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# **GUIDE FOR UTILITY MANAGEMENT MANUAL**



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## SECTION 100.00 – GENERAL INFORMATION

### SECTION 105.00 – INTRODUCTION

This guide provides information and guidance for the Idaho Transportation Department (ITD) regarding the coordination and administration of right-of-way permittee and utility facilities installation, relocation and adjustment within the right-of-way of the State Highway System and utility facility relocation and adjustment for highway improvement projects using Federal-Aid funds. This Guide is available electronically at the following web site

<https://apps.itd.idaho.gov/Apps/manuals/ManualsOnline.html>

### SECTION 110.00 – DEFINITION OF TERMS & ACRONYMS

<b>Agreement or Permit</b>	A general term referring to a signed document between two or more parties outlining conditions each signing party must adhere to, including any monetary compensation. All attachments included (plans, estimates, special provision, etc.) and references are part of the agreement or permit.
<b>Aesthetic Standards</b>	Aesthetic Standards apply to all small cell antenna applications for placement in State Highway Right-of-Way, regardless of the ownership of the structure to which the antenna is attached.
<b>Back Haul</b>	A connection to the core network for transmission purposes, either wired through fiber optic cable or wireless through microwave.
<b>Balance Sheet</b>	Description of use rights granted under Master Shared Resources Agreement and subsequent Amendments regarding shared fiber facilities.
<b>Board Order</b>	A signed document from the ITD Board to the Utility/Right-of-Way Permittee specifying the conditions for the facility relocation/adjustment. [Pursuant to Idaho Code 40-312(3)]
<b>Broadband</b>	A high-capacity transmission technique using a wide range of frequencies, which enables a large number of messages to be communicated simultaneously. <i>Advanced telecommunications capability in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)</i>
<b>Broadband Conduit</b>	A conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provisions of broadband.
<b>Broadband Infrastructure</b>	Any buried or underground facility, or aerial facility, and any wireless or wireline connection that enables users to send and receive voice, video, data, graphics, or any combination thereof; including all necessary electrical connections, power supply, access points, cabinets, vaults,

	and all other infrastructure or equipment supporting its operation.
<b>Broadband Provider</b>	Any entity that provides broadband to any person or facilitates provision of broadband to any person, including, with respect to such entity -- a) a corporation, company, association, firm, partnership, nonprofit organization, or any other private entity; b) a State or local broadband provider; c) an Indian Tribe; d) port authority; and e) a partnership between any of the entities described in subparagraphs (a), (b), (c) and (d).
<b>Clear Zone</b>	The total roadside border area starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or the area at the toe of a non-recoverable slope available for safe use by an errant vehicle. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry.
<b>Confirming Permit</b>	A Right-of-Way Encroachment Permit issued at no cost to the Utility/Right-of-Way Permittee for a facility that has been relocated, moved or adjusted due to a highway construction project.
<b>Dark Fiber</b>	Fiber between two specified locations that has no active optical electronics or network electronics attached to it.
<b>District</b>	Refers to one of the six districts which ITD is divided into geographically.
<b>Fiber</b>	The technology and medium used in the transmission of data as pulses of light through a strand or fiber medium made of glass or plastic (optical fiber).
<b>Highway</b>	A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.
<b>Idaho Transportation Board</b>	Governing body of the Idaho Transportation Department established by Idaho Code 40-301 (May also be referred to as ITD Board or Board)
<b>IDAPA</b>	Idaho Administrative Procedures Act
<b>ITD</b>	Idaho Transportation Department acting directly or through authorized representatives of the Idaho Transportation Board
<b>LHTAC</b>	Local Highway Technical Assistance Council is an agency to assist local highway districts with acquiring and using Federal-Aid highway funds.
<b>Master License Agreement</b>	Agreement setting forth the terms and conditions for authorizing the use of specified rights-of-way for the

