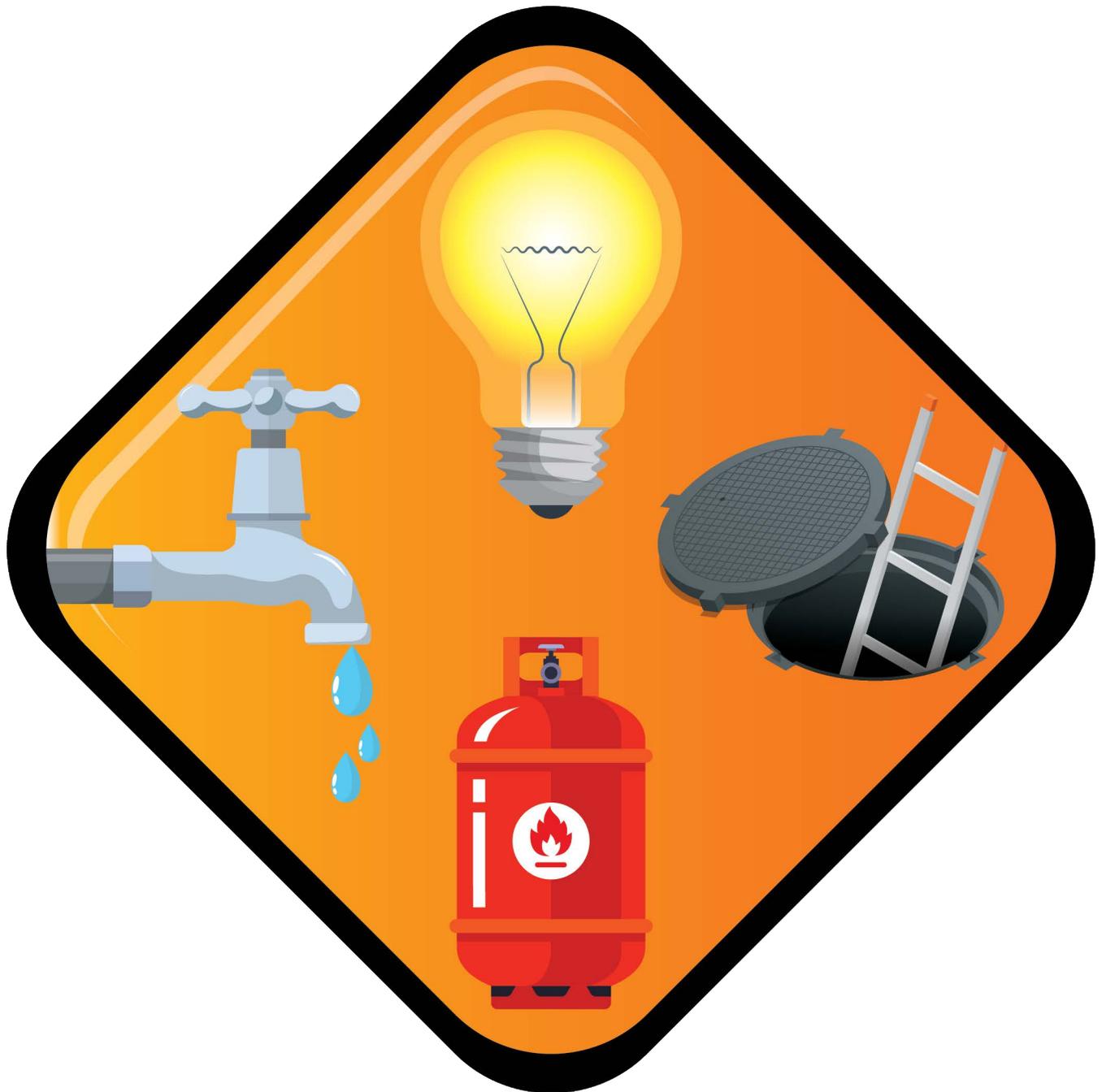


Local Project Administration Manual & Resource Guide

Utility Coordination



MaineDOT

Integrity - Competence - Service

Chapter 5 - Updated Fall 2020

Utility Coordination

Locally administered projects must be coordinated with the owners of utility and railroad facilities that may conflict with them. Such facilities consist primarily of utility poles, overhead wires, underground cables and pipes, and rail lines. Local agencies must identify these facilities and contact the owners early, preferably before design work begins.

