The only current and accurate source of ODOT's Real Estate Manual is on the Office of Real Estate’s website. This site is located at: [http://www.dot.state.oh.us/real](http://www.dot.state.oh.us/real). Desired information can be accessed by scrolling down the left column and selecting “Manuals”. Specific information can be selected by clicking on the desired section.

The Real Estate Manual is a “living document” as procedure will evolve and change. Individuals or firms providing various services to the Office of Real Estate (e.g. negotiations, titles, appraisal, appraisal review, relocation, relocation review, closing, property management, railroad coordination utility relocation and permit application) must perform these services in compliance with current published policies and procedures. Individuals utilizing a hard copy version of the manual, without accessing the website for updates, risk providing non-compliant services to the Office of Real Estate. Therefore, all users must be aware of the changes as various sections of the manual are updated.

ODOT will provide notice of manual changes on the Design Reference Resource Center (DRRC) web page. Users of the manual can access this page and subscribe to be made aware of manual changes via e-mail notification. Then, when changes to the manual occur, ODOT will provide direct notice to the subscriber. This page can be accessed at [http://www.dot.state.oh.us/DRRC](http://www.dot.state.oh.us/DRRC). Scroll down to “Real Estate Policies and procedures Manual” and select the desired section for updates, or enter your e-mail address to subscribe for changes. It is the user’s responsibility to maintain their most current e-mail address on the DRRC notification system. The DRRC web site is updated four times a year.

The Office of Real Estate may also provide additional guidance to its procedures by Inter-Office Communications (IOC’s). These communications will be made a part of the Real Estate Manual and will be found in the Addenda of each section of the manual. Individuals having questions pertaining specifically to the 8200 section may contact me at 614 728-8062.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8201</td>
<td>01</td>
</tr>
<tr>
<td>8201.01</td>
<td>01</td>
</tr>
<tr>
<td>8201.02</td>
<td>01</td>
</tr>
<tr>
<td>8201.03</td>
<td>02</td>
</tr>
<tr>
<td>8202</td>
<td>03</td>
</tr>
<tr>
<td>8202.01</td>
<td>03</td>
</tr>
<tr>
<td>8202.02</td>
<td>03</td>
</tr>
<tr>
<td>8202.03</td>
<td>04</td>
</tr>
<tr>
<td>8202.04</td>
<td>05</td>
</tr>
<tr>
<td>8203</td>
<td>05</td>
</tr>
<tr>
<td>8203.01</td>
<td>05</td>
</tr>
<tr>
<td>8203.02</td>
<td>08</td>
</tr>
<tr>
<td>8203.03</td>
<td>12</td>
</tr>
</tbody>
</table>

Revised 07/01/15
### Procedures for Coordination Associated With Utility Relocations and Adjustments

FHWA’s “Buy America” Regulation

**8204** Additional Guidance in how the District Utility Coordinator is to Perform Utility Relocation Activity

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8204.01</td>
<td>Utility Relocation Schedules</td>
</tr>
<tr>
<td>8204.02</td>
<td>Utility Note</td>
</tr>
<tr>
<td></td>
<td>Utility Note Components</td>
</tr>
<tr>
<td></td>
<td>Direction on Construction Coordination</td>
</tr>
<tr>
<td></td>
<td>Copy</td>
</tr>
<tr>
<td>8204.03</td>
<td>Utility Note Format</td>
</tr>
<tr>
<td></td>
<td>Circumstances Outlined in the Note</td>
</tr>
<tr>
<td>8204.04</td>
<td>Utility Note Standardized Language</td>
</tr>
<tr>
<td></td>
<td>Standardized Language Components</td>
</tr>
<tr>
<td>8204.05</td>
<td>Utility Note Value</td>
</tr>
<tr>
<td>8206.06</td>
<td>Preparation of Utility Relocation Plans</td>
</tr>
<tr>
<td></td>
<td>Minimum Information Items</td>
</tr>
<tr>
<td></td>
<td>Criteria for Utility Review</td>
</tr>
<tr>
<td>8204.07</td>
<td>Project Sale, Award &amp; Pre-Construction Conference</td>
</tr>
<tr>
<td></td>
<td>Project Sale</td>
</tr>
<tr>
<td></td>
<td>Awarded Contractor</td>
</tr>
<tr>
<td></td>
<td>Pre-Construction Conference</td>
</tr>
<tr>
<td>8204.08</td>
<td>Utility Relocation Inspection</td>
</tr>
<tr>
<td>8204.09</td>
<td>Change Orders and Project Delays</td>
</tr>
<tr>
<td></td>
<td>Non-Compensable Utility Relocation</td>
</tr>
<tr>
<td></td>
<td>Compensable Utility Relocation</td>
</tr>
<tr>
<td>8204.10</td>
<td>Second Utility Relocation Responsibility</td>
</tr>
<tr>
<td>8204.11</td>
<td>Utility Delay Costs</td>
</tr>
<tr>
<td>8204.12</td>
<td>Removal of Obstruction</td>
</tr>
<tr>
<td></td>
<td>Authority and Use</td>
</tr>
<tr>
<td></td>
<td>Procedure</td>
</tr>
</tbody>
</table>

**8205** Real Estate Involvement in Utility Relocation

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8205.01</td>
<td>Acquisition of Right of Way for a Utility</td>
</tr>
<tr>
<td>8205.02</td>
<td>Acquisition of an Easement for a Utility</td>
</tr>
<tr>
<td></td>
<td>Authority and Use</td>
</tr>
<tr>
<td></td>
<td>Procedure</td>
</tr>
</tbody>
</table>

Revised 07/01/15
8200 Procedures for Coordination Associated With Utility Relocations and Adjustments

8206 Legislation for Utility Relocation ................................................. 33
  8206.01  Reason for Legislation ............................................. 33
  8206.02  Requirements ....................................................... 33
  8206.03  Development Process .......................................... 34
  8206.04  Responsibility .................................................. 34

8207 Early Involvement Benefits .................................................... 34
  8207.01  Initial Utility Coordination ........................................ 35
  8207.02  Subsurface Utility Engineering (SUE) Benefits .......... 35
  8207.03  Tree Trimming/Removal & Right of Way Staking ...... 37
  8207.04  Value of the Liaison Process ..................................... 38
  8207.05  Importance .......................................................... 38
  8207.06  Application .......................................................... 38

8208 Utility Work Included in Road Construction and Bridge Attachments ............................................... 39
  8208.01  Process ................................................................. 39
  8208.02  Responsibilities .................................................... 39
  8208.03  Justification .......................................................... 40
  8208.04  Approvals ............................................................. 40
  8208.05  Procedure ............................................................. 41
  8208.06  Determination of Eligibility ..................................... 43
  8208.07  Betterments .......................................................... 43
  8208.08  Salvage ................................................................. 43
  8208.09  Exceptions Under the Review Process ................. 44

8209 Utility Agreement Process .................................................... 44
  8209.01  FHWA/ODOT Programmatic Agreement .................... 44
  8209.02  Master Utility Reimbursement Agreement .............. 45
  8209.03  Legislation/Funding Agreements ............................. 45
  8209.04  Public Utility .......................................................... 46
  8209.05  Private or Publicly Held Utility .............................. 47
  8209.06  Subordination Agreement ....................................... 48

8210 Process for Including Non-Reimbursable Public Utility Relocation Work in the Department’s Highway Construction Contract ......................................................... 49
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8210.01</td>
<td>Non-Compensable Utility Relocation</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>Notification</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>Preparation</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Copy</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Update</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Final Legislation</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>LPA Acceptance</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Legislation and Billing Retention</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Filing of Documentation</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Estimating Provides Payment</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Payment Reconciliation</td>
<td>51</td>
</tr>
<tr>
<td>8210.02</td>
<td>Process for Including Non-Reimbursable Private/Publicly Held Utility Relocation Work In the Department’s Highway Construction</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Work Request</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Work Accepted</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Cost Identification</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Utility Deposit Process</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Payment Reconciliation</td>
<td>53</td>
</tr>
<tr>
<td>8211</td>
<td>Utility Relocation Coordination on LPA Projects</td>
<td>54</td>
</tr>
<tr>
<td>8211.01</td>
<td>Utility Coordination for All LPA Projects</td>
<td>54</td>
</tr>
<tr>
<td>8211.02</td>
<td>LPA Agreement/Legislation</td>
<td>55</td>
</tr>
<tr>
<td>8212</td>
<td>Utility Coordination for a Design-Build Project</td>
<td>56</td>
</tr>
<tr>
<td>8212.01</td>
<td>Initial Utility Information</td>
<td>56</td>
</tr>
<tr>
<td>8212.02</td>
<td>Potential Utility Relocation</td>
<td>57</td>
</tr>
<tr>
<td>8212.03</td>
<td>Utility Coordination Process Responsibilities</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>Prior to Design/Build Contractor Selection</td>
<td>58</td>
</tr>
<tr>
<td>8212.04</td>
<td>Outline Utility Coordination Process</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>Responsibilities for the Design/Build Contractor</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>that is Selected</td>
<td>59</td>
</tr>
<tr>
<td>8212.05</td>
<td>Utility Reimbursement Process for a Design/Build Project</td>
<td>61</td>
</tr>
<tr>
<td>8213</td>
<td>Utility Coordination for an Enhancement Project</td>
<td>61</td>
</tr>
</tbody>
</table>
Checklists and Documents to be Used in the Utility Coordination Processes

Checklists ........................................................................................................... 62
Field Review of Utilities ............................................................................... 62
Work Construction Plans ............................................................................. 64
Special Items to Consider ........................................................................... 65
Review of Estimate/Billing .......................................................................... 66
8201 GENERAL

8201.01 Purpose

The purpose of this section is to set forth established procedures for the handling of utility relocation in conjunction with highway improvement projects. Compliance with these procedures is essential to insure uniform standards for utility relocations, consistent application of processes to be followed by utilities, consultants and department personnel, appropriate documentation associated with the utility coordination activity, and to provide proper documentation for State and Federal participation in eligible utility relocation costs.

Unusual conditions, which are not provided for in this section, are to be referred to Central Office Utilities by the District for review and guidance.

8201.02 Statutory Controls

Sections 5515.01 and 5515.02 of the Ohio Revised Code (ORC), augmented by various sections dealing with the authority of the Director, are the basic statutory controls governing utilities on the State Highway system. ORC Sections 5547.03 and 5547.04 are comparable sections for county roads. ORC Section 5501.31 sets forth the State’s authority to acquire rights of way for utilities and other entities. ORC Section 153.64 sets forth specific responsibilities of the Department, the utility company and the contractor, involving underground utilities on highway improvement projects. In addition, the procedures set forth in this manual are based on the Federal Highway Administration’s current edition of 23 CFR 645, Subpart “A” – Utility Relocations, Adjustments and Reimbursement. (Refer to FHWA web site at www.fhwa.dot.gov)

8201.03 Responsibilities

The District Utility Coordinator has the prime responsibility for making arrangements for all utility relocation caused by highway projects, including necessary coordination and reimbursement documentation that Central Office Utilities may need to be provided to the Federal Highway Administration (FHWA). In addition, several other offices of the Department of Transportation are

Revised 07/01/15
responsible for various activities necessary to accomplish utility relocations. These responsibilities will be outlined in future sections of this manual.

Central Office Utilities is responsible for formulating utility coordination policies and procedures, performing specific review functions, utility cost processing and collection, evaluating exceptions to policy, providing technical expertise and assistance, training and quality assurance.

The District P & E Office is responsible for making preliminary and final design information available to all affected utilities at the earliest opportunity and giving proper consideration to utility relocations in the location and design of highway improvement projects. Avoidance of utility facilities to eliminate utility relocation, and Subsurface Utility Engineering (SUE) service, to identify underground utility locations, need to be two important components of the highway project design process.

The District Real Estate Office is responsible for working with the District Utility Coordinator and Central Office Utilities on all aspects of the utility relocation process that involves making road right away available to the utility for their relocation, acquiring an easement for the utility when such support is needed and all other functions that have real estate law and regulation associated with the utility relocation.