	purposes of installing, placing, mounting, operating, modifying, maintaining, upgrading, replacing, and removing telecommunication facilities.
<b>MUTCD</b>	Manual on Uniform Traffic Control Devices as adopted by ITD
<b>Non-Public Utility</b>	All other Utilities that are not regulated by the Idaho Public Utilities Commission including broadband, small cell, etc.
<b>Public Utility</b>	A utility which is subject to the full regulation (including establishing the utility’s rate base) by the Idaho Public Utilities Commission.
<b>Right-of-Way</b>	Real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of a highway.
<b>Right-of-Way Permittee</b>	Any person, contractor or other entity doing work authorized by a valid permit issued by ITD. (May also be referred to as Permittee)
<b>Shared Resource Agreement</b>	Public-private arrangements involving ITD allowing the conditional access of a portion of the ROW in exchange for the services, infrastructure and/or capacity of the broadband provider.
<b>Small Wireless Facilities (SWF)</b>	<p>(1) The facilities—</p> <ul style="list-style-type: none"> <li>(i) are mounted on structures 50 feet or less in height including their antennas, or</li> <li>(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or</li> <li>(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;</li> </ul> <p>(2) Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;</p> <p>(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;</p> <p>(4) The facilities do not require antenna structure registration under FCC Ruling 18-133 Part 17;</p> <p>(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and</p>

	(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.
<b>5G</b>	Fifth-generation wireless technology which require new infrastructure in the form of small cell facilities.
<b>State Highway System</b>	Highways or sections of highways designated by the Idaho Transportation Board as part of the system. The system is comprised of highways designated as State Highways (SH), US Highways (US), and Interstates (I).
<b>Telecom Hearing Waiver</b>	A document provided by the ITD to the Broadband Provider when a facility must be relocated or adjusted due to a highway construction project. Upon execution by the Broadband Provider, it waives their opportunity for a Hearing as provided in Idaho Code 40-312(3).
<b>Utility</b>	An entity comprised of any person, private company, public entity, or cooperative owning and/or operating utility facilities.
<b>Utility Facility</b>	All privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electricity, light, heat, gas, oil, crude products, ore, water, steam, waste, or stormwater not connected with highway drainage and other similar items.
<b>Utility Hearing</b>	A formal administrative process wherein a Utility/Right-of-Way Permittee has the opportunity to present to the ITD Board, or their designee, any objections to relocating or adjusting their facility to accommodate a highway construction project. [Pursuant to Idaho Code 40-312(3)]
<b>Utility Hearing Waiver</b>	A document [Pursuant to Idaho Code 40-312(3)] provided by the ITD to the Utility/Right-of-Way Permittee when a facility must be relocated or adjusted due to a highway construction project. Upon execution by the Utility/Right-of-Way Permittee, it waives their opportunity for a Utility Hearing.

**SECTION 115.00 – LAWS & REGULATIONS**

**115.01 Idaho Code.** The authority for Utilities to use and occupy the right-of-way of highways within the State of Idaho are cited by Idaho Code 40-2308, 42-3212(k), 62-701, 62-705 and 62-1101.

Idaho Code 40-312 authorizes the Idaho Transportation Board to prescribe and administer regulations controlling the use of the highway right-of-way of the State Highway System by Utilities/Right-of-Way Permittees.

Idaho Code is available electronically at the following web site  
<https://legislature.idaho.gov/statutesrules/idstat/>

Idaho Administrative Procedures Act (IDAPA) 39.03.42 specifies application fees and outlines the conditions for using and occupying the highway right-of-way of the State Highway System.

ITD's "Utility Accommodation Policy, Edition July 2003" is incorporated by reference in Idaho Administrative Procedures Act (IDAPA) 39.03.43 and is therefore enforceable as law. This policy specifies the manner in which Utility/Permittee installations are to be made within the right-of-way of the highways of the State Highway System, when such use and occupancy of the highway right-of-way is legal, in the public interest, and will not adversely affect the highway or its users.

These Administrative Rules are available electronically at the following web site  
<https://adminrules.idaho.gov/rules/current/39/index.html>

The Guide for Utility Management as described in the Utility Accommodation Policy outlines the procedures established by ITD regarding coordination and administration of utility facilities, installations, relocations and adjustments within the right-of-way of the State Highway System and for utility relocations on local highway improvement projects using Federal Aid funds.

**115.02 ITD Manuals.** This guide is to be used in conjunction with the following ITD publications. The policies procedures and standards set forth in these publications are governed by this Guide for Utility Management.

- Contract Administration Manual
- Current ITD Standard Specification for Highway Construction including the current Supplemental Specifications
- Roadway Design Manual
- District Record Inspection Manual
- Financial Services Manual
- Maintenance Manual
- Manual on Uniform Traffic Control Devices (MUTCD) as adopted by ITD
- Right-of-Way Manual
- ITD Broadband Manual

**115.03 Code of Federal Regulation.** ITD must adhere to the requirements in the Code of Federal Regulations, title 23, chapter 1, subchapter G, part 635 subpart B and part 645 subpart A and B and subchapter H part 710 subpart b and any related amendments or supplement which are in effect for highway improvement projects using Federal-Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway right-of-way. The Code is available electronically at the following web site  
<https://www.govinfo.gov/app/collection/cfr>.