Chapter 5 of this Manual covers the policies and procedures governing coordination with utilities and railroads on locally administered projects. It covers the following topics:

- Checklist for utility and railroad coordination (page 5-2);
- Utility relocation costs (page 5-3);
- Accommodating aerial utilities (page 5-3);
- MaineDOT Utility Accommodation Rules (page 5-4);
- Railroad coordination (page 5-4);
- Utility agreements (page 5-5);
- Utility special provision / Utility and railroad certification (page 5-6);
- Appendix 5A: Utility letters and certification (page 5-7).



MaineDOT has a Utility Coordination web page: www.maine.gov/mdot/utilities/utilcoord/

5.1 Summary of Utility and Railroad Coordination

MaineDOT requires coordination with utilities and railroads on locally administered projects, regardless of funding type. Utilities and railroads often need extensive lead time to schedule work and obtain materials to move poles, lines and other equipment.

As design work begins, a local agency should consider these questions:

- What utility or railroad facilities exist in the right of way?
- How much room is there for clearing?
- Is the project abutting another project? What was done there?
- Can relocations be reduced and still meet the project need?
- What are the concerns of the utilities?



Early and continuing coordination are vital to keeping a project on track. The earlier that utilities and railroads are contacted, the greater the likelihood that coordination work will go smoothly and keep a project on track.

5.2 Checklist for Utility and Railroad Coordination

The agency administering a project must exchange information with utility and railroad companies having facilities within the limits of the project. Such coordination work begins at kickoff and continues through construction.

Below are the standard steps, typically performed by a utility coordinator who is either an employee of the agency managing a project or a consultant. Electronic versions of the standard utility letters referenced below are available online: www.maine.gov/mdot/utilities/utilcoord/

1. At kickoff:

- Identify utility and railroad contacts: www.maine.gov/mdot/utilities/contactinfo/
- Email **Utility Letter 1** and a location map to utility/railroad contacts.

2. Upon completion of survey:

- Email **Utility Letter 2** and topographical survey plans to utility/railroad contacts.
- Arrange for additional survey identified from responses to Letter 2 (if necessary).
- Work with utilities to arrange for test pits (if necessary) to locate underground facilities.

3. At preliminary design report (PDR) milestone:

- Email **Utility Letter 3**, preliminary plans and schedule to utility/railroad contacts.

4. When design reaches 75-80% plans complete:

- Email **Utility Letter 4**, 75-80% plans and schedule to utility/railroad contacts for review.
- Hold utility pre-coordination meeting on site to review impacts, relocations and schedules.

5. At Plan Impacts Complete (PIC) milestone:

- Work with right-of-way mapper to accommodate utility impacts resulting from the design.
- Prepare pole list in coordination with utilities.
- Send **Utility Letter 5** and special provision section 104, "Utilities," to contacts for review.
- Prepare utility and railroad agreements, if necessary.

6. At Final Plans, Specifications and Estimate (PS&E) milestone:

- Email final design plans and latest project schedule to utility/railroad contacts
- Finalize special provision section 104, "Utilities," for inclusion in the bid documents
- Submit utility certification to MaineDOT project manager.

7. After contract award: Pre-construction meeting

- Notify contacts of the preconstruction conference (**Utility Letter 6**).
- After meeting, distribute minutes to utility/railroad contacts (**Utility Letter 7**).

8. During construction:

- During construction, the contractor has primary responsibility for coordinating utility work.
- If a utility is unresponsive, the construction resident should try to resolve the issue.
- If the resident is unsuccessful, an issue should be elevated to the MaineDOT project manager and(if necessary), the MaineDOT staff utility coordinator assigned to a region.

5.3 Utility Relocation Costs

The State of Maine and local governments cannot reimburse utility companies for moving poles, underground lines and other equipment already within a highway right-of-way when transportation improvements require such relocations. The utilities must cover the cost of moving their facilities.

There is legal precedent. The Maine Supreme Judicial Court has ruled that revenue from taxes and fees on fuel, vehicle licenses and registrations cannot be used to pay for utility relocations. Since the money available to MaineDOT and municipalities for utility reimbursement would come primarily from these sources, it would be unconstitutional for a public agency to use such funding for utility facility relocations.

➔ See *First National Bank of Boston, et al., v. Maine Turnpike Authority, et al.*, 153 Me. 131.