It is important the District Highway Management Office consider taking on the responsibility for inspecting utility relocation work to assure compliance with approved plans and estimates, make needed contractor work adjustments to avoid utility conflicts during the construction process and work with the District Utility Coordinator in maintaining records for billing verification and contractor delay cost issues associated with all performed facility relocations by the utility company.

The Office of Payroll and Project Accounting is responsible for auditing utility billings, either prior to or after payment, and to assure proper expenditure of State, Federal and Local funds.
Other Central Offices and their District counterparts also have responsibilities in the utility relocation process. The functions of all agencies involved are described more thoroughly in later parts of this manual.

8202   UTILITY COORDINATION VALUE

8202.01   Highway Project

Ohio’s utility industries have been historical partners with the Ohio Department of Transportation and we have worked together in many ways to support the people of Ohio. Utility facilities have been installed within, or adjacent to, highway right of way and, as a result, any time the Department undertakes a roadway improvement, the utility installations are affected. The utility facilities have to be either relocated or protected in some way so that the construction of the highway project can be performed in a timely, safe and cost effective manner. To meet those needs, the Department and the utilities have created utility coordinator positions which have the responsibility of working together in order to meet the needs of both.

8202.02   District Utility Coordinator

The primary responsibility of determining how the Department’s highway construction projects will affect the utility facilities is centered on the Districts’ Utility Coordinators. It is up to those individuals to make the utilities aware of what the highway project will be doing to utility facilities and work with their utility company counterparts to assure the needs of both are understood, documented and the utility relocation or protection is performed in a timely fashion. The efforts that need to be delivered by the District Utility Coordinators have significant importance to the overall efficiency that the Department leadership requires to assure the highway projects are constructed on time and within budget. Since the utility companies are “third party participants” in the Department’s highway projects, there is Federal and Ohio law that governs the utility’s use of the road right of way and how the utility’s property rights need to be dealt with. Since there is no direct authority over how utility company coordinators need to perform the utility’s relocation processes, it is up to the
District Utility Coordinators to provide good work efforts to do what is needed to assure the utility will perform in an efficient fashion. The Department’s District Utility Coordinators must rely on their own work skills to achieve effective utility relocation for all of the Department’s highway projects.

8202.03 Central Office Utilities

Central Office Utilities is in place to provide policy and procedure guidance to the utility coordination processes and support the District Utility Coordinators in all utility relocation activities. To achieve that responsibility, Central Office Utilities will review and process all utility reimbursement functions in order to provide compensation for the eligible utility relocation work performed during the project construction and work with the Federal Highway Administration on making sure all aspects of the Department’s utility coordination responsibilities are performed in a manner the FHWA has in place in order to obtain federal payment to the Department for all costs associated with eligible utility relocation compensation. The office will provide guidance to other Department offices that have involvement in utility coordination or compensation, provide assistance and direction to the District Utility Coordinators on a variety of processes that assists the delivery of a highway project in an efficient and cost effective manner and maintain contact with utility industry leadership to obtain their support when problems arise in the utility relocation process.

8202.04 Central and District Real Estate Offices

The Department’s real estate activities, associated with the acquisition of right of way for the highway projects, have direct impacts on the utility coordination process. Depending on the nature of where the affected utility facilities are located, both Central and District Real Estate Offices will have work duties that will have to be performed in order to support the District Utility Coordinator and the utility company’s facility relocation needs. The Department’s real estate functions must either provide right of way for the utility relocation or, when needed, acquire an easement on behalf of the utility, establish right of way certification or deliver other support efforts needed to protect the utility’s compensation right. All of this work needs to be performed by the Department’s Real Estate Offices.

Revised 07/01/15
8203 UTILITY COORDINATION PROCESS

8203.01 Project Information

The utility coordination process begins with the District identifying the highway construction projects. The District Utility Coordinator is provided a listing of all highway projects and is responsible for making that information available to the utility companies in order for the utility to determine if their facilities will be affected by a project and what year the project construction will begin. It is important to note that the District Utility Coordinator needs to make the utility aware that all relocation activity is handled during the project’s design phase. If the project construction date appears to be several years out, and the utility feels they do not have to focus on the relocation process, the coordinator must make the utility aware of the fact that Department leadership may adjust funds and accelerate project construction.

A. Initial Project Information

On an annual basis, the District prepares a five year listing of highway construction projects which outlines proposed transportation improvements and provides the location and construction timing of those projects. Each year, the District Utility Coordinator is required to provide that information to all utility companies in order to make the utility company’s coordinator aware of the projects, make a determination as to whether or not their facilities would be affected by a project and, if the utility is in a non-compensable position, to make sure their company makes the relocation funds available as part of their operations budget for the year their relocation activity has to be performed. This information is an effective liaison tool in providing the utility companies with advance information for planning future relocation requirements, internal budgeting and early identification of potential conflicts with future highway projects.

B. Project Field Review

Depending on the complexity of the highway project, the District may perform a field review in order to evaluate the many design components
that will affect the area in which the project is being constructed. Included in that evaluation will be an understanding of what type and size of utility facilities are in the area and whether or not they will have to be relocated. It is up to the District Utility Coordinator to participate in the field review and use their knowledge of utility relocation possibilities to provide information on how the project will impact utilities and what those impacts would do to the project’s efficiency and cost.

If there would be significant impacts (as defined in Section 8203.03 “A”) or major utility reimbursement issues involved, the District Utility Coordinator would let the District P & E design engineer aware of those issues and design adjustments would be considered so that those utility impacts could be avoided or reduced as much as possible.

C. Project Notice

During the project’s Preliminary Engineering or Stage 1 process, it will be up to the consultant design engineer or District Utility Coordinator to notify all utility companies involved in the highway project, provide Stage 1 plans and request the utility provide location information regarding existing facilities and, if eligible, preliminary reimbursement costs and relocation schedule information. At the time that authorization and project design information is given to the District Utility Coordinator, the designer or District Utility Coordinator is responsible for giving formal written notification of the project to all utilities in the area of the proposed roadway improvement. In conjunction with this notification, the utilities are requested to provide updated location information regarding existing facilities within the project limits. Depending on the complexity of the improvement, the project notification and information requested could occur in coordination with other project functions, such as the Ohio Utilities Protection Services (OUPS), the Oil & Gas Producers Underground Protection Service (OGPUPS) notification or Subsurface Utility Engineering (SUE) activities.

D. Underground Utility Requirements

Ohio Revised Code Section 153.64 requires that all existing underground utilities must be identified and shown on highway construction plans where
excavation or ground penetration will occur. Whether working with the project designer or a SUE provider, it is the responsibility of the utility owner to cooperate in locating their existing underground facilities. The project designer, SUE provider or the District Utility Coordinator will contact the Ohio Utilities Protection Services (OUPS) and the Oil & Gas Producers Underground Protection Service (OGPUPS) to initiate the locate process with the utilities.

Upon notification, the utility is required by law, to respond to the locate request and provide location information to the project designer by either providing plans, marking project designer plans or marking the existing facilities in the field for retrieval by the designer. The utility must provide this information within ten (10) working days of receiving a notice. In all methods, location refers to the course or alignment of the facilities and the approximate depth of the facilities. Copies of all contact information between the designer and the utilities shall be forwarded by the designer to the District Utility Coordinator. The utility facility shall be shown in both the plan and profile views. The utility facility shall also be shown on pertinent cross sections, structure plans and drainage profiles. A complete list of utilities in the area of construction shall be shown in the General Notes, along with addresses and telephone numbers. Depending on the type of project work involved, Volume 3 of the Location and Design Manual identifies several options for this note as outlined in Appendix “B”, G102 - Utilities.

8203.02 Utility Coordination in Project Design Process

Over the years, the Department’s project design process has been defined in several ways, but the utility coordination process has not changed as it relates to how information on project impacts to utility facilities is identified and entered into current project design processes. The District Utility Coordinator’s responsibilities for capturing that information and making sure all related utility impacts are shared with both the project designer and the utility company coordinators remains the same. In order to provide quality utility coordination to benefit both the project and the utility, the following list of utility coordination steps in the project design process are to be used in a consistent and timely manner:
A. Preliminary Engineering and/or Stage 1 Plans

Depending on the complexity of the highway project, there may be a need for some preliminary engineering work prior to the designer beginning the Stage 1 design process. This is a “preferred alternative” process where several design footprints are put in place and the one that provides the best design, efficient construction and best cost is selected. Under Section 1400 of the L & D Manual, there is a need for information as to how the project will affect all components of the project design process. The District Utility Coordinator will obtain project information from the District P & E Office or consultant design engineer and send that information to the utilities that are identified in the project area. Since permitting criteria, regulatory mandates and environmental laws can impact project design and schedule, utilities will be requested to provide preliminary information regarding existing facilities and potential project impacts on how the project will affect all utility facilities in the area of the project.

During preliminary engineering or, at the inception of Stage 1 project development, the District Utility Coordinator shall make a detailed inventory of the utilities located within the limits of the project (See Section 8214.01 “A” Checklist-Field Review utilities). It is also at this time that the District Utility Coordinator can request the use of Subsurface Utility Engineering be used to provide quality information on the locations of underground facilities.

This inventory will expand upon the utility information acquired by the District Utility Coordinator during the field review and Significant Impacts Summary (Section 8203.03, “A”) phase of the project development. As soon as practical, the District Utility Coordinator should then schedule an on-site meeting with the utility companies’ coordinators to discuss potential conflicts and possible mitigation, safety factors, relocation time frames (material ordering, bid processes, critical outages or splicing needs, etc.) plan adjustments and construction and/or right of way constraints impacting utility relocation. The information obtained from the field meeting is to be shared with the project designer and District Real Estate personnel so that determination can be made as to how those significant utility relocation requirements will affect the project.
Once the Preferred Alternative is selected and Stage 1 plans are produced, a complete set of those plans will be sent to each affected utility by the project designer or District Utility Coordinator. This will provide the “foundation” for all utility coordination activities that will be needed in order to deliver the construction project in a timely and cost efficient manner.

B. **Preliminary Right of Way Plans & Stage 2 Plans**

Preliminary right of way plans are a product of the Stage 1 project design. The District Utility Coordinator needs to be involved in order to address right of way issues which could impact utility relocation, acquisition in fee, easements, work agreements, temporaries or right of way acquisition schedules. In addition, preliminary right of way plans must assure that sufficient acquisition of property occurs to accommodate utility relocation design, safety clearances between facilities and utility relocation construction.

A primary objective of the Department’s project design process is to provide a sufficient level of design data which will anticipate and mitigate planning, environmental, design and construction issues in the early stages of the project development. Stage 2 is also the timeframe when the Subsurface Utility Engineering (SUE) information can be used in the design plan, water and/or sanitary sewer relocations will be designed and plan changes, identified in the SUE process or requested by utilities, can be considered. Stage 2 design incorporates the Stage 1 review comments and further details of the Stage 1 design. As a result, Stage 2 design becomes a process where the majority of the detailed design and plan preparation occurs. In general, Stage 2 plans should be developed to the point where plan preparation, design and detailing are substantially complete. The District Utility Coordinator must be actively involved in meetings and reviews associated with the Stage 2 project development phase and, depending on the utility impacts with the project, it may be necessary to involve the utilities. Also, coordination with the project designer regarding the inclusion of utility relocation work in the construction plans is
necessary. The District Utility Coordinator is also responsible for verifying utility reimbursement eligibility and determining betterments.

Upon completion of the preliminary right of way plans and the Stage 2 plans, a complete set of each will be provided to each utility by the project designer or District Utility Coordinator. Furthermore, the level of plan detail available at completion of Stage 2 will allow the utilities to advance relocation design to this point in the project development process. In this regard, the Department will evaluate reimbursing the utility for the redesign of their facility relocation plan whenever Department plan changes are made at Stage 2 or 3 which impact previously designed utility relocation. The process is initiated by the District Utility Coordinator, with reimbursement approval authority resting with Central Office Utilities.