## **SECTION 120.00 – IDAHO TRANSPORTATION IMPROVEMENT PROGRAM (ITIP)**

Projects are recommended by each of the Districts, approved by the Idaho Transportation Board and scheduled into the Idaho Transportation Improvement Program (ITIP). Projects can be advanced or delayed within the ITIP, impacting both the design process and the scheduling of utility relocations.

The ITIP is on the ITD website at <https://itd.idaho.gov/funding/?target=itip> and the Quarterly Bidding Forecast and bid opening dates are on the ITD website at <https://itd.idaho.gov/business/>. Utilities are encouraged to review the information on these sites for changes in the program and upcoming construction work.

In addition, regional utility coordinating councils have been organized across the state. These councils meet on a periodic basis and are good forums to inform utilities of upcoming projects.

## **SECTION 125.00 – RAILROAD/UTILITY MANAGER, CONTRACTING SERVICES SECTION**

The Railroad/Utility Manager provides oversight and guidance to Districts, LHTAC and Local Public Agencies related to installation and relocation of utility facilities within the State Highway System and other highway improvement projects using Federal-Aid funding. The services provided include the following:

- Utility document templates
- Facilitate statewide permit uniformity via District Permits Coordinators
- Right-of-Way Encroachment Application and Permit form (ITD – 2109) modifications
- Coordinate utility agreement reviews and refinement through the ITD DAG – Deputy Attorney General
- Utility Hearings: collaboration with stakeholders
- Issue ITD Agreement numbers for Utility Agreements
- Log agreement stats and enter into database
- Maintain Utility contacts database
- Collaborate with other State’s Transportation Departments Utility Managers, seeking consistency and/or knowledge

## **SECTION 130.00 – BROADBAND PROGRAM MANAGER, PLANNING SERVICES SECTION**

The Idaho Transportation Department will identify a Broadband Program Manager who is responsible for facilitating the infrastructure efforts within the State Highway System Right-of-Way. The services provided include the following:

- Provide support and guidance to Headquarters and District staff regarding broadband infrastructure
- Assist District Engineers and Division Administrators with the drafting of Shared Resources Agreements with broadband providers
- Assist District staff with the review of encroachment permits and specify any special provisions associated with the permit application
- Coordinate network infrastructure integration and services received through Shared Resource Agreements with ITD Enterprise Technology Services, IT Infrastructure Section
- Consult with appropriate State agencies to establish a process for electronically notifying broadband infrastructure entities on an annual basis, of major ground disturbance projects included in the Idaho Transportation Improvement Program and providing other notifications as necessary
- Consult with appropriate State agencies to coordinate initiatives under Section 607 of the MOBILE NOW Act with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve broadband infrastructure installation in a Right-of-Way
- Right-of-Way Encroachment Application and Permit for Small Wireless Facilities form (ITD – 2118) modifications

### **SECTION 135.00 – CHANGES OR ADDITIONS TO THIS GUIDE**

All recommended changes, corrections, or additions to this guide are to be submitted to the Railroad/Utility Manager or Broadband Program Manager, as appropriate, for consideration. Changes to the Guide for Utility Management will be approved by the Idaho Transportation Board. Approved changes, corrections, and additions will be incorporated in subsequent publications.

**SECTION 200.00 – RIGHT-OF-WAY ENCROACHMENT FOR UTILITIES**

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## **SECTION 200.00 – RIGHT-OF-WAY ENCROACHMENT FOR UTILITIES**

### **SECTION 205.00 – RIGHT-OF-WAY ENCROACHMENT PERMIT FOR UTILITIES INTRODUCTION**

Each ITD District is responsible for processing utility encroachment permits and maintaining utility permit records for all ITD controlled right-of-way within their District. Generally, individuals (called Utility Permits Coordinators) are assigned to coordinate the processing and maintenance of utility encroachment permits within a District and are the Utility’s point of contact regarding applications, permits and other related concerns or questions.