5.4 Accommodating Aerial Utilities

MaineDOT will accommodate overhead utilities already within in a highway right-of-way if a project’s design will require poles to be moved. This policy applies to locally administered projects, as well. A public agency may acquire rights-of-way, for design purposes, to enable utilities to set their poles consistent with the design and to carry out adequate tree trimming for immediate needs – in some cases up to 8 feet beyond the outermost conductor.

Consider these guidelines when deciding whether to acquire rights specifically for trimming needs:

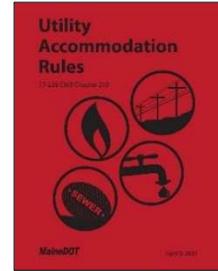
- Trimming needs should be accommodated only where an agency must acquire rights for highway purposes that are necessary for a project;
- Trimming needs should *not* be accommodated if doing so will affect wetlands or other natural resources that could trigger mitigation;
- Trimming needs should *not* be accommodated if doing so will cause impacts to historic properties, properties subject to section 4(f) or 6(f) requirements, or properties not subject to MaineDOT’s authority of eminent domain;
- Trimming needs should *not* be accommodated if doing so could create severance issues;
- Accommodating trimming needs is *not* required when the existing right-of-way width will accommodate the project improvements and new utility poles, and the only reason to acquire more right-of-way would be to achieve the maximum 8-foot offset.



Maine law prohibits local governments and the State from acquiring rights for the sole benefit of utilities, as covered in section 5.3 above, “Utility Relocation Costs.” These include aerial and guying rights, which must be obtained by the utilities if clearance for trimming and guying cannot be accommodated within the right-of-way acquisitions required for highway design purposes.

5.5 MaineDOT Utility Accommodation Rules

MaineDOT’s Utility Accommodation Rules address utilities within the limits of the state highway system. They establish procedures and requirements for location, installation, maintenance, adjustment, and relocation of poles, lines and other utility facilities.



MaineDOT developed the rules to protect public safety and to safeguard the integrity and capacity of public roads, while allowing for placement of utilities serving the public good. On the state system, the rules supersede less stringent standards from the Maine Public Utilities Commission. They apply to projects with funding from MaineDOT, including locally administered projects on the state system. The rules were updated most recently in April 2021.

➔ The full Utility Accommodation Rules are online: <https://www.maine.gov/mdot/utilities/>

5.6 Railroad Coordination

At times, a highway improvement may affect an active rail line. When that happens, the agency administering a project must coordinate the work with any railroad using the line.

Railroad coordination follows the same process as utility coordination, set out in the checklist on page 5-2 of this chapter. When design work begins, the agency administering a project sends Utility Letter 1 to any railroad that may run trains in the vicinity of a project.

If a railroad concludes that a project may affect its operations, the agency administering the project must prepare an agreement calling for the railroad to provide specially trained flaggers. During construction, the railroad flaggers will be tasked with ensuring that the rails are not “fouled” by construction equipment, materials or personnel before a train passes by.



If trains are likely to pass by, the administering agency also must develop a specification for the contract book called a Protection of Railroad Traffic and Signals. A PRTS provides information about the number of trains passing by per day, the speeds of those trains, insurance requirements, the estimated number of worker-days when flagging services will be needed, and the pay rates for railroad flaggers.

In preparing a PRTS, a project’s utility coordinator and designer will estimate the number of worker-days when flaggers must be on site, based on planned construction activities. Flaggers may be paid for out of the budget for a project, up to the estimated number of worker-days in the PRTS; the contractor typically must pay for any worker-days beyond the estimated number.

Examples of a PRTS and other documents are posted in the “Utility/Railroad Coordination” section of the LPA Documents web page: <https://www.maine.gov/mdot/lpa/lpadocuments/>

5.7 Utility Agreements

Occasionally, underground utilities within the limits of a construction project may need to be adjusted, moved or replaced. In such cases, the utility owners may choose to have the general contractor perform the work as part of the project.

If a private or quasi-municipal utility intends to have the general contractor perform work on its behalf, the utility and the agency administering the project should enter into a utility agreement. The agreement should lay out the responsibilities of each party and cover the means of payment, since the utility would be responsible for the cost of work by the contractor.

On the other hand, a utility agreement would NOT be needed if a utility plans to use an independent contractor or one of its own crews. In such a case, the utility would pay for the work outside of the project.