C. **Final Right of Way Tracings and Utility Relocation**

For those highway projects where right of way acquisition is needed, utility coordination becomes vital. When additional right of way is needed, plans will be finalized, the right of way acquisition will commence, utilities need to prepare their relocation plans and, when the District Real Estate Office certifies right of way, the utilities can begin their relocation work. The District Utility Coordinator must monitor the relationship of these functions to assure that sufficient time for utility relocation is provided in the project schedule.

D. **Stage 3 Plans**

Stage 3 plans should represent a complete project plan by incorporating Stage 2 comments, quantities and General Notes in the design plans. As part of the Stage 3 process, Central Office Utilities is responsible for working with the District Utility Coordinator in reviewing and approving reimbursement eligibility of utility relocation work that is included in the construction of the project. This review evaluates whether reimbursement eligibility is properly set forth, betterments and scope of work are addressed and that the General Notes and General Summary are accurately presented. It is imperative that utility work be accurately incorporated into the construction plans so that prospective contractors can create
competitive bids, construction can proceed in a timely manner and costs can be properly allocated between the project and the utility.

Upon completion of the Stage 3 plans, a complete set of these plans will be provided to each utility by the project designer or District Utility Coordinator.

When right of way acquisition has been completed and the right of way certified, the District Utility Coordinator is responsible for making the utilities aware of the fact they can begin their relocation work and must monitor the timing of the relocation that was provided by those utilities. If there are any issues associated with the utility not performing their relocation work in a timely manner, the District Utility Coordinator may contact Central Office Utilities for assistance if they feel it is necessary.

8203.03 Utility Relocation Criteria Based on Project Complexity

Based on the complexity of a highway project, the utility coordination efforts can be affected in many ways. It is the responsibility of the District Utility Coordinator to become engaged in the project design process as early as possible so that all utility impacts and costs can be defined and the utility industry informed. The following list of items associated with project complexity is being placed in this Utility Manual to provide guidance on how they are to be addressed.

A. Significant Impacts Summary

Based on the “footprint” of the highway project, the District Utility Coordinator must look at the highway project area and what levels of utility facilities stand the chance of being impacted by the project’s construction. Such utility items like an electric sub-station or transmission line, sanitary lift station, gas pumping station, or any other large utility items that would be in a costly reimbursement position need to be identified so that the designer can give consideration of avoiding the relocation of those major facilities. In a sense, the District Utility Coordinator must provide utility relocation issues that would have a major impact on the project’s scope, schedule and budget.
B. Planning Study

If the size, complexity and cost of the highway project is calling for the District P & E Office to do a Planning Study in order to make a decision on how the project is to be constructed, the District Utility Coordinator must supply the major utility items that would impact the project’s budget, construction difficulties and project delivery time. If a utility is in the road right of way by permit and has to be relocated, the need for additional right of way to accommodate the relocation has to be done. Or, if the utility is in their own easement, an easement acquisition for a utility relocation may have to be performed by District Real Estate. Both of these issues are critical components of this Planning Study and information needs to be included. Once all alternatives are developed, the District P & E Office will select a Preferred Alternative because of the way the project would work in meeting the most efficient and cost effective highway project construction process.

C. Subsurface Utility Engineering (SUE)

Subsurface Utility Engineering (SUE) information has, historically, saved a significant amount of money for those complex highway projects where underground utility facilities are heavily involved. The District Utility Coordinator should work with the District P & E Office in identifying underground utility facilities that have the potential for needing relocation and, if SUE is needed, ask for such service to be provided in the consultant design scope or have the District work with Central Office Utilities in using a statewide SUE contract. The District Utility Coordinator can identify the amount and levels of SUE information that would need to be performed. Understanding that having accurate information on the utility’s location and depth would provide quality and/or cost savings to the project design and construction, the District can make a decision on accepting the use of a SUE provider.
D. Preliminary Engineering

As part of the Preliminary Engineering process, the District Utility Coordinator can ask for the use of Subsurface Utility Engineering (SUE) and, if accepted, work with the District P & E Office in getting the work included in the project scope, use a District SUE contract, if available, or work with Central Office Utilities in obtaining the services of a SUE provider that has a statewide contract with that office. The District Utility Coordinator needs to make sure each affected utility receives project plans and have the utility respond with input on existing utility locations, provide proposed relocation sites (particularly those outside of the project construction limits) and obtain suggested revisions to the proposed project design to minimize impacts on existing utility facilities.

If any water and/or sewer line relocation work will be included in the construction contract, the District Utility Coordinator must determine funding responsibilities and keep the utility owner informed. The Coordinator must also work with Central Office Utilities in identifying and approving utility reimbursements and, if there are relocation activities that the utility owner is responsible for providing payment, notify Central Office Utilities of that part of the project development.

E. Stage 1 Utility Relocation Evaluation

Depending on the size and complexity of the highway project, impact on existing utility facilities is a critical determination need. The District Utility Coordinator must assure each utility is provided Stage 1 plans so that the utility can propose revisions that can be taken under consideration and, to the best of the Department’s ability, avoid as much utility relocation as possible. The use of Subsurface Utility Engineering (SUE) can provide quality information on exact utility locations and depths which can be used by the project designer to determine if design adjustments can be made to avoid the utility.
F. Stage 2 Utility Relocation Evaluation

The District Utility Coordinator must work with all affected utilities in addressing all relocation comments that were provided in the Stage 1 design process. Again, the Coordinator is to work with the utilities in making design adjustments, if needed, so that the utility’s final relocation design can be made. The goal of the Stage 2 process is to finalize the project design and the utility relocation designs so that all are in agreement and, when right of way certification is completed, the utilities will be in a position to begin their relocation and meet their required completion date. If water and/or sewer line relocations will be included in the project’s construction contract, it is at the Stage 2 design level that the relocation design is completed and then submitted to the utility owner so that they can confirm the design or provide adjustments which would be made to the Stage 2 plans.

G. Stage 3 Utility Relocation Evaluation

Under the Department’s Stage 3 process, project plans have been approved and utility relocation plans are to be finalized and the project sent out for construction bid. To this end, the District Utility Coordinator has worked with all impacted utilities and all utility relocation plans have been accepted.

H. Project Costs Associated With Utility Relocations

Providing accurate information on all project costs associated with utility relocations is a key responsibility of the District Utility Coordinator. There are primarily three utility relocation costs that need to be evaluated early in the project design process and adjusted by the Coordinator, through time, as the project design moves forward to completion. The three are:

1. Identifying utilities that are in a compensable position and will be performing their relocation. It is up to the District Utility Coordinator to identify those utilities that are in a compensable position and work with that utility on getting an accurate estimate for the cost of the relocation. When the relocation is being paid with using Federal
funds, it is very important that the Coordinator lets the utility know that they are not to begin their relocation work until their reimbursement is approved. To meet this requirement, the Coordinator is to work with Central Office Utilities in reviewing and approving the estimate and that amount is to be added to the total project cost.

2. Identifying utilities that are in a compensable position but the relocation work will be included in the highway construction contract. This cost issue deals primarily with the relocation of public water and/or sanitary sewer lines but all other public agency utilities are eligible. The District Utility Coordinator is to work with the utility owners on getting an accurate estimate for the cost of the relocation and that estimate will be included in the project construction estimate.

3. Identifying utilities that want their relocation work to be included in the project construction contract but the cost of the relocation has to be paid by the utility owner. The District Utility Coordinator is to work with the utility on the relocation design that will be included in the project construction contract. However, the cost estimate will come from the Department’s Estimating Office and not the utility.

The Department’s Estimating Office will submit the cost of the utility relocation to Central Office Utilities and that office will work with the utility on getting a deposit to cover the relocation work prior to sending the project out for bid.

Accurate identification of all costs associated with the construction of Department highway projects is a critical factor in making sure we are as efficient as possible with the Department’s overall budget. The District Utility Coordinator must begin utility relocation cost evaluation as early as possible in the project design process and work with the utilities on a continuous basis so that cost adjustments can be made as needed. We cannot be in a situation where a major cost increase occurs and the funds are not available. In all cases, the District Utility Coordinator must work with the District P & E Office, the project designer,
the utilities and Central Office Utilities in addressing compensable utility relocations in the manner in which the funds will be made available.

I. FHWA’s “Buy America” Regulation

When a utility is in a compensable position, under Federal regulation, in order for FHWA to reimburse ODOT for the state funds used to pay the utility for their relocation, all iron and steel materials used by the utility in their relocation must be manufactured in America. Central Office Utilities worked with FHWA on putting together a document that provides guidance to the utility on how this regulation needs to be addressed and each District Utility Coordinator can make that information available to the utility when working with them on the compensation process. (The “Buy America” Guidance document is on our website)

8204 ADDITIONAL GUIDANCE IN HOW THE DISTRICT UTILITY COORDINATOR IS TO PERFORM UTILITY RELOCATION ACTIVITY

It is important that this Utilities Manual contains as much information as possible in providing accurate guidance on how the District Utility Coordinator is to work with all parties on handling the utility industries involvement in the design and construction of a highway project. This work would include providing project design methods that could be used to avoid utility impacts, work with each utility in performing facility relocations in a timely manner, work with the utility and Central Office Utilities on evaluating and approving a utility reimbursement and various other work responsibilities that are needed to provide efficient and cost effective utility relocation activity. These following items are being put in place to provide this additional guidance.

8204.01 Utility Relocation Schedules

The initial effort of the District Utility Coordinator is to work with the utility company in establishing a relocation schedule in a manner which will allow the relocation of their facilities to be completed prior to the sale of the highway
8200 Procedures for Coordination Associated With Utility Relocations and Adjustments

Because the utility has been given project information which includes the real estate certification date as well as the project sale date, the District Utility Coordinator can work with the utility to see if the amount of time needed for them to do their relocation work would fit within those two dates. It is at this time when, if the relocation is compensable and is being covered by the use of Federal funds, it is very important that the Coordinator let the utility know they are not to begin their relocation work until their compensation is approved by Central Office Utilities. Having the utility get their relocation work completed prior to the project sale has great benefit for both parties and it is the number one goal of utility relocation.

8204.02 Utility Note

For all of ODOT's projects, the Utility Note is part of the Certification of Right of Way Control Letter. The District Real Estate Administrator (or Designee) is required, at the time the Right of Way Certification Letter is to be prepared, to obtain the note from the District Utility Coordinator and insert the most current utility status information into the Certification of Right of Way Control Letter. The District Utility Coordinator also needs to place the note information onto the “O” Drive. At a minimum, this information identifies what utilities are located in the area of the project and provides any relocation information received from the utility companies. In addition, to obtain direction on how the Utility Note is handled for LPA Projects, please refer to Section 8211.02, LPA Agreement/Legislation.

The utility status information posted on the “O” Drive is a “snap shot” in time. If utility relocation information changes, the “O” Drive is to be updated, allowing FHWA, Office of Estimating and the Office of Contracts to review the most current status of utility relocation when the project is advertised for construction bid proposals.

Under the utility coordination process, obtaining accurate information on how the highway project will be affecting utility facilities at the time of right of way certification is difficult because the utilities have normally just begun their work in putting together their relocation plans and relocation timing. If utility coordination information is lacking, the coordinator can state that information.

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will be forthcoming and, when received, it will be placed on the “O” Drive to keep the utility relocation process updated.

As outlined, there are times when completion of utility relocation work, prior to project sale, is not feasible or practical. To address such situations, the District Utility Coordinator will capture all information and prepare the formulation of the “UTILITY NOTE” which will be used to define how the utility company has, or will, address their relocation requirements as follows:

A. Utility Note Components

Many times, the utility’s relocation has major components and the amount of time needed to complete it cannot fit the time frame between right of way certification and project construction initiation. The note can be used to address information regarding the availability of right of way parcels for the highway contractor to perform utility work. The Utility Note can also be used to identify highway construction work needing completion before the utility relocation work can be performed.