The ITD’s “Utility Accommodation Policy” describes the policy regarding utility encroachments within the State highway rights-of-way, as established by IDAPA 39.03.43

The utility permitting process is initiated by the following:

- **Utility Requests a Permit:** The Utility initiates a permit request to install new facilities and/or relocate existing facilities within the right-of-way of a highway of the State Highway System.
- **ITD Activities Affect Utility Facilities:** ITD issues permits when utility facilities are required to be relocated and/or adjusted because of construction of a highway improvement project within the right-of-way of the State Highway System.

Form ITD-2110, Right-of-Way Encroachment Application and Permit For Utilities is used for both actions.

### **SECTION 210.00 – UTILITY REQUESTS A PERMIT**

The Utility or their delegate contacts the District about the proposed utility work. The District provides the Utility with the following:

- Form ITD-2110, Right-of-Way Encroachment Application and Permit for Utilities, to be completed by the Utility
- Copies of ITD highway plans showing the State right-of-way for the desired installation location(s).
- Other appropriate information (e.g., an example of a traffic control plan).
- Responses to Utility’s questions.

The Utility is responsible for determining whether other existing utility facilities are located within the requested encroachment area to verify that there are no conflicts. The Utility completes, executes, provides payment and submits the permit application (ITD-2110) to the District’s Utility Permit Coordinator.

**210.01 District Review of Permit.** The District initially reviews the permit submittal for completeness. At a minimum, review the submitted permit for the following:

- Verify whether the proposed permit conforms to Federal and State laws and regulations, including but not limited to IDAPA, the Guide for Utility Management, ITD's Accommodation Policy, and whether the proposed permit comports with best practices and safety considerations in accordance with the reviewer's professional judgment.
- Location by milepost on the specified route is identified.
- Utility facilities within the right-of-way by either distance from center of road or right-of-way line is identified.
- Depth or vertical clearance (consult Port of Entry) is identified and acceptable.
- Utility is identified as either parallel to or crossing the roadway.
- Verify location and installation method is acceptable per ITD policy and procedures. All underground crossings shall be bored or jacked in accordance with ITD procedures.
- Review the plan of proposed work, traffic control plans, and any special provisions to the utility permit form.
- If no special provisions are provided, verify whether there should be.
- If special provisions are provided, verify whether they are acceptable.
- Verify whether the plan of proposed work (text and engineer drawings) is adequately described.
- Verify whether the traffic control plan information is adequate, is in accordance with the MUTCD, and signed by a qualified traffic control supervisor or an Idaho Professional Engineer.
- Evaluate whether any time restrictions on the proposed work is required.
- Verify that the Utility is identified with a contact person shown with telephone number and there is an authorized representative signature.
- Check for needed coordination on upcoming construction projects.

**NOTE:** For any existing utility facility being replaced, consideration should be given to requiring the utility to remove the existing facility rather than allowing abandonment in place.

The permitting process does not proceed until the applicant has fulfilled all permit submittal requirements and paid the non-refundable fee.

After the above initial review, the District either requests additional information from the Utility or approves or disapproves the application.

The Utility Permit Review Committee evaluates the Utility's submittal. At a minimum, the evaluation includes determining whether:

- The special provisions provided are adequate or if additional special provisions are necessary.
- The plan of proposed work (text and drawings) is adequately described.

- The traffic control plan information is in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as adopted by ITD and other District requirements.
- Any time restrictions on the proposed work are required.
- The depth, height, method of installation, and location within the right-of-way is acceptable.
- Other permits from railroad, environmental regulatory agencies or other entities are required in addition to ITD's utility permit.

Whenever the District decides to approve a utility permit without being reviewed by the Utility Permit Review Committee these evaluation criteria should still be followed.

**210.02 Permit Application Accepted or Rejected.** Based on the above evaluation criteria, the District either accepts or rejects the Utility's permit application. If accepted, the application becomes the basis for an official permit. The required District signatures are obtained and an executed, approved, Utility Permit is returned to the Utility with a notice to begin work after all required Performance Bonds and/or Inspection Fees (pursuant to ITD's Utility Accommodation Policy) have been received. Beyond the requirements established on the Utility Permit (form ITD-2110, Right-of-Way Encroachment Application and Permit for Utilities), the District's approval may require the Utility to:

- contact the District's area foreman prior to any permit activity
- provide materials and/or compaction reports
- contact and obtain foreman's approval of final installation
- perform other duties as the District deems reasonable and necessary

If the application is rejected, the District will return the application to the Utility with comments addressing the reason for the rejected status and/or requests for the Utility to provide additional information. If the Utility remains interested in pursuing a permit, it must submit a revised application to the District. The revised utility application is then reviewed to verify that the required changes and/or additional information have been incorporated into the resubmitted application. Depending on the complexity of the revised application, the application will be approved and executed to create a permit or return to the Utility for amendment and resubmittal.