Remember: Utility work included in the contract for a federally funded project is subject to the provisions of that contract, including **Buy America** requirements for steel and iron.

There are two primary types of agreements governing interaction with utilities, as set out below.

- Accounts Receivable**, whereby a utility's required adjustment, relocation, or reconstruction work is advertised as part of a larger construction contract. Once the work is done, the sponsoring local agency invoices the utility for the cost. This type of agreement usually occurs with underground utilities.
- Accounts Payable**, which may be required as set out in the following examples:
 - A payable agreement may be needed when a municipality acquires rights associated with power transmission lines. The electric utility owning those lines would be compensated for the rights taken and for any cost associated with relocating or adjusting the lines.
 - A payable agreement also may be necessary for railroad work. A railroad agreement could be as simple as one item, for flagging services, or cover multiple items when a project calls for a railroad crossing improvement. The railroad would be paid for the services performed.

A local agency needing a utility or railroad agreement on a locally administered project must develop the document to ensure that all federal and state requirements are met. Such an agreement should be prepared in consultation with legal counsel or, if appropriate, with assistance from the Maine Municipal Association: www.memun.org.

➡ Guidance is available online: www.maine.gov/mdot/utilities/utilcoord/

5.8 Utility Special Provision

A special provision labeled “Section 104 Utilities” must be developed and placed in the bid book for a project to ensure that the contractor and utility companies can coordinate the work during construction. The standard special provision should provide the following information:

- Identify utility, with contact information;
- Outline type of work;
- Time needed to complete work;
- Sequence of work;
- Any special considerations.

A fillable utility special provision is online: www.maine.gov/mdot/utilities/utilcoord/

5.9 Utility/Railroad Certification

Before a locally administered project may be put out to bid, the municipality or other local agency managing the project must certify that all required utility/railroad work has been identified and that arrangements have been made to complete this work. This is required by federal regulation 23 CFR, section 635.309: “Authorization.” *An example of this certification is found on page 5-17 of this chapter.*

MaineDOT project managers *cannot* authorize local agencies to advertise for construction bids without signed utility certifications. Most of the time, a utility certification is submitted with the final plans, specifications and estimate for a project (PS&E), covered in Chapter 7 of this Manual, “Final PS&E Package.”

A fillable certification letter is available online: www.maine.gov/mdot/utilities/utilcoord/

Appendix 5A: Utility Letters and Certification

- ❑ Electronic letters in Word are available on the MaineDOT Utilities page:
www.maine.gov/mdot/utilities/utilcoord/



IMMEDIATE RESPONSE REQUESTED

Date _____

RE: Identification of Utility Facilities

Town/City: _____

Project WIN: _____

Location: _____

To whom it may concern OR Dear Sir/Madam:

The Municipality of _____ is planning _____

Beginning... or Project Details... _____

Enclosed you will find a location map to further assist you in locating the proposed project.

Please complete and return the brief questionnaire attached to this letter. The information provided here will allow our project designers to recognize the presence of existing facilities or plans to install additional facilities within the next five years. Your responses will enable us to better coordinate our work with you throughout this project.

PLEASE NOTE, THAT IF YOU ARE THE POLE OWNER, OR HAVE MAINTENANCE RESPONSIBILITIES ON A JOINT POLE AGREEMENT, PLEASE IDENTIFY ALL OF THE ATTACHING ENTITIES. THIS INFORMATION IS CRITICAL IN IDENTIFYING ANY UTILITIES WHICH MAY NOT HAVE BEEN IDENTIFIED AS PART OF THIS INITIAL PROCESS.

The Work Identification Number (WIN) assigned to this project is _____ and should be used on any future correspondence regarding this project.

This project is scheduled for design OR construction OR Advertise for the summer of “__”. If you have any questions or concerns, please feel free to contact me at (XXX) XXX-XXXX, or by email at _____. Thank you for your cooperation.

Sincerely,

Utility Coordinator

Enclosures: Questionnaire Response Form
Project Location Map OR Project Alignment Map

IMMEDIATE RESPONSE REQUESTED

RE: _____

Date

Town/City: _____

Project WIN: _____

Location: _____

Utility Coordinator: _____ – Coordinator

Street

Town, ZIP

Cell: XXX-XXXX

Fax: XXX-XXXX

E-Mail: coordinator email

Please complete the following short questionnaire and fax, email or send via mail. The following may be filled out electronically in Microsoft Word by using the “TAB” key.