B. Direction on Construction Coordination

When utility facilities will not be clear of the highway construction prior to project sale or specific coordination is required with the highway contractor for right of way availability, information must be provided by the utility to the District Utility Coordinator. The Coordinator can then update the Utility Note information on the “O” Drive which will be included in the bid proposal for use by prospective bidders. The note will contain all information which will be used by the project construction contractor and the District Utility Coordinator to keep the utility’s relocation activity on track.

C. Copy

The District Utility Coordinator will provide a copy of the Utility Note to Central Office Utilities by e-mail and confirm placement of the note on the Department’s “O” Drive. The Coordinator is responsible for providing the final update on the “O” Drive and placed at the time the project
construction plans are submitted to Central office Estimating. That information, and any addendum information, will be part of the Office of Contracts’ information sent out at the time of sale so that all utility relocation information can be provided to bidders. By so doing, bidders can capture all utility relocation information that would have an effect on their bid for construction. If revision is needed, the note shall be updated on the “O” Drive up to the “Funding Complete” date in the project’s Letting Schedule.

8204.03 Utility Note Format

The District Utility Coordinator is responsible for obtaining all dates and utility relocation information to prepare and submit the Utility Note to the District REA for inclusion in the Right of Way Certification Letter. The Note is to be prepared when any of the following circumstances are applicable to the project:

A. Circumstances Outlined in the Note

1. Utility facilities will not be cleared from the construction area at the time of project sale and the relocation dates provided by the utility will be included.

2. Utility facilities will remain in place within the construction limits.

3. Utility facilities will be relocated within the construction limits.

4. Utility facilities are shown incorrectly on the highway construction plans and accurate relocation plans are provided.

5. Coordination is necessary between the highway contractor and the utility during the construction phase.

8204.04 Utility Note Standardized Language

After the Utility Note is submitted to the District REA for inclusion in the Real Estate Certification Letter and placed on the “O” Drive and additional information
is provided, the District Utility Coordinator shall update the “O” Drive so that the final Utility Note information can be provided for direct inclusion in the bid proposal. In conjunction, the Note process has incorporated standardized language for all Utility Notes regarding coordination and cooperation between utilities and the highway contractor. The following minimum information needs to be provided:

A. Standardized Language Components

1. The name of each utility is to be included in the Note, along with the description of each facility and utility contact information.

2. Existing utility facilities, located within the work limits at time of construction, will be identified by station and offset, as needed, and shown in the project plans.

3. Proposed utility facilities, if located or to be located within the work limits, to be identified by station and offset or shown by project plan.

4. Date or time frame that the utility will begin the relocation work.

5. Length of time required to complete the relocation work and date when the utility relocation is to be completed.

6. A comprehensive statement regarding any special situations or conditions which may affect the progress and completion of the utility relocation work.

7. A statement addressing any water and/or sanitary sewer or other utility facilities work which has been incorporated into the highway construction plans.

8. The Project Identification Number (PID) and date of Utility Note submission to the District Real Estate Office.
8204.05 Utility Note Value

It is important to recognize that the Utility Note, as part of the project bid proposal, carries the same weight as other aspects of the bid package. Utility coordination statements may be included, such as advising the highway contractor that a specific function must be performed prior to the utility performing relocation work (i.e. contractor must remove trees prior to the utility placing its new facilities) and information of that nature supports the efficiency of the project delivery. Conversely, the Utility Note needs to provide notice that the utility cannot change the project plan or modify the sequence of project construction.

A Utility Note needs to be revised and updated on the “O” Drive, as the result of the District Utility Coordinator obtaining additional utility relocation information, during the 4 to 10 week time frame between project plan file date and the “Funding Complete” date in the project’s Letting Schedule (this time frame does vary based on project type, but generally ranges from 4 to 10 weeks). When the note is updated, the existing note must be removed from the “O” Drive so that there is no confusion about the status of utility relocations. Central Office Utilities will use the updated information to assist the coordination between the District and the Office of Contracts.

It is also important to note that any revisions that cannot be accomplished during the time frame between submission of the project plan file and the “Funding Complete” date in the project’s Letting Schedule date those revisions must be handled by Project Addendum. Addendums are also used for unanticipated utility information or involvement which was not known at the time of the project’s plan file. The District Utility Coordinator must make sure the utility is given information on issues that may affect their utility installation.

8204.06 Preparation of Utility Relocation Plans

Detailed relocation plans must be prepared by each utility when existing facilities are affected by a highway project. While the State is responsible for the review and acceptance of the utility relocation plan, the utility has ultimate responsibility for assuring there is proper design, installation, operation and maintenance of the
proposed utility facility. In this regard, an acceptable utility relocation plan clearly represents those existing facilities that stay in place, existing facilities that will be removed or abandoned, where new facilities will be installed and how the facilities are referenced to highway stations and offsets. Appropriate profiles and/or cross sections should be included. Also, color coding or other distinguishable identification is to be used, along with showing size of both the existing and proposed facilities. Utility relocation plans shall be sufficiently informative to provide a clear picture of the utility relocation work to be performed and shall include the following minimum information:

A. Minimum Information Items

1. The proposed highway centerline and centerline stations

2. The existing and proposed highway right of way and/or limited access right of way lines

3. The location, length, size, capacity, type, class and pertinent operating conditions of existing, proposed and temporary utility facilities

4. The applicable project number, work order, drawing number, plan scale and horizontal and/or vertical location of the utility facilities in relation to the highway alignment, geometric features or structures

5. An indication of final vertical clearance over pavement and structures in order to meet ODOT requirements and verify compliance with the requirements of the National Electric Safety Code

As stated previously, the Department has review responsibilities covering many factors which are associated with utility relocation plans prepared by the utilities. In this regard, the utilities need to take the following review criteria into consideration when developing their utility relocation plans:
B. Criteria for Utility Review

1. The utility relocation plan review must assure that the proposed utility relocation work is compatible with the design, safety and construction requirements of the highway project. Consideration must be given to the impact of temporary roadways, cuts or fills, tree removals and construction sequencing on proposed utility relocation work. Also, evaluation must be made as to the utility and highway construction processes being compatible.

2. All utility relocation plans covering above ground facilities must be reviewed against the clear zone requirements of the project. Clear zone is the roadside border area, starting at the edge of the traveled way and available for safe use by errant vehicles. The desired width is dependent upon traffic volume, speed and roadside geometry. The ODOT Location and Design Manual is to be used as a guide for establishing clear zones for various types of highways and operating conditions. It must be noted that above ground utility facilities cannot occupy the clear zone without adequate protection. In this regard, offsets from guardrail or other barriers must meet minimum requirements, while allowing for routine highway maintenance activities such as mowing.

3. Conflicts between utilities must be addressed. Generally, above ground utilities must be placed at or near the right of way line, while other utility facilities can be placed forward of that location. However, all utilities should be located behind existing/proposed ditches or as far from pavement/shoulder areas as possible. Furthermore, longitudinal underground utilities, which occupy the area where highway signs will be installed, shall be constructed of durable materials and placed with minimum cover of four (4) feet. Also, existing utilities, which will remain in place, need to be reviewed to assure that there are no conflicts with project requirements or other utilities.
# 8200 Procedures for Coordination Associated With Utility Relocations and Adjustments

## 8204.07 Project Sale, Award and Pre-Construction Conference

### A. Project Sale

The District Utility Coordinator shall notify each utility involved in the project as to the project sale date. It is imperative that the utilities be provided this information so that utility relocation submissions and schedules can be advanced in a timely manner.

### B. Awarded Contractor

The District Utility Coordinator, in conjunction with the District Construction Office, shall notify each utility involved in the project of the date the highway construction contract is awarded and the name of the successful bidder. In accordance with Section 153.64 of the Ohio Revised Code, this information must be submitted to the utilities within ten (10) working days of the project award being made.

### C. Pre-Construction Conference

After a highway construction contract is awarded, the District Construction Office shall designate a time and place for a Pre-Construction Conference and notify all involved parties. The District Utility Coordinator, if asked, shall attend the conference when utilities are involved and request that the utilities have a representative in attendance. One of the purposes of the conference is to review the construction schedules of both the highway contractor and the utilities in order to eliminate or minimize any areas of conflict which may arise during project construction.

Whenever possible, the Award Notification and Pre-Construction Conference notice should be incorporated into the same correspondence, otherwise, notice of the Pre-Construction Conference should be transmitted to utilities as soon as the information is available.

In addition, and prior to the Pre-Construction Conference, the District Utility Coordinator shall prepare an analysis of the status of all utilities in...
the project which includes copies of utility relocation plans and estimates, work schedules and status, current list of utility contacts and comments regarding special situations which need to be discussed.

8204.08 Utility Relocation Inspection

In order to assure proper installation and location of their proposed facilities are met, the utility needs to inspect all relocation work necessitated by highway projects. In addition, the utility should keep the District Construction Office informed of their inspection of the utility relocation in order to verify compliance with the accepted relocation plan to assure adequate control of the project. Sufficient observation and records must be maintained to allow the District Utility Coordinator to verify the utility relocation plan is being met both physically and in a timely fashion. If the utility is being reimbursed, the labor, material and equipment needs to be verified and recorded as well.

8204.09 Change Orders and Project Delays

It is beneficial to all parties involved in utility relocation activity to assure that utility project change orders and/or project delays be avoided or kept to a minimum. To achieve this outcome, all utility relocation work needs to be monitored to assure that compliance with the relocation schedule is being kept and the highway contractor must adhere to all sequences of construction, as outlined in the Utility Note and the contractor’s project construction plans.

There are times when the utility has to perform a relocation adjustment which calls for a contract change order and there are effective processes that must be put in place depending on how the utility relocation is being handled by the Department. Those are:

A. Non-Compensable Utility Relocation

If the utility is not in a compensable position and requests a construction modification be made to meet a relocation adjustment, it is the responsibility of the utility to report and justify their revisions, correct the
utility relocation plans and comply with Department policies and procedures regarding right of way occupancy.

The District Utility Coordinator needs to be notified immediately in order to accept the change and provide assistance in working with the project’s construction contractor and try to avoid any delay costs. The Coordinator’s acceptance for the utility’s modification requires a written notification (can be done by e-mail) from the utility, complete marked prints and explanation as to why there is notification or change in the plan of the utility relocation.

Before the utility can begin work under the modification request, the District Utility Coordinator must provide acceptance in writing (e-mail is acceptable) prior to the utility changing any relocation work within the right of way of the project under the highway contractor’s jurisdiction. If there is a cost associated with the modification, the utility is responsible for that cost.

B. Compensable Utility Relocation

If the utility relocation is in a compensable position and the utility relocation is being performed in a utility easement or road right of way and the adjustment will need a project change order to meet their relocation adjustment, it is the responsibility of the utility to report and justify their revisions, correct the utility relocation plans and, if in the right of way, comply with Department policies and procedures regarding highway occupancy.

The District Utility Coordinator needs to be notified immediately in order to process acceptance of the change and provide assistance in working with the project’s construction contractor and try to avoid any delay costs.

Because the utility relocation is in a compensable position, the District Utility Coordinator must provide all information associated with the utility adjustment to Central Office Utilities and it will be that office’s responsibility to provide approval for compensation.
The utility’s request will include written notification (e-mail is acceptable) to the District Utility Coordinator, complete marked prints, an explanation as to why there is modification or change in the relocation plan and the cost of the modification. The Coordinator must then submit that information to Central Office Utilities to receive reimbursement approval. Once Central Office Utilities provides that approval, and before the relocation work can begin under the change, the District Utility Coordinator must provide the reimbursement approval, in writing (e-mail is acceptable) to the utility.

**8204.10 Second Utility Relocation Responsibility**

In the event that highway project demands would require a utility to relocate all, or a portion, of facilities which had been previously relocated to accommodate the highway project, the Department has procedures in place to cover the cost of these circumstances. The process covers utility relocation work which was in road right of way by permit, and under Ohio Law, not eligible for reimbursement. If a second relocation of the utility facilities was caused by a Department change in the design of the highway project, the utility needs to serve an appeal to the Department for reimbursement of the costs associated with the work performed to achieve the utility’s second relocation of its facilities. The process is to be initiated by the District Utility Coordinator who is to send the utility company’s appeal to Central Office Utilities which has responsibility for reviewing the situation and providing approval for utility reimbursement.