The Utility is responsible to locate, including any necessary surveying, the highway right-of-way boundaries per the plans provided by the District.

All permitted work must be completed and available for final inspection within 30 days after construction begins, unless otherwise stated in the special provisions of the permit. If the permitted work is not completed within one year of permit issuance, the permit is considered void. At the discretion of the Department, a one-time extension not to exceed six months may be granted if requested in writing by the permittee prior to permit expiration. New applications are required for additional work following permit expiration.

## **SECTION 215.00 – UTILITY APPEALS A DENIED PERMIT**

The decision to deny a utility permit may be appealed by the Utility in accordance with ITD's "Utility Accommodation Policy" pursuant to Section 2.4 Administrative Appeal.

### **SECTION 220.00 – ITD ACTIVITIES AFFECT UTILITY FACILITIES**

When a highway improvement project located on the State Highway System requires the relocation or adjustment of any utility facilities, ITD issues a Board Order to each Utility, which directs the relocation or adjustment of their facilities to accommodate the highway improvement project. ITD will execute a utility agreement with Utilities whose facilities are to be relocated or adjusted at project expense.

The ITD Board Order provides permission for the Utility to occupy said right-of-way and specifies requirements of the utility relocation activities in conjunction with the project.

When a utility is relocated or adjusted to accommodate a highway improvement project, a Utility Permit must be issued by or as directed by the District (refer to Section 525.00). This permit is known as a Confirming Permit because it does not follow the typical application and review process. A Confirming Permit serves as documentation to the District, memorializing the location of the newly-placed utility facility. No fee is charged to the Utility for this Confirming Permit. Confirming Permits are issued a number and a copy is transmitted to the Utility.

The District is responsible for locating, including any necessary surveying (e.g., staking), the right-of-way per the project plans for use by the Utility.

### **SECTION 225.00 – MAINTENANCE AND EMERGENCY UTILITY REPAIR PROCEDURES**

An emergency repair or adjustment of utility facilities may be made without prior permit if there is an extreme emergency. An extreme emergency would exist if the utility facility was damaged such that it presented imminent danger, or loss of life, or severe damage to property, or loss of vital utility services. The utility must notify the Department in advance of any work that affects the traveling public.

Notification of the Department is by the following procedures:

1. Utility contacts the District by telephone unless it is after hours. If after hours, contact State Communications at **(208) 846-7610** either prior to or immediately after starting work within the right-of-way of the State Highway System.
2. The appropriate maintenance foreman is immediately contacted to ensure the work:
  - Complies with traffic control requirements.
  - Roadway features are retained and protected or restored to original condition.
3. After the damage to utility facility is repaired and service is re-established, the Utility notifies the District that work is completed.
4. The maintenance foreman determines whether the Utility is required to obtain a new utility permit. Generally, a new permit is needed for any work that involves installing new or relocating an existing utility facility at a different location.
5. If additional work is required beyond repair, the Utility must follow the permit process.

### **SECTION 230.00 – PERMITS FOR ACCESS**

When issuing Permits for access in accordance with IDAPA 39.03.42 (e.g., driveways, subdivision approaches, etc.), the District reviews the application for any known conflicts with existing utility facilities. The Permittee shall comply with State mandatory requirements of “811-Call Before You Dig” requirements. The individual or entity applying for the Permit is responsible for all costs to Utilities for any necessary utility facility modifications. Form ITD-2109, Right-of-Way Encroachment Application and Permit Approaches or Public Streets is used for this application and permit.



**SECTION 300.00 – INSTALLATION AND MAINTENANCE**

**SECTION 305.00 – UTILITY PERMIT ACTIVITIES**

**SECTION 310.00 – STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE**

**SECTION 315.00 – AS-BUILT UTILITY PLANS**

## SECTION 300.00 – INSTALLATION AND MAINTENANCE

### SECTION 305.00 – UTILITY PERMIT ACTIVITIES

After a Utility Permit (Form ITD-2110, Right-of-Way Encroachment Application and Permit for Utilities) has been issued, the area maintenance foreman receives a complete copy of the Permit including all attachments (refer to Section 210.02). The Utility shall contact the District prior to beginning the work in accordance with the permit. The Permit documentation shall include the maintenance foreman's name and contact information number in the permit attachments. In accordance with the Permit, the Utility shall provide the maintenance foreman, at a minimum, five (5) working days advance notice prior to any utility work commencing.