Utility:

Date Form Submitted:

1. Does the utility you represent presently have facilities within the project limits?

Yes No

2. What type of facilities do you have in the project area?

Underground

Aboveground

3. Pole Owner:

Attachments:

4. Do you plan on installing any facilities within the project limits in the next 5 years?

Yes No

5. Contact person for project coordination:

Name:

Address:

Tel:

Cell:

Fax No:

E-mail:

5. Contact person for construction:

Name:

Address:

Tel:

Fax No:

E-mail:

7. Comments

{Date}

{Utility Company Address}

RE: Review of Survey Plans, {Town}, {Location}, {MaineDOT WIN}

Dear {Addressee}:

Enclosed please find a set of survey plans for the above referenced project being developed by _____ on behalf of the Municipality of _____.

Please review the locations of your existing facilities as shown on these plans and complete the brief questionnaire attached to this letter. Identification of any incorrectly located or omitted facilities now will enable us to make the appropriate corrections before substantial design has occurred. I ask that you return the attached questionnaire along with any additional comments you may have within two weeks.

This project is scheduled to be advertised on _____. If you have any questions or concerns, please feel free to contact me at {Phone Number and Email}. Thank you for your cooperation.

Sincerely,

Utility Coordinator

Enclosures: Survey Plans
Survey Plan Questionnaire

{Town}
 {MaineDOT WIN}
 {Date}
 {Utility Name}
 {Consultant or Town LAP contact, with contact information including Fax, email,
 telephone, and mailing address}

Survey Plan Questionnaire

{Utility Name}

Please complete the following short questionnaire and Fax, e-mail or send via mail. The following may be filled out electronically in Microsoft Word by using the "TAB" key.

QUESTION	RESPONSE
1. Are all of your facilities within the project limits on the survey plans?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are your facilities shown correctly on the survey plans?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Do your facilities or portions thereof require unique considerations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are you considering upgrading or replacing any of your facilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Do you feel that an on-site review of the project is required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Will you be forwarding additional information from your records?	<input type="checkbox"/> Yes <input type="checkbox"/> No
RESPONSE BY:	
DATE:	
TELEPHONE:	
EMAIL:	
(USE THIS SPACE FOR ANY CLARIFICATION OR ADDITIONAL INFORMATION)	

{Date}

{Utility Company Address}

Subject: Review of Preliminary Plans, **{Town}**, **{Location}**, **{MaineDOT WIN}**

Dear **{Addressee}**:

Attached you will find preliminary design plans and right-of-way maps for the subject project. At your earliest convenience, **please review these plans to establish the following:**

- What potential conflicts exist between the proposed design and your existing facilities?
- Is additional data gathering (such as test pits) required?
- Aerial Utilities: Please develop a list of preliminary proposed pole locations in compliance with the applicable safety standards and the MaineDOT's Utility Accommodation Rules, 17-229 CMR Chapter 210.
- Underground Utilities: Please develop preliminary proposed underground plant relocation plans for any required relocations or proposed installations in accordance with applicable standards and the MaineDOT's Utility Accommodation Rules, 17-229 CMR Chapter 210.
- If your facilities are located on property which is either owned by your company or for which you have an easement, you may be entitled to reimbursement in accordance with Federal Aid Policy Guide, Title 23, Code of Federal Regulations, Chapter I, Subchapter G, Part 645, Subpart A. Please contact this office prior to preparing any plans or estimates.

Please note: These plans are for Utility purposes only, to assist in planning utility relocations required as part the Project, and are not intended for public distribution. Although, not confidential, discretion is requested by the Department in sharing this information with the public. It is recognized, that utilities may need to acquire rights beyond those shown on the attached plans, if so, please contact this office so that the Department can provide proper notification of the project to the public prior to the utility obtaining additional rights.

The Municipality intends to advertise this project on **{Date}**. If you have any further questions, please contact me at **{Phone Number and Email}**. Thank you for your cooperation.

Sincerely,

Utility Coordinator

Enclosure: Preliminary Plans & Right-of-Way Maps

{Date}

{Utility Company Address}

RE: Pre-coordination Meeting & Review of Construction Plans, {Town}, {Location},
{MaineDOT WIN}

Dear {Addressee}:

Enclosed please find one copy of final construction plans for the above listed project. These plans are only intended for information and planning purposes at this time. No actual relocation of facilities should be made because of these plans.