**8204.11 Utility Delay Costs**

The Department’s utility coordination process is in place so that all Districts and all utility companies can work together on establishing utility relocation activities that will be performed in a timely manner and meet the needs of our highway project. If, for some reason, utility relocation is not handled in a timely fashion and, as a result, utility facility conflicts cause an increase to the cost of the highway project, then it is the responsibility of the District Utility Coordinator to provide accurate documentation associated with the delay cost. Under the direction, as outlined in Section 8204.12 of this Utilities Manual, the utility will be given an “Obstruction Removal Notice” and may be charged for the cost of the
delay that would result due to the fact the utility did not perform its relocation as outlined in the utility coordination process.

8204.12 Removal of Obstruction

There are occasions when the utility has not begun their relocation work as outlined during the utility coordination process. To deal with such an issue, the State legislature provided law within Section 5515.02 of the Ohio Revised Code which places the utility on notice that, if their lack of relocation activity causes increased costs to a highway project, the Director has the authority to present the utility with an “Obstruction Removal Notice” and make the utility responsible for paying those costs.

A. Authority and Use

Regarding all highway projects, utilities are legally obligated to relocate affected facilities which occupy road right of way by permit under the primary control of the Department. Where a utility is financially unable or unwilling to assume the costs of relocating affected facilities or when the Department and the utility cannot agree on the financial responsibility to relocate the facilities, the Department may cause the relocation to be performed as provided by ORC Section 5515.02.

Under similar circumstances where a utility is located within public right of way of highways under primary control of a county, the county may cause the relocation to be performed as provided by ORC Sections 5547.03 and 5547.04. Likewise, where a utility is located within public right of way under primary control of a municipal corporation, the municipality shall cause the relocation to be performed in accordance with cooperative consent legislation or other agreements.

B. Procedure

When, in the opinion of the Director, utility facilities obstruct or interfere with the contemplated construction, reconstruction, improvement, maintenance or repair of a highway, bridge, or culvert, or interfere with the
use of a highway, bridge or culvert, the District Utility Coordinator will work with ODOT’s Chief Legal Section and Central Office Utilities and request Chief Legal prepare an Obstruction Removal Notice directing the utility to remove or relocate its facilities. This notice will be delivered to the utility by personal service, certified mail or express mail. If the utility does not, within five days from the service of such a notice, proceed to remove or relocate their facilities and complete the removal or relocation within a reasonable time, the Department may remove or relocate the facilities by employing the necessary labor, tools and equipment or document the delay costs and work with the Department’s Chief Legal Office and Central Office Utilities to pursue charging the utility for those costs.

When the utility is legally obligated for the costs of the relocation performed by the Department, the costs incurred will be certified to the State Attorney General for collection as provided by law.

With some variations, removal of obstruction notices for counties or other governmental subdivisions are processed in the same manner as the Department.

8205 REAL ESTATE INVOLVEMENT IN UTILITY RELOCATION

Under the utility coordination process, the District Real Estate Office needs to work with the District Utility Coordinator to make sure there is enough right of way to accommodate the utility relocations by utilities that are in existing right of way by permit or, if the utility is in an easement and is having difficulty obtaining a new easement, the Coordinator works with the District Real Estate Office and the utility to accomplish such an acquisition in providing enough property to provide the utility with a new easement. The formats for these two processes are as follows:

8205.01 Acquisition of Right of Way for a Utility

It is important to know that, if a utility is in the Department’s road right of way by permit and has to relocate their facilities to accommodate a highway construction
project, the Department is obligated to provide new road right of way for that utility’s relocation effort. If right of way, for whatever reason, cannot be made available to the utility for its relocation, the Department will be responsible for compensating the utility for the work they do to get their facilities relocated.

This direction comes from legal decisions made as it relates to Ohio Revised Code Section 5515.01 & 02. Code language states a utility that is in road right of way by permit “...shall relocate their properties and all parts thereof within the bounds of such road, highway, bridge, culvert.”. This means that, if the utility is in road right of way and has to be relocated to accommodate a highway project, the Department has to provide new right of way for the relocation to take place in.

It is critical that the District Utility Coordinator provides good information concerning how many utilities will need relocated so that the District Real Estate Office can use that information to determine how much additional right of way will need to be acquired.

If, for some reason, acquiring the needed right of way cannot be done, the Department will have to work with the utility on providing compensation information under the Department’s compensation process and the utility relocation will be paid for.

8205.02 Acquisition of an Easement for a Utility

If a utility is in an easement and the highway project will cause its facilities to be relocated and the utility company is not able to work with a private property owner to get a new easement, the Department can work on behalf of the utility company and acquire the easement.

A. Authority and Use

Ohio Revised Code Section 5501.31 provides “.....wherein the Department is obligated to acquire lands under agreements with railroads, or with a public utility (this term covers utilities that are public, private or publicly held), political subdivision, public corporation, or a private corporation owning transportation facilities for the readjustment, relocation, or
improvement of their facilities, a fee simple title or an easement may be acquired by purchase or appropriation in the name of the railroad, public utility, political subdivision, public corporation, or private corporation at the discretion of the Director. When the title to lands, which are required to adjust, relocate, or improve such facilities pursuant to agreements with the Director, is taken in the name of the State, the lands, in the discretion of the Director, may be conveyed in fee simple or the right acquired to the railroad, public utility, political subdivision, or public corporation for which they were acquired.”

The exercise of ORC Section 5501.31, on behalf of the utility, is normally used when the utility is unable to acquire the needed property right (normally an easement) by negotiation. The utility must, under Ohio Law, possess the “right of eminent domain” and have a compensable property right in the location of the existing facility that needs to be relocated. While a public utility may possess the “right of eminent domain”, the laws governing appropriation by a utility differ in that a utility does not obtain a right of entry until consideration is agreed upon or assessed by jury. The State (Department) may obtain right of entry immediately after the appraised sum is deposited with the court in cases of unimproved property or improved property when a structure is not taken. When a structure is to be taken and occupants must relocate, the procedure of Section 8302.02 “C” of this manual must be followed.

B. **Procedure**

The utility shall forward a written request to the District Utility Coordinator asking the Department acquire necessary property for the utility and state the reasons for the request.

1. The District Real Estate Office shall prepare a Utility Acquisition Agreement for execution by the utility and the District Deputy Director.

2. If acquisition of the necessary right of way cannot be accomplished through negotiation, the District Real Estate Office shall have an appropriation filed with the court along with the warrant for deposit.
Except as provided in 8204.09 “B”, the utility has right of entry to the property at this point in time.

8206 LEGISLATION FOR UTILITY RELOCATION

8206.01 Reason for Legislation

Often times the Department has highway projects which need the participation of governmental entities and, in order for those agencies to meet the needs of the project, legislation needs to be prepared and approved by those agencies.

A. Requirements

Legislation shall be prepared which sets forth the conditions and obligations under which a governmental subdivision consents to and agrees to cooperate with the Department in the transportation improvement. The time frames for preparation of preliminary and final legislation are covered in the Department’s project development process. In general, legislation shall be required in the following instances:

1. Whenever any work on a highway improvement is to be performed within the limits of a municipality.

2. Whenever any work on a highway improvement is outside of a municipality and involves county participation in the cost of the project or causes the rearrangement, maintenance or closing of county or township roads.

3. Whenever the cost of rearranging publically owned utilities is being reimbursed under the provisions of Section 8301.03.

B. Development Process

In accordance with the Department’s project development process, whenever the cost of relocating the facilities of a public utility is being bourn by that public utility, preliminary legislation agreeing to the inclusion
and payment for the relocation work (the District P & E Office may include the preliminary cost estimate in the legislation if so desired) must be passed by the public body which has authority over the public utility. Final legislation need’s to contain the estimate from the Central Office, Office of Estimating’s evaluation of the utility relocation work as outlined in the project’s design plans. A certified copy of the executed final legislation authorizing anticipated utility work shall be submitted with the Plan Package from the District. Prior to the opening of bids, the public utility shall submit a certified check based on the engineer’s estimate for payment for the utility relocation work. The preliminary and final legislation shall also commit the public utility to pay for actual costs of the relocation work should that work exceed the engineer’s estimate.

C. Responsibility

The District Deputy Director shall be responsible for the preparation of legislation, handling of negotiations with affected governmental agencies and securing the necessary cooperative legislation setting forth the obligations of the involved agencies.

8207 EARLY INVOLVEMENT BENEFITS

All of the Department’s highway/bridge construction projects have utility involvement that must be reviewed and impacts or non-impacts dealt with and documented. The work to be performed by the District Utility Coordinator is aimed at providing all aspects of information associated with the project’s interaction with the utility industries’ facilities. This information will play an important role in getting the project completed on time and within cost.

8207.01 Initial Utility Coordination

Understanding of impacts on utility facilities in the early phases of the project development process is critical. Only through establishment of utility impacts early in the project design process will cooperation between ODOT and the utilities be identified and the proper mitigation or consideration of utility issues
addressed. The District Utility Coordinator needs to be engaged in the project field review and make determination of what utilities will be involved. This information can be used to identify what impacts, physical and/or financial, utility relocations will have on the project for both the utility company and the Department. By so doing, this phase of design formulation can use such information on utility involvement in order to provide design changes which can be made to minimize or eliminate cost to either the Department or the utility company. Also at this time, utility costs should be identified and right of way needs must be addressed by taking into consideration construction requirements, utility relocation and safety factors. This review can also identify unanticipated time consuming utility relocations or issues which may impact construction scheduling.

8207.02 Subsurface Utility Engineering (SUE) Benefits

ORC Section 153.64 requires that all existing underground utilities must be shown on highway construction plans where excavation or ground penetration will occur. In addition, this Code requires the utility to, within ten (10) working days of being notified by the project designer, either provide location information to the designer or the utility must mark its facilities in the field for retrieval by the designer. Since the utility is only required to provide “approximate Location” of their facilities, the underground depth of the utility may not be known. To assist in obtaining accurate utility depth information, it is recommended that Subsurface Utility Engineering (SUE) be used to supplement the normal processes of the one call systems and traditional engineering practices. SUE can be defined as the engineering processes that accurately and comprehensively identify, characterize and map underground utility facilities. It includes the three major activities of designating, locating and data management. These activities, when combined with traditional records research, coordination with utility owners and site surveys, provide high quality utility information for use at appropriate times during project development and design. This information can be used to improve decision making processes, reduce utility damage during construction and minimize change orders and contractor claims. To properly use the information obtained from the process, SUE must be used during both the PE and Stage 1 design phases of the project development process. In accordance with the
current ASCE “Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data”, this information is expressed through four quality levels:

1. Quality Level “D” – Information derived from existing records or oral recollections

2. Quality Level “C” – Information obtained by surveying and plotting visible above-ground utility features and by using professional judgment in correlating this information to quality Level “D” information.

3. Quality Level “B” – Information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities. Quality Level “B” data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed to applicable tolerances defined by the project and reduced onto plan documents.

4. Quality Level “A” – Precise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. A precise horizontal and vertical location, as well as other utility attributes, is shown on plan documents. Accuracy is typically set to 15mm and to applicable horizontal survey and mapping accuracy as defined or expected by the project owner.

8207.03 Tree Trimming or Removal and Right of Way Staking

ODOT is responsible for providing clear and available right of way for those utilities relocating within the limits of the highway right of way. This work can involve tree trimming or removal and/or clearing and grubbing functions required for the project. In order to benefit the highway project, the impact of trees on utility relocations must be addressed early. The highway plan must accurately
reflect the tree work that is to be performed and the right of way acquisition process must clearly cover this impact with the property owner.

Since the timing of tree work must accommodate applicable environmental restrictions and can impact the scheduling of utility relocation work, the Department has several options available to clear trees and advance utility relocation. Those options are:

1. The tree work can be included in the contract plans as part of the clearing and grubbing process and be specifically sequenced as an early activity to be performed by the project contractor.