A Maintenance representative meets the Utility on-location for a field review and discussion. Topics to discuss shall include:

- Utility work to be accomplished as described in the Permit.
- Utility work schedule.
- Name of construction company(ies) performing the utility work.
- Inspection work to be performed and by whom (Utility, ITD, etc.).
- Safety requirements.
- Environmental considerations including final site clean-up and restoration.
- Traffic control plan and requirements.
- Work that maintenance is planning to perform within the area.
- Notification to the Utility that any change to permitted utility work requires prior approval from ITD.
- Utility as-built plans are required and shall accurately reflect completed work including any approved changes to original plans.
- Any perceived concerns or conflicts.

Field reviews by a maintenance representative are conducted thereafter on a regular schedule, as warranted, to ensure that the utility installation activities are in accordance with the Permit. Any item (installation, traffic control plan, schedule, etc.) that differs from the Permit requires prior approval from the District.

**NOTE:** ITD is not responsible for inspecting utility facilities regarding functionality. Field reviews by ITD staff are conducted to verify location within the State's Highway Right-of-Way and for safety requirements in regards to the Highway system and its users.

After the utility work is completed and the maintenance foreman has determined all work is in compliance with the utility permit, the maintenance foreman informs the District that the work is completed and acceptable.

### SECTION 310.00 – STOP ORDER FOR UTILITY PERMIT NON-COMPLIANCE

District may issue a "stop order" to the Utility at any time if there is evidence the work is in non-compliance with the Permit or if the utility work is being performed in an unsafe manner. A *verbal* stop order may be used to immediately stop any work that is perceived to create an imminent safety hazard. All verbal stop orders shall be followed by a *written* stop order that describes the non-compliant conditions. Upon the Utility's correction of the non-compliance or

unsafe work manner, or imminent safety hazard situation the stop order shall be rescinded in writing by the District.

If a Utility continues to be in non-compliance with the Permit or continues in an unsafe work manners, the District may revoke the Utility's Permit. In drastic instances, ITD may refrain from issuing any additional permits to the offending Utility until the situation is rectified by the Utility.

If a Utility is relocating, adjusting, or making new installations within the right-of-way of the State Highway System without having secured an approved Permit or agreement, the District shall issue a *written* stop order to immediately halt the activity utility work. The stop order remains in effect until the Utility has submitted a utility permit application and the District has issued a Permit in accordance with the procedures set forth in Section 200.

ITD may order the removal of a utility facility that has been installed without a Permit or agreement, installed improperly, or that damaged another utility facility. Should a Utility fail to satisfactorily remove facility so ordered and restore the right-of-way to its original condition, ITD may choose to perform the removal and restoration process itself, and then require compensation from the Utility for such work.

### **SECTION 315.00 – AS-BUILT UTILITY PLANS**

The utility plans accompanying the Permit or agreement may serve as the official as-built utility plans if there are no deviations; otherwise the Utility is required to provide the District with as-built utility plans in some format reflecting the location of the installed facility. ITD encourages as-built plans be submitted in digital format. See Section 620.05 for digital file standards and requirements.

**SECTION 400.00 – ITIP PROJECT DEVELOPMENT**

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## SECTION 400.00 – ITIP PROJECT DEVELOPMENT

### SECTION 405.00 – PROJECT DEVELOPMENT INTRODUCTION

There are several steps and procedures that are accomplished by the Project Manager in developing any project that includes the potential for utility facility conflicts. The ITD Roadway Design Manual covers all aspects of the project development process for highway improvement projects using State and/or Federal-Aid funds.

### SECTION 410.00 – UTILITY PROCEDURE WITH A LOCAL PUBLIC AGENCY (LPA)

When a Local Public Agency (city, county, or highway district) receives Federal-Aid funds for a local road project, ITD is obligated to ensure compliance with Federal and State regulations.

Generally, a State/Local Agreement for a given project will identify the party (ITD, Local, or Consultant) responsible for project development.

When a consulting engineering firm is selected to develop a project, the procedures shown in the ITD Roadway Design Manual and this guide must be followed and activities must be coordinated with the project administrator.

When utility facilities are being relocated at the expense of the LPA, the Project Administrator will negotiate the utility agreement.

For Final Design Review, LHTAC will have approval authority.