Please review your proposed pole and/or proposed underground plant locations on the Department's plans. If changes are necessary, they should be communicated to us prior to the Pre-coordination Meeting. **The Pre-coordination Meeting has been scheduled for {Date, Time and Place of Pre-coordination Meeting}. It is requested that you be prepared to assign working days to your required utility work at this meeting.**

This project is scheduled for advertising {Date}. If you have any questions or concerns, please feel free to contact me at {Phone Number and Email}. Thank you for your cooperation.

Sincerely,

Utility Coordinator

Enclosure: Construction & R/W Plans

{Date}

{Utility Company Address}

RE: Draft Special Provisions, **{Town}**, **{Location}**, **{MaineDOT WIN}**

Dear **{Addressee}**:

I intend to include the enclosed Special Provisions in the contract documents for the subject project. It includes scheduling and descriptive information regarding work to be done by your organization.

If the text does not accurately reflect your intentions, please contact this office immediately at **{Phone Number and Email}**. Thank you again for your cooperation.

Sincerely,

Utility Coordinator

Enclosure: Proposed Utility Special Provisions

{Date}

{Utility Company Address}

RE: Pre-construction Meeting, **{Town}**, **{Location}**, **{PIN}**

Dear **{Addressee}**:

A pre-construction utility meeting for the subject project has been arranged for **{Date, Time and Place of Pre-construction Meeting}**. The purpose of this meeting is to discuss the coordination of work between the contractor and the utilities and any additional considerations or concerns that may exist. Your attendance at this meeting is critical to the success of the project and greatly appreciated.

If you need more information, please contact me at **{Phone Number and Email}**.

Sincerely,

Local Project Administrator

{Date}

{Utility Company Address}

RE: Pre-construction Meeting Minutes, **{Town}**, **{Location}**, **{PIN}**

Dear **{Addressee}**:

This is my understanding of the issues discussed and the conclusions reached at the pre-construction utility meeting held on **{Date, Time and Place of Pre-construction Meeting}**. It is understood that the dates and times agreed upon and summarized herein assume reasonable weather conditions and freedom from emergencies.

The following representatives were present:

<u>Name</u>	<u>Company</u>	<u>Telephone #</u>
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{Attendance List}

{Meeting Summary}

I have attempted to summarize our meeting as accurately as possible. If you feel that any of the items discussed herein are misrepresented in any way, please contact me within ten working days. In the absence of any corrections or clarifications, it will be understood that these minutes accurately summarize our discussions. Thank you for your participation and continued efforts in making this a successful project.

Sincerely,

Local Project Administrator

INSTRUCTIONS: *This must be submitted on letterhead with the PS&E package.*

[DATE]

[NAME], Project Manager
Maine Department of Transportation
Bureau of Project Development, Multimodal Program
16 State House Station
Augusta, ME 04333-0016

Subject: Utility Certification, Federal Project
MaineDOT WIN:

Dear [NAME]:

The Municipality of [NAME] hereby certifies that all utility and railroad work necessitated by the subject project has been identified and coordinated with the respective parties. All arrangements have been made for utility work to be undertaken and completed as required for proper coordination with the construction schedule, in accordance with Title 23 in the Code of Federal Regulations, Part 645, "Utilities," subparts A and B.

Based on 23 CFR 635.309(b), the Municipality further certifies either that all railroad work has been completed or that all arrangements have been made for such work to be undertaken and completed as required for proper coordination with the construction schedule, in accordance with 23 CFR 140 Subpart I and 23 CFR 646 Subpart B.

Listed below are utilities/railroads having facilities within the project limits:

<u>Utility/Railroad</u>	<u>Impacted facilities? (yes/no)</u>
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All of the entities listed above were first informed of the project on [DATE], were involved as necessary throughout design, and received the latest plans on [DATE]. Furthermore, the above entities have been informed of the proposed advertising date: [DATE]. There are no direct payments anticipated to utilities/railroads as a part of this project.

The primary utility/railroad contacts involved in the coordination of this project are as follows:

<u>Utility/Railroad</u>	<u>Contact Name</u>	<u>Telephone #</u>
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Sincerely,

Local Project Administrator

END OF CHAPTER 5