2. The tree work could be performed through a separate clearing and grubbing contract.

3. Statewide and/or District tree removal contracts can be initiated and used.

4. The tree work can be performed by District or County Manager Office personnel.

Any of these options will provide clear and available right of way for utilities to proceed with necessary relocation work and enhance the overall construction schedule of the project. District and utility personnel need to evaluate each project and determine if the use of any of these options would be beneficial.

Staking the highway right of way is directly related to providing clear right of way for utilities. As with tree work, this is a timing issue which should be performed in a time frame to accommodate functions which need to be performed prior to project sale. It is the responsibility of the District, through its own forces, contract forces or the project designer to have the right of way staking performed.

8207.04 Value of the Liaison Process

The District Utility Coordinator provides the efforts needed to address how our highway projects affect the utility industries’ facilities and the work efforts that are needed from both parties to assure the project is constructed on time:
A. Importance

An effective liaison program pursued during all stages of highway or utility improvement projects can reduce costs to both the State and the utility, provide more serviceable highway and utility facilities and minimize inconvenience to the general public. The highway program affects nearly every utility operating in the State of Ohio and, in many cases, causes major adjustments to existing utility facilities, as well as their future expansion plans. Utilities must be regarded as a full partner in the ODOT highway program and be accorded cooperation and consideration.

B. Application

To accomplish its objectives, a liaison program must be based on sound and realistic procedures which can be consistently followed by all agencies involved. On highway improvement projects involving utilities, the Department must take the initiative in promoting liaison with an emphasis on personal contacts, detailed exchange of information and maintaining close relationships with the utilities during all stages of the project.

The District Utility Coordinator shall maintain close personal contact with the utilities and assure that all pertinent information and plans are furnished as soon as available. Central Office Utilities shall contact the Districts and utilities periodically and assist in coordinating these liaison programs.

The District Utility Coordinator shall furnish utilities with periodic copies of the Department’s proposed construction program showing the location, type of projects and contemplated sale dates or project status. This information will assist the utilities in coordinating construction and budgeting. In addition, the Department should encourage the utilities to discuss their construction programs with ODOT, with a view toward eliminating or minimizing conflicts with future highway improvements. A sound liaison program aggressively pursued during early stages of a highway project will eliminate many problems prior to construction. It is essential that all representatives of the Department recognize and accept responsibility in this program.
8208 UTILITY WORK INCLUDED IN ROAD CONSTRUCTION AND BRIDGE ATTACHMENTS

8208.01 Process

There are occasions when a utility would like to have the relocation of their facilities included in the Department’s project construction work. In order to determine if that work could be provided, the District Utility Coordinator and utility must do the following:

A. Responsibilities

The State and utilities are jointly responsible for the incorporation of utility relocation work into the highway construction plans. As the owner of the facility, the utility is responsible for assuring proper design of the relocation work. As part of its project review responsibilities, the State must assure that the utility relocation, if eligible for reimbursement, is accurately set forth, betterments and scope of work issues are addressed and that the General Notes and General Summary are accurate.

The incorporation of non-compensable utility work in the highway construction plans can be a beneficial situation for all parties involved and a practice that should be continued. However, utilities must understand that the Department must award contracts based on the overall low bid, which is comprised of individual line item costs. Once non-compensable utility work has been incorporated into highway construction plans, the work can only be non-performed for specific reasons at specific times in the project process without subjecting the Department and utility to breach of contract claims. In the event the relocation cost was in the low bid but the utility requests the work is non-performed, based on the agreement with the utility that covers the cost of the relocation work, the Department can bill the utility for costs associated with contractor profits.
B. Justification

Utility work may be included in the highway construction plans when justified by reasons of economy, expediency, inability of the utility to perform the work or where construction convenience or cost would be improved by the elimination of a separate contract for the utility work. Regarding bridge attachments, consideration must also be given to the congested locations of bridges in urban areas, bedrock or environmentally sensitive areas to be crossed, engineering difficulties facing the utility and the costs associated with alternative locations.

C. Approvals

In all cases, the request for utility work to be incorporated into the highway construction plans must be approved by both District P & E and Utility personnel. If the utility is to be installed on a bridge, the request must also be approved by the appropriate ODOT bridge office.

D. Procedure

1. Utility work to be included in Highway Construction Plans that are not bridge attachments:

   a. A letter request to include the installation of utility facilities in our highway construction process shall be initiated by the utility as early as possible after the utility has received notification of the highway project and prior to the completion of the project design plans. The utility’s letter of request should be directed to the District Utility Coordinator.

   b. The letter should state the reasons for the request, estimated cost of the utility work, explanation of allowable outages and disposition of existing facilities during construction. In addition, if the utility’s relocation is not in a compensable position, the letter needs to include a statement that the utility will accept the obligation for all costs associated with design and installation of the utility.
c. The request must include all details regarding the type of facilities to be installed and the material to be used.

d. The District Utility Coordinator shall review the request from the standpoints of scope of work, eligibility and betterments and provide comments and a recommendation to the District P & E Office.

e. When the highway construction plans are being prepared by a consultant, the District P & E Office shall send a letter to the consultant instructing that the utility work be included in the highway plans. A copy of the letter shall be sent to the District Utility Coordinator.

2. Utility Installations on Highway Bridges

a. A letter request to install utility facilities on a highway bridge shall be initiated by the utility as early as possible after notification of a highway bridge project and prior to completion of the structure design. The letter of request should be directed to the District Utility Coordinator.

b. The letter should state the reasons for the request, estimated cost of the bridge attachment, alternate routes considered and associated costs, explanation of allowable outages and disposition of the existing facility during construction. In addition, the letter should include a statement that the utility will accept the obligation for all costs associated with design and installation of the utility, as well as, any added cost to the highway structure necessary for accommodation of the utility facility.

c. The request must include all details regarding the type of facility to be installed, the material to be used, a method of attachment to the bridge structure and the weights of the utility installation. Special notes regarding the installation of
the facility, furnishing of materials, construction sequencing or the support of an existing facility during construction should also be addressed.

d. The District Utility Coordinator will forward the request to the District P & E Office and to the appropriate ODOT bridge office for review and comment.

e. If approval is granted for the bridge accommodation, the utility request will be subject to review and approval of a final utility relocation plan covering the total scope of the relocation work to be performed. This plan needs to reflect details of the bridge attachment, the relocation work required on either end of the bridge and any needed temporary relocation. The bridge attachment details need to be compatible with the design details shown in the highway construction plans.

f. Cost responsibilities and bid items associated with the bridge attachment must be clearly and properly reflected in the construction plans in order to correctly allocate estimated construction and material costs. (Stage 3 Design)

E. Determination of Eligibility

When approval is given for the inclusion of utility work in the highway/bridge construction plans, reimbursement eligibility will be determined by the District Utility Coordinator in accordance with Section 8301. Items included in the construction plans will be shown in the same manner as other construction items, except that the utility items will generally be listed under separate subheading in the General Summary and indicate responsibility for the costs. (Refer to Section 1300 of the ODOT Location and Design Manual for details) All utility work incorporated into the construction plans must have a corresponding bid item assigned and be clearly shown in the General Summary. The detailed plans shall include appropriate notes to address utility relocation activities, including maintenance of traffic and service requirements.
F. Betterments

When approval is given to include utility work in the highway/bridge construction plans, the District P & E Office or the consultant preparing the plans, the utility and the District Utility Coordinator shall address any “betterments” of the relocated utility facility and the associated credit due the project.

G. Salvage

Existing utility facilities (fire hydrants, valve boxes, etc.) to be removed by the highway contractor shall be disposed of and replaced, adjusted or removed and reset. These items shall not be removed and stored for retrieval by the utility owner. The rules governing utility relocation and reimbursement differ from other functions of the highway construction process. The removal of existing utility facilities for storage would require that a salvage credit be given to the project for the value of the removed items and any contractor charges for handling and/or transportation of the items would be ineligible for project cost.

8208.02 Exceptions Under the Review Process

There are several situations where utility facilities are not handled under the normal utility relocation process. **Oil and gas wells**, and the associated collector/feeder lines, should be handled through the District’s Real Estate acquisition process. **Service lines** are owned by the property owner and are handled as a part of the real estate acquisition process. **Gas measuring or regulating stations**, and associated piping, are the joint responsibility of the real estate acquisition process and the utility relocation process. The affected building and the property are real estate acquisition items, while the lines, piping, valves and meters are handled through the utility relocation process. The District Utility Coordinator works with the District Real Estate Office in establishing which portions are handled by which process.
8209 UTILITY AGREEMENT PROCESSES

8209.01 FHWA/ODOT Programmatic Agreement

The Department and the Federal Highway Administration (FHWA) has worked closely together in dealing with all aspects of utility involvement in our highway projects. Where the Department intends to claim Federal reimbursement for utility relocation costs, FHWA and Central Office Utilities has established a “Programmatic Agreement for Utilities” which defines processes that, when met, allows the Department to work on behalf of FHWA. In this regard, by having such an agreement, the agencies have set forth methods to assure statewide continuity and compliance with State and Federal laws, rules, policies and procedures is met. This Programmatic Agreement places compliance assurance with Central Office Utilities and covers the primary functions of utility relocation work incorporated into highway construction plans, utility relocation work handled on a force account basis, utility reimbursement, utility relocation billings and Federal oversight. In addition, the review and approval of all utility involvement in highway projects is handled in an efficient and cost effective manner.

Under this agreement with FHWA, on all projects where there is public, private or publicly held utility relocation work included in the construction contract or there is a utility that is in a compensable position, there are funding agreement formats referenced in this section which must be achieved before the work can be sent out to bid or the reimbursement for a utility can be approved.

8209.02 Master Utility Reimbursement Agreement

When a utility is in a compensable position for their utility relocation work, the District Utility Coordinator will provide the utility with a Master Utility Reimbursement Agreement (MURA) for signature. This agreement addresses all coordination functions the Department and the utility will work together on, what components of the utility’s relocation work is eligible for reimbursement and what process the utility needs to use in getting the cost of their relocation paid for. The MURA is a “universal” agreement so, to provide efficiency, the
utility only has to sign one agreement which is used to inform the utility of its responsibilities for reimbursement for any project which has them in a compensable position.

8209.03 Legislation/Funding Agreements

The process used for dealing with payment of utility relocation work that is included in a construction project will be based on who owns the utility.

A. Public Utility

1. Requirements

In the case of a publicly owned utility, when the relocation work is included in a state funded highway construction contract and the governmental agency is obligated to pay for a portion or all of the cost of the relocation work, the agency shall be required to enact appropriate legislation which will obligate the utility in accordance with our project development process. The agency shall return a certified copy of the final legislation, along with a certified check covering the estimated cost of the relocation work, prior to bid opening of the highway construction contract. The estimated cost in the legislation shall reflect the cost of the relocation work contained in the Central Office Engineer’s estimate. It is important to point out that language also needs to be included that assures the governmental agency, as owner of the affected utility, will be responsible to pay “final costs” for their relocation work when the actual cost is established by the final construction billings.

2. Responsibility

For public utilities, under the project’s development process, preparation and/or processing of preliminary legislation is the responsibility of the District’s P & E Office. It is extremely important that the utility relocation work is clearly defined in the project design plans so that Central Office Estimating can provide a good estimate.
8200 Procedures for Coordination Associated With Utility Relocations and Adjustments

Final legislation is prepared by the Central Office, Office of Estimating.

The preparation and processing of billings to the public utility with whom the legislation has been prepared is the responsibility of the Central Office, Office of Estimating.

3. Procedure

Processing of legislation under the project development process is outlined in Section 8210.01 of the manual.