For details regarding ITD responsibilities related to these projects refer to ITD Guidelines for Local Public Agency Projects.

### SECTION 415.00 – PRELIMINARY DESIGN OF PROJECT

Projects will be developed in accordance with the ITD Roadway Design Manual.

**415.01 Cost of Utility Facility Relocation.** Utility facilities located within the road rights-of-way by permission (permitted), that require modification due to a highway improvement project are, generally, relocated and/or adjusted at the Utility's expense. Conversely, relocation costs are borne by the Project if the Utility's facility being impacted exists where the Utility has a recorded real property interest.

**415.02 Utility to Individual Parcels of Property.** A property owner may request, during negotiations of property acquisition, that utility facility be relocated or adjusted. If the property owner's request involves service of a Utility to the property, then the costs to accommodate the property owner may, depending on the circumstance, be included and paid for during the right-of-way acquisition process. See the ITD Roadway Design Manual for specific process and requirements.

**415.03 Continue Coordination with Utility.** Project Manager should maintain communications with the Utilities throughout the Project Development Phase. See ITD Roadway Design Manual for details.

## **SECTION 420.00 – FINAL DESIGN OF PROJECT**

The Project Manager incorporates data received from the Utility into the Final Design plans. See the ITD Roadway Design Manual for specific processes and requirements.

## **SECTION 425.00 – SERVICE AGREEMENTS**

A utility service agreement is required when the product or service of a Utility is required to meet the need of certain components of the highway system. For example electricity for luminaires or traffic signals, telephone service for traffic counters, water for irrigation system, etc.

Where feasible, service component(s) installations for the highway system shall be underground. Refer to the ITD Roadway Design Manual for details.

## **SECTION 430.00 – UTILITY AGREEMENTS**

A utility agreement is entered into with a Utility whenever there is monetary compensation (project expense) for work involving utility facilities. Each utility agreement has specific terms that include how the work is paid for and by whom. All utility agreements may be modified by a supplemental utility agreement or a utility change order. See ITD Roadway Design Manual for types of agreements and detail.

## **SECTION 435.00 – ACTION BY ITD**

For projects requiring relocation of utilities, the District identifies the utility facilities, prepares and approves Utility Plans, and drafts and obtains signed Utility Hearing Waivers from affected Utilities. The District also drafts any necessary Utility Agreements. Board Orders directing the Utilities to proceed with utility facility relocations and/or adjustments are generally transmitted to the Utilities in advance of the Project being advertised for bids. Projects that do not require Utility relocations do not require Utility Plans, Waivers, Board Orders, or Agreements.

## **SECTION 440.00 – UTILITY HEARING PROCESS**

The intent of a utility hearing is to allow an opportunity for a Utility to present objections to relocating or adjusting utility facilities to accommodate a highway improvement project to the Idaho Transportation Board. Requests for a Hearing must be made in writing to the ITD. The Hearing process shall be conducted in accordance with IDAPA 4.11.01

## **SECTION 445.00 – PROJECT SUBMITTED FOR ADVERTISING**

The District will notify the Program Management Office at ITD Headquarters as to when the project will be advertised.

**SECTION 500.00 – ITD/LOCAL CONSTRUCTION**

**SECTION 505.00 – CONSTRUCTION INTRODUCTION**

**SECTION 510.00 – PRIOR TO AWARD OF CONTRACT**

**SECTION 515.00 – AFTER AWARD OF CONTRACT**

**SECTION 520.00 – COMPLETION OF UTILITY WORK**

## **SECTION 500.00 – ITD/LOCAL CONSTRUCTION**

### **SECTION 505.00 – CONSTRUCTION INTRODUCTION**

A Board Order is issued to Utilities that are to relocate or adjust their facilities within the right-of-way of the State Highway System due to a highway improvement project. A utility agreement is executed with Utilities whose facilities are to be relocated or adjusted at project expense. The ITD Contract Administration (CA) Manual covers the duties and responsibilities of the Design/Construction Engineer during the construction process relating to Utilities.

### **SECTION 510.00 – PRIOR TO AWARD OF CONTRACT**

While some utility relocation work may be completed prior to start of project construction, many projects require utility work to be done in conjunction with construction of the project. Therefore, communication and coordination between utilities and the contractor is essential.

### **SECTION 515.00 – AFTER AWARD OF CONTRACT**

After notice of award to the successful bidder, the Design/Construction Engineer meets with the Contractor and the Utilities, to coordinate the utility relocations and the project schedule. This coordination effort typically occurs at the preconstruction conference. For specific processes and requirements, see the Contract Administration Manual.

