, and a cost estimate for the relocation work.

- **Design Division, Bridge Division, and District Projects**

The NDDOT Utilities Engineer will generate the Notification Letter, Conflict Summary Sheet, and associated documents/plan sheets and distribute to the Utility Co. and send a copy to the respective District.

- **Consultant Projects**

The Consultant Project Manager will generate the Notification Letter, Conflict Summary Sheet, and associated documents/plan sheets and distribute to the Utility Co. The Consultant Project Manager shall send a copy to the Technical Support Person and the respective District. The Technical Support Person will forward to the NDDOT Utilities Engineer.

- **Local Government Projects (US and ND Highways)**

The Consultant Project Manager will generate the Notification Letter, Conflict Summary

Sheet, and associated documents/plan sheets and distribute to the Utility Co. The Consultant Project Manager shall send a copy to the Local Government Technical Support Person and the respective District. The Local Government Technical Support Person will forward to the NDDOT Utilities Engineer.

- **Local Government Projects (Urban & County Federal Aid Routes, TE, and SRTS)**

The local public agency will complete any necessary Notification to Utility Co.

The availability of substantially completed highway plans in advance of contract letting dates varies considerably. However, in general, it is NDDOT policy to provide the Utility Co. adequate lead time to make the necessary field investigation, to prepare a detailed cost estimate, and to complete the actual relocation work prior to the start of highway construction if possible. The required lead time will depend upon the extent and complexity of the relocation work and upon the capability of the particular Utility Co. However, it is the State's policy to notify the Utility Co. a minimum of three (3) months before the bid opening date, six (6) months is desirable, and sooner in some cases involving major facilities and projects. If final highway plans are available, notice may be sent to the Utility Co. a year or more prior to the contract letting date if circumstances so warrant. For utility permit information, see NDDOT policy "A Policy for Accommodation of Utilities on State Highway Right-of-Way."

III-8.06 Utility Agreements

A determination must be made as to who is responsible for the costs of the relocation and adjustment work. The general rule is those who have prior rights will be reimbursed for the work. An exception to this rule is contained in Sections 24-01-42 and 43 of the North Dakota Century Code, which states that any utility that is placed within one-hundred feet of the centerline of any state highway right of way or within seventy-five feet of the centerline of any county highway right of way after 1959 must relocate, adjust, or remove the facilities at the Utility Co. expense.

Reimbursable utility work must be covered with a signed agreement between the NDDOT and the Utility Co. as follows:

- **Design Division, Bridge Division, and District Projects**

The NDDOT Utilities Engineer will send the required Agreement, and attach the Notification Letter, Cost Estimate for Relocation of Utility Facilities (SFN 5700), associated documents and plans to all Utility Co. that will be reimbursed for their relocations.

- **Consultant Projects**

The NDDOT Utilities Engineer will send the required Agreement, and attach the Notification Letter, Cost Estimate for Relocation of Utility Facilities (SFN 5700), associated documents and plans to all Utility Co. that will be reimbursed for their relocations. The Consultant Project Manager must send the Notification Letter and associated documents and plans to the Technical Support Person to forward to the NDDOT Utilities Engineer to be attached with the Agreement.

- **Local Government Projects (US and ND Highways)**

The NDDOT Utilities Engineer will send the required Agreement, and attach the Notification Letter, Cost Estimate for Relocation of Utility Facilities (SFN 5700), associated documents and plans to all Utility Co. that will be reimbursed for their relocations. The Consultant Project Manager must send the Notification Letter and associated documents and plans to the Local Government Technical Support Person to forward to the NDDOT Utilities Engineer to be attached with the Agreement.

- **Local Government Projects (Urban & County Federal Aid Routes, TE, and SRTS)**

The local public agency will complete any necessary agreements where local funds are used to move utilities. If federal aid is used to move utilities, then the Local Government Division will complete the necessary agreements.

Occasionally, a utility company may not return the Agreement documents on a timely basis, then a follow-up letter must be sent as a reminder to return the documents.

NOTE: The Utility Relocation Agreement must have the appropriate North Dakota Risk Management Appendix and Certificate of Insurance from the Utility Co. attached, along with the other required forms.

Any proposed betterments that the utility company proposes to make, and any cost sharing, shall be shown on the Cost Estimate form. Betterments are improvements to the company system that are not eligible for reimbursement. Examples of this would be heavier conductor on an overhead power line to increase capacity, larger size telephone or television cable, larger pipe size, etc.

Cost sharing is when the Department is only partially responsible for the costs of relocation, as shown in the plans. An example of this would be when there are four (4) miles of buried cable to be relocated and one (1) mile is located on highway right of way. If the total cable is of the same size, the state would be responsible for three-fourths of the cost (3 mile divided by 4 miles), and the utility would be responsible for one-fourth of the cost (1 mile divided by 4 miles). If the cable varies in sizes, then a formula based on foot/pairs must be used.

When the signed Agreement is returned to the NDDOT Utilities Engineer from the Utility Co., the documents will be submitted to the Legal Division and NDDOT Director for final approval.

III-08.07 Authorization

The NDDOT Utilities Engineer will forward a request for federal aid to the Programming Division when it has been determined that a utility is eligible for reimbursement as noted above.

When notification from FHWA is received that the utility work is approved, the NDDOT Utilities Engineer will make the necessary copies of the Agreement and make distribution, and the utility will be authorized to start relocation. Any relocation work done by the utility prior to FHWA or NDDOT authorization date will not be eligible for reimbursement from the NDDOT.

III-08.08 Certification

A utility certification letter must be sent to Programming for all projects. This utility certification letter certifies that the plans have been reviewed for utility impacts and notifications to Utility Co. have been made for all utility impacts for the project.

- **Design Division, Bridge Division, and District Projects**

The NDDOT Utilities Engineer shall send the certification letter to Programming.

- **Consultant Projects**

The Consultant Project Manager shall send the certification letter to the Technical Support Contact Person. The Technical Support Contact Person will forward the certification letter to the NDDOT Utilities Engineer. The NDDOT Utilities Engineer shall send a certification letter to Programming.

- **Local Government Projects (US and ND Highways)**

The Consultant Project Manager shall send the certification letter to the Local Government Technical Support Contact Person. The Local Government Technical Support Contact Person will forward the certification letter to the NDDOT Utilities Engineer. The NDDOT Utilities Engineer shall send a certification letter to Programming.

- **Local Government Projects (Urban & County Federal Aid Routes, TE, and SRTS)**

The local public agency will complete any necessary certification and submit this certification to the Local Government Technical Support Contact Person. The Local

Government Technical Contact Person will forward a certification letter to Programming.

III-08.09 Bid Letting Coordination

- **Design Division, Bridge Division, District, Consultant Projects, and Local Government Projects (US and ND Highways)**

The NDDOT Utilities Engineer shall correspond with the Utility Co. and District following the bid opening. The NDDOT Utilities Engineer shall send a letter to the Utility Co. and District stating that the project has been let and identify the contact information for the Utility Co., Field Engineer, and Contractor.

- **Local Government Projects (Urban & County Federal Aid Routes, TE, and SRTS)**

The local public agency or its' representative shall correspond with the Utility Co. and District following the bid opening. The local public agency or its' representative shall send a letter to the Utility Co. and District stating that the project has been let and identify the contact persons for the Utility Co., Field Engineer, and Contractor.

III-08.10 Example Forms and Letters

Sample forms and letters are available on the "Reference and Forms" page of the Design Manual website at: <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>