B. Private or Publicly Held Utility

1. Requirements

In the case of a private or publicly owned utility, when relocation is included in a state funded highway construction contract and the utility is obligated to pay for a portion or all of the cost of the relocation work, the utility shall be required to enter into a Funding Agreement which will obligate the utility in accordance with the project development process. The utility involved shall return an executed copy of the Funding Agreement along with a certified check covering the Engineer’s estimated cost for the relocation work prior to bid opening of the highway construction contract. The estimated cost in the Funding Agreement shall reflect the cost of the relocation work contained in the Central Office Engineer’s estimate. It is important to point out language also needs to be included that assures the private/publicly held utility will be responsible to pay “final costs” for their relocation work when the actual cost is established by the final construction billings.

2. Responsibility

For private/publicly held utilities, under the project’s development process, preparation and processing of the Funding Document is the responsibility of the Central Office Utilities.
On state administered projects, the preparation and processing of billings to the private/publicly held utility, with whom the Funding Agreement has been prepared, is the responsibility of the Central Office Utilities and the cost is based on the estimate provided by the Central Office, Office of Estimating. It is extremely important that the District P & E Office makes sure the utility relocation work is clearly outlined in the project design plans so the Central Office, Estimating can provide the estimate for the work.

Within Central Office, the Office of Revenue and Fiscal Reporting, the Accounts Receivable Section will work with the utility in processing payment or reimbursement, if needed, after the final construction billings are provided.

3. Procedure

Processing of the Funding Agreement under the project development process is outlined in Section 8210.02 of the manual.

**8209.04 Subordination Agreement**

A Subordination Agreement is used to protect a utility company’s compensable position that is provided them when their facilities are in an easement and the highway project is affecting that easement.

When the existing affected utility occupies an easement on property the Department will be acquiring in fee for road right of way, there is no additional private property that can be acquired for a new easement and the utility relocation will stay in the road right of way but outside of the utility’s existing easement, this Subordination Agreement will be needed to preserve the utility company’s right for relocation compensation should those facilities need to be relocated in the future. If the relocation of the existing facilities can be accomplished within the limits of the existing utility easement, a Subordination Agreement is not necessary. Under this scenario, the existing utility compensable rights will remain in place.
The creation of a Subordination Agreement is the responsibility of the District Real Estate Office with support from Central Office Utilities. The District Utility Coordinator will let the District Real Estate Administrator know that a Subordination Agreement will be needed in order to keep the utility’s relocation moving forward in a timely fashion. The Utility Coordinator’s information will include an explanation of why relocation of the facility to private property is not possible, a plan showing the proposed relocation within the new right of way and a legal description of the alignment of the relocated facility. The District Real Estate Office will provide a description that will be in a format which is in accordance with the recording requirements of the county where the document is to be filed.

Central Office Utilities will provide a Subordination Agreement to the District Real Estate Office and they will add language to the document that outlines what the District Utility Coordinator provided. The Utility Coordinator will then work with the utility to get the agreement signed. Once that is done, the District Real Estate Administrator will have the document signed on behalf of the Department’s Director, file the document with the county and send copies of the agreement to the utility, the District Utility Coordinator and Central Office Utilities.

8210 PROCESS FOR INCLUDING NON-REIMBURSEABLE PUBLIC UTILITY RELOCATION WORK IN THE DEPARTMENT’S HIGHWAY CONSTRUCTION CONTRACT

8210.01 Non-Compensable Utility Relocation

When there is a public utility whose facilities relocation will be included in the highway project, but the relocation is not in a compensable position, the following steps need to be taken in order to process the utility owner’s payment responsibility:

A. Notification

The District Utility Coordinator notifies District P & E Office that the public utility wants its relocation work performed by the Department’s highway
contractor and, because the relocation work is not eligible for reimbursement, authorizing and obtaining payment for the work will have to be processed. (The process for including the relocation design in the project plans is outlined in Section 8209.03, “A”)

B. Preparation

District P & E Office prepares preliminary legislation according to the project development process and submits same to the Local Public Agency that owns the utility.

C. Copy

District P & E Office obtains a copy of the adopted preliminary legislation and makes it part of the project file.

D. Update

The District Utility Coordinator keeps the public utility informed of the status of the cost estimate and obtains and documents concurrence from the LPA that, based on the updated estimate, they still want the relocation work performed by the highway contractor.

E. Final Legislation

Central Office, Office of Estimating prepares final legislation containing the Engineer’s estimate for the relocation work and submits it to the District P & E Office for coordination with the LPA according to the project development process.

F. LPA Acceptance

District P & E Office receives, from the public utility, adopted final legislation, executed Fiscal Officer’s Certificate and payment (prior to bid opening) of the Engineer’s estimate and submits to Central Office, Office of Estimating.
G. Legislation and Billing Retention

District P & E Office sends a copy of the adopted final legislation, original Fiscal Officer’s Certificate and contact information (name/phone number/address) of the LPA’s (utility owner) Fiscal Officer to Central Office, Office of Revenue and Fiscal Reporting. Upon receipt, the Central Office, Office of Revenue and Fiscal Reporting will retain the documentation in a file until time for final billing. (District P & E Office also retains a copy of the final legislation in the District’s Project File)

H. Filing of Documentation

Central Office, Office of Estimating sends the original adopted final legislation to Central Office, Utilities Section for placement in the permanent utility project file.

I. Estimating Provides Payment

Central Office, Office of Estimating sends the LPA’s (utility owner) check for payment to the Central Office, Accounts Receivable.

J. Payment Reconciliation

1. Central Office, Office of Payroll and Federal Accounting confirms actual costs for relocation work and reconciles the billing according to the terms contained in the final legislation and bills/refunds the LPA based on the actual costs for the relocation work.

2. Central Office, Accounts Receivable is responsible for closing out the account.
8200 Procedures for Coordination Associated With Utility Relocations and Adjustments

8210.02 Process for Including Non-Reimbursable Private/Publicly Held Utility Relocation Work in the Department’s Highway Construction Contract

When there is a private/publicly held utility whose facilities relocation will be included in the highway project but the relocation is not in a compensable position, the following steps need to be taken in order to process payment responsibility:

A. Work Request

The District Utility Coordinator notifies the District P & E Office that the private/publicly held utility wants its relocation work performed by the Department’s highway contractor and, because the relocation work is not eligible for reimbursement, authorizing and obtaining payment for the work before the bids are taken will have to be processed. (The process for including the relocation design in the project plans is outlined in Section 8208.01 “D”)

B. Work Accepted

District Utility Coordinator keeps the utility informed of the Department’s willingness to include their relocation work in the project’s construction plans and maintains documentation associated with the utility’s request for such work to be performed.

C. Cost Identification

Central Office, Office of Estimating provides Central Office Utilities with a cost estimate of the relocation work and asks that office to work with the utility in getting a “Funding Agreement” processed and payment of the estimate provided for deposit before the project can be sent out for bid.
D. Utility Deposit Process

The District Utility Coordinator needs to provide Central Office Utilities with information on who to contact at the utility company to get the “Funding Agreement” signed by the utility and provide a certified check for a deposit to cover the cost of the estimate.

1. Central Office Utilities forwards the original and two copies of the Funding Agreement to the utility with a request for execution of the agreement which outlines the terms of payment. The utility is notified of the date on when the signed “Funding Agreement” and certified check for deposit needs to be returned to the Central Office Utilities so that the project can be sent out to bid.

2. When Central Office Utilities receives the signed “Funding Agreement” and certified check for deposit, the office has the agreement signed by the Director and sends a copy of the executed agreement back to the utility.

3. Central Office Utilities sends the original executed “Funding Agreement” and the certified check to Central Office, Accounts Receivable for the deposit to be included in the project budget. A copy of the “Funding Agreement” and certified check is also sent to Central Office, Office of Estimating so that they are aware the deposit has been made and can move forward with their bidding process.

E. Payment Reconciliation

1. When project construction is completed, Central Office, Office of Payroll and Federal Accounting confirms actual costs for the relocation work and reconciles the utility billing based on the terms of the “Funding Agreement” and bills/refunds the utility.

2. Central Office, Accounts Receivable is responsible for closing out the account if additional funds are required from the utility.
8211  UTILITY RELOCATION COORDINATION ON LPA PROJECTS

8211.01  Utility Coordination for all LPA Projects

LPA (Local Public Agency) highway projects which are administered by ODOT (ODOT-let) for a City, County or Village, or those that are administered by a local agency only (Local-let), should follow all components of ODOT’s utility relocation coordination and utility reimbursement processes, as outlined in the Utility Manual. Since the cost of these highway projects is the joint responsibility of the LPA and the Federal Highway Administration (FHWA), not ODOT, it is important that all utility adjustments or relocations, involved in these projects, conform to the policies and procedures set forth in this Manual. ODOT’s District Utility Coordinator should work with the LPA in assuring that compliance with these policies and procedures occurs in a timely fashion and the affected utilities are made aware of their responsibilities to provide their relocation information in a timely fashion and perform the relocation of their facilities to meet the construction schedule of the highway project.

The District Utility Coordinator and Central Office Utilities are directly responsible for review of all utility relocation reimbursements that are to be paid for with Federal dollars and to assure the utility relocation reimbursement documentation meets all requirements as outlined in Section 8300 of the Utility Manual. Upon notification by the District Utility Coordinator, as to the acceptability of the utility relocation information for compensation that was submitted, the LPA is responsible for issuing the approval to the utility. Also, the District Utility Coordinator must notify the LPA of its obligation to deposit funds with the Department for payment of all utility relocation costs not eligible for Federal participation. Finally, the LPA must be advised that it is responsible for all costs associated with construction delays caused by utilities not relocating their facilities in a timely fashion. It is important to note, that the utility coordination process, outlined in this Utility Manual and associated with all LPA highway projects, provides an opportunity for the District Utility Coordinator to give guidance to the LPA’s utility coordinator and that information will be very helpful in making sure all utility coordination responsibilities are met.
4211.02  LPA Agreement/Legislation

Depending on the type of LPA involvement in highway projects, there are two ways in which ODOT deals with the project’s delivery. If the project is ODOT-let, the District works with the LPA on getting Local Project Legislation that recognizes ODOT is selling/administering the construction contract on behalf of the LPA and standard language within the LPA legislation agreements is that the LPA is responsible for working with the utilities and assuring their facility relocations are performed in a timely manner. These projects go through ODOT’s Office of Estimating and are sold through ODOT’s Office of Contracts. The LPA’s utility coordinator should prepare a Utility Note and provide it to the ODOT REA so it may be included in the Right of Way Certification Letter. The District Utility Coordinator will post the note on the “O” Drive and update it, if needed, just before the project goes out for sale.

If the project is Local-let, it requires the execution of an LPA Agreement which has standard language noting that the LPA is responsible for utility relocation. There is a Utility Note provided but it is not posted on the “O” Drive.

In all cases, the LPA Agreement or LPA Legislation handling the project between ODOT and the LPA must clearly define the responsibilities of each party, including the handling of the utility relocation functions and utility reimbursement. In this regard, the District Utility Coordinator will be available to provide guidance to the LPA’s utility coordination counterpart regarding necessary utility relocation activities but it is the LPA’s responsibility to make sure all utility relocation activities are performed, as needed, to assure the highway project is constructed in a timely fashion.

In both scenarios, the LPA is ultimately responsible for the relocation of utilities and, thus, the production of the Utility Note. The amount of ODOT oversight/involvement may vary by District, but the only real difference is the requirement to post the Utility Note on the “O” Drive for ODOT-let projects.

(Refer to the ODOT web site www.dot.state.oh.us, and go to Planning, the Office of Local Projects, and Manual of Procedures-Locally Administered Transportation Projects for more information on utility coordination and reimbursement project processes).

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There are cases where the Department selects the Design-Build Process for the construction of a project. Depending on the nature of the project, this process can provide efficiency to the time-line in getting the project built. However, because of the dramatic adjustment to the project’s design methods, it does require significant changes to the utility coordination efforts provided by the District Utility Coordinator. Utility coordination needs to be adjusted because, under the Design/Build process, when the utility is made aware of the project they need to understand there is no initial design information available for them to base their utility relocation evaluation on.

The utility may need educated on the D/B process. This early explanation and education of the D/B process will assist the utility in understanding their role in the process.

The utility must understand the D/B process timing, between the final design and the beginning of construction, is greatly accelerated. While a commitment of the utility’s relocation timeframe may be difficult, the acknowledgement of the Department’s need for responsiveness in the relocation is critical to a D/B project’s success.

8212.01 Initial Utility Information

When the District selects a project for the Design/Build process, the District Utility Coordinator shall evaluate the project’s location and determine what utilities are in the project’s area. Once identified, the Coordinator must put together a list of utilities and contact for each and make the information a part of the Design/Build process. The Coordinator shall also send project information to each utility so that they are aware of the project and the process under which it will be built.

Providing, not only a list of potential utility relocations for inclusion into the project’s information base, providing any and all existing as-built utility information is vital. This information will be used by the D/B contractor in
determining the most efficient design and could ultimately influence the project’s final design.

Subsurface Utility Engineering (SUE) should be considered for every D/B project when existing underground utility installations are of concern. Better utility information will lead to a reduced bid. Level “A” SUE work is the most beneficial for the D/B contractor because it can provide definitive underground utility elevations and locations. It should be considered for high risk utilities. Level “B” SUE work can provide valuable and useful information and can be a cost effective investment. The District Utility Coordinator should work with the District Project Manager to determine the necessity of the SUE work.

8212.02 Potential Utility Relocation

It is important for the District Utility Coordinator to review the characteristics of the Design/Build project and, if it looks like the project construction will cause a utility relocation, the Coordinator must contact that utility and ask the utility to provide information on how long it would take for them to do their relocation. That relocation timeframe is to be made a part of the project schedule because such information is an important component of the District’s evaluation in determining how long it will take the Design/Build contractor to build the project. It is understood that this relocation timeframe is based off of very preliminary information and the relocation timeframe will depend upon the ultimate project design.

8212.03 Utility Coordination Process Responsibilities Prior to Design/Build Contractor Selection

After all of the above outlined utility information is put together, the District Utility Coordinator shall work with each utility that has relocation responsibilities and, if the District Real Estate Office needs to acquire road right of way, the Coordinator will let the utility know when the right of way will be available for their relocation. In all cases, where it is clear that the utility will need to relocate, the Coordinator shall identify where the utility can be placed and ask that the utility get their relocation work performed as soon as possible.
So, prior to selecting the Design/Build contractor, the District Utility Coordinator’s responsibility is to focus on all issues associated with how the Design/Build project will affect utilities and, when it can be determined that a relocation needs to be performed, the Coordinator must work with that utility to see if they can get their relocation work underway and, hopefully, complete it before the Design/Build contractor is selected.

Under the Department’s Project Development Process (PDP) for a Design/Build project, the District Utility Coordinator’s responsibilities are as follows:

1. Requirements of utility coordination on a Design/Build process is the same as for all projects through the Feasibility Study and the Alternative Evaluation Report. This includes:
   
   A. Utility Assessment
   
   B. Utility companies are contacted and asked to locate their underground facilities within the project area
   
   C. Utilities which conflict with the proposed project work are identified for relocation
   
   D. Determine which utilities are in a compensable position and provide an estimate for the relocation cost

2. Determine which utilities are located in the area of the project. Gather and provide all known utility information and provide this information to the DBT during the bidding process. List all underground and overhead utilities, similar to a Utility Note.

3. Direct the utility owners to relocate or adjust all affected facilities within the limits of the proposed construction (unless otherwise noted in the D/B contract).

4. Coordinate early with the utilities to establish realistic relocation schedules upon final design.
5. Attend all utility meetings after the sale of the project.

6. Authorize project funds for utility relocations that are eligible for reimbursement and issue permits to the utilities that require relocation within the right of way.

7. Determine eligibility of costs if the utility relocation is included in the project construction.

8. Obtain and keep records of all coordination correspondence between the DBT and utilities.

9. Assist in the coordination if utilities are non-responsive to the DBT.

**8212.04 Outline Utility Coordination Process Responsibilities for the Design/Build Contractor that is Selected**

The District Utility Coordinator must work with the District P & E staff in placing language in the project scope that outlines what utility coordination activities will be the responsibility of the selected Design/Build Team. This would include:

1. Stake the existing right of way in the field and perform clearing and grubbing within the right of way in order to allow utility relocation and reduce potential delays.

2. Be cognizant of the project’s impact on utility facilities. In the event utility relocations are required, do not preclude legal occupancy of the highway right of way by the relocated facilities.

3. Coordinate all existing utilities with construction activities. Ensure that potential delays in coordination and relocation of the affected utilities are minimized.

4. Hold a meeting at or near preliminary review between the DBT, the District Utility Coordinator and the utility companies to determine if any significant utility relocations can be eliminated or mitigated.
5. Perform SUE required for utility relocations at the Department’s option.

6. Coordinate all design for relocation or accommodation of any utilities within the project limits.

7. Determine and show on the plans the names of all existing utilities within the project limits.

8. Identify and resolve utility conflicts and reflect the resolutions and decisions accepted on the plans and details.

9. Call any utility meetings needed to ensure that the concerns are addressed on the plans involving utilities.

10. Notify the District’s Project Engineer and Utility Coordinator at least two days in advance of a utility meeting.

11. Take responsibility for working with the individual utilities to ensure that all utility concerns are addressed and that any required utility relocation plans, estimates and support materials are developed and copies are provided to the District Utility Coordinator.

12. Keep the District Utility Coordinator aware of all utility coordination information.

**8212.05 Utility Reimbursement Process for a Design/Build Project**

If it is determined that the utility’s relocation is in a compensable position, the process for handling the reimbursement is the same as all Department projects.

The District Utility Coordinator must work with the utility in capturing all information needed to confirm their eligibility and have the utility provide the RE 75-1 Estimate Form and support documentation that would then be submitted to Central Office Utilities for review and approval.
After the relocation work is completed, the Coordinator will then work with the utility in obtaining the RE 75-2 Billing Form and all support information and submitting the information to Central Office Utilities for review and payment.

All funds needed to provide utility compensation are placed in the project budget but they are not part of the funds used to compensate the DBT.

**8213  UTILITY COORDINATION FOR AN ENHANCEMENT PROJECT**

“Enhancement Projects” are primarily performed by LPAs because the nature of the project is to make improvements to the “looks” of the roadway system that is located within LPA boundaries, as opposed to constructing additional roadway capacity. Under Ohio law and Federal definition, an “Enhancement” Project, which makes these types of improvements to the “looks” of the roadway system, is handled like all other roadway projects, including the utility coordination. When the utility is in right of way by permit, and the project provides right of way for utility relocation, the utility is responsible for performing its relocation at its own cost.

However, there is a situation where the utility is in a partial reimbursement position. If an aerial utility facility cannot be relocated to roadway right of way that is outside of the project’s improved area, and the utility must place its facilities underground in order to meet the enhancement characteristics of the project, the utility will be paid for the cost difference between the estimated cost of its traditional aerial relocation and the actual cost of placing their facilities underground. The District Utility Coordinator shall work with the LPA (if involved), Central Office Utilities and the utility in determining this reimbursement amount and the process used will be the same as a traditional utility reimbursement.
8214 CHECKLISTS AND DOCUMENTS TO BE USED IN THE UTILITY COORDINATION PROCESSES

8214.01 Checklists

A. Field Review of Utilities

What utilities are within project limits – Aerial – Underground

Types of facilities – Transmission – Distribution

Location of facilities
  - Public road right of way
  - Private right of way
  - Parallel with roadway
  - Crossing roadway

Ownership of utilities –
  - Private utility under the control and direction of private section officials.
  - Public utility under the control and direction of an elected public body (i.e. City Council, County Commission, etc.).
  - Publicly held utility under the control and direction of private sector officials and public stock holders (i.e. Columbia Gas, AEP, etc.).

If there is a bridge involved, are there any utilities;
  - Within the bridge or under the sidewalk
  - Attached to outside of the bridge
  - Below the bridge in a waterway
  - Below the bridge in another roadway or railroad right of way
  - Can the project be constructed with utilities in current location

Are there any special considerations which will impact the project;
Facilities that require a large lead time to relocate, such as electric steel poles which take months to order or communication cables requiring extended splicing time.

Facility that has a restriction on when they can be taken out of service such as gas in winter heating season, electric at peak demand or splicing moratorium on communication cables.

Are there any utilities that might need to be included in the project construction plans?

Public utilities such as water and/or sanitary sewer pipelines. Accommodation on a bridge such as electric, gas or communication utility facilities.

Right of way requirements: Will additional right of way be needed to accommodate construction of the project, safety or utility relocation?

Would the project benefit from the use of Subsurface Utility Engineering (SUE)?

Consider overall project requirements
Consider critical needs for accuracy in design process
Could possible utility conflict be eliminated?
Could utility relocation be minimized?

B. Work in Construction Plans

Is the Ohio Utility Protection Service (OUPS and the Oil & Gas Producers Underground Protection Service (OGPUPS) information on the Title Sheet?

Are the utilities, addresses, phone numbers and contacts listed in the General Notes?

Review the scope work – is work necessitated by the project?
Is the work eligible for project participation and properly reflected in the General Summary? Are any ineligible costs properly reflected in the General summary?

Are there any “betterments” involved with the relocated facility and does the General Summary properly show applicable percentage splits or ineligible cost items?

C. Special Items to Consider

Privately owned gas or water valves and manholes to be adjusted to grade should not be included in the construction plans to be performed by the highway contractor. This work is typically not eligible for reimbursement and the Department does not have the legal authority to allow our contractor to work on private utilities. Therefore, these items should be performed by the utility owner.

The following note is an example of a note which should not be included in the construction plans: *All fire hydrants, valves and valve boxes removed shall be left on site to be picked up by the City.* When removed, these items become the property of the contractor and we cannot dictate to the contractor what is to be done with these items. Also, any utility item which is removed and not reused by the contractor, must have a salvage value determined and a credit provided to the project. Therefore, it should be left up to the contractor as to what it does with these items.

Utility/Contractor coordination notes should not be added to the General Summary at the request of a private utility. Sections 105.07 and 107.16 of the Construction and Material Specifications adequately cover required coordination between the contractor and the utilities, as well as, covering the issue of utility facility protection. Often, these notes require the contractor to locate, expose, protect and/or relocate existing utility facilities. This is the responsibility of the utility, not the highway contractor. Furthermore, these notes do not have corresponding bid items assigned which are necessary for the contractor to be paid for the work performed. Finally, the highway contractor is working for the Department and not the utility.
D. Review of Estimate/Billing

Property rights included?

Percentages of participation properly calculated to two decimals and properly supported – pole count list or underground calculations

Contractor information included – continuing contract on file in Central Office Utilities or bid information provided – tabulation of bids and copy of low bid

Material list included showing item, quantity, unit cost and extension must agree with plan

Salvage list included covering all items removed – whether of value or not – showing item, quantity and value – must agree with plan
  Saladage – removed materials returned to stock – credit to project at current stock prices
  Scrap – removed materials sold for scrap – scrap value is the credit to the project
  Junk – removed materials of no value – disposed of after inspection by state
  Temporary Salvage – removal of all recoverable temporary materials – returned to stock at current stock prices – less 10% depreciation

Betterments and/or accrued depreciation properly credited and supported

Temporary material and salvage – each is shown and supported in the estimate separately from the permanent material and salvage – must agree with plan

Certificate signed by an officer of the utility concerned is submitted
Billing is less than, or reasonably close to, the dollar amount of the
Estimate Letter attached, explaining substantial overrun of estimate (10% or greater)

Items of material supplied by company show number of unit cost and total cost. Items of material not supplied by company are supported by evidence of payment.

Transportation and/or equipment charges show miles or hours and applicable rate per mile or hour.

All items including damages, are supported.

Property purchased which has been recorded should be supported with seller, type of conveyance, amount paid, volume, page and county of record and proof of payment.

Damage payment proof included description of type of damages.

Amount of, and method of computing, betterment has been certified.

Item(s) which, as submitted, might cause undue delay in processing billing have been corrected or explained.

Bill is arithmetically correct.