### **SECTION 520.00 – COMPLETION OF UTILITY WORK**

The District is responsible to complete a Utility Permit ITD-2110 for each relocated or adjusted Utility facility on the project. This, no-cost to the Utility, Right-of-Way Encroachment Permit is referred to as a “confirming permit”, and establishes the Utility’s newly located facility due to the Project. Attach the as-built utility plans to the permit. This permit is maintained within the District.



**SECTION 600.00 – BROADBAND INFRASTRUCTURE**

**SECTION 605.00 – PURPOSE**

**SECTION 610.00 – IDAHO TRANSPORTATION BOARD AUTHORITY & APPROVAL**

**SECTION 615.00 – LAWS & REGULATIONS**

615.01 Idaho Code.

615.02 United States Code.

615.03 Code of Federal Regulation.

615.04 Federal Highways Administration (FHWA).

615.05 Federal Communications Commission (FCC).

**SECTION 620.00 – AGREEMENTS, LICENSING AND PERMITS**

620.01 Broadband Fiber Optic Telecommunications

620.02 Wireless Telecommunications

620.03 Location Criteria

620.04 Installation within Interstate Right-Of-Way

620.05 Median Installations

620.06 As-Built Plans and Data Deliverables

## **SECTION 600.00 – BROADBAND INFRASTRUCTURE**

### **SECTION 605.00 – PURPOSE**

ITD's goal in managing the Right-of-Way (ROW), as defined below, is to preserve the integrity, safe operation, and function of the State Highway System in compliance with all state and federal regulations. Basic principles of this policy include: 1) the orderly use of highway right-of-way by non-public utility companies, 2) “Dig Once” within the highway right-of-way, 3) the orderly management of future demands on the right-of-way space by providers, 4) serving the greatest public interest through colocation and other space saving practices, 5) to leverage the highway right-of-way usage to connect current and future ITD facilities and roadside devices, 6) to create a competitively neutral environment that is unbiased in its treatment of utility providers, 7) to rely on the exchange of facilities and services rather than on the collection of fees or other financial transactions, and 8) when feasible, to support the strategic deployment of broadband infrastructure across the State of Idaho.

Any occupancy in the ITD Right-of-Way by a utility (both public and non-public) shall only be pursuant to the written authorization and management by ITD. The purpose of this Chapter of the Guide for Utility Management Manual is to establish a framework for managing non-public broadband utilities which are not governed by the Idaho Public Utilities Commission (PUC) that are located, installed, operated, maintained, repaired, removed, or relocated within the ROW of the State Highway System or State owned property.

### **SECTION 610.00 – IDAHO TRANSPORTATION BOARD AUTHORITY & APPROVAL**

This Chapter has been accepted and approved by the Idaho Transportation Board under the provisions of this section. Any previously accepted policy and procedure statements currently applicable will remain in effect. Federal Regulation will apply and be enforced on all ITD Right-of-Way whether or not this Chapter currently reflects proper coverage of the requirements. In-house administrative changes to this Chapter shall be transmitted to Federal Highways Administration (FHWA) Division Office to verify compliance with FHWA guidance.

### **SECTION 615.00 – LAWS & REGULATIONS**

**615.01 Idaho Code.** Idaho Statute §40-312 (3). Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocations of facilities of any utility or communication transmitting entity, in, on, along over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions within urban areas.

Idaho Statute §61-129 defines a “public utility” to include every common carrier, pipeline corporation, gas corporation, electrical corporation, and water corporation which are subject to the jurisdiction, control and regulation of the Idaho Public Utilities Commission.

Utilities that have not received a CERTIFICATE OF CONVENIENCE AND NECESSITY from the Idaho Public Utilities Commission in accordance with Idaho Statutes §61-526, §61-527, and §61-528 shall be considered a non-public utility.

**615.02 United States Code.** Telecommunications Act 47 USC § 253(c). Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government. The Code is available electronically at the following web site <https://www.govinfo.gov/app/collection/uscode>

Telecommunications Act 47 USC § 332(c)(7). Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

**615.03 Code of Federal Regulation.** For highway improvement projects using Federal-Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway right-of-way, ITD must adhere to the requirements in the Code of Federal Regulations, Title 23, Chapter I, Subchapter H § 710.405 and any related amendments or supplement which are in effect. The Code is available electronically at the following web site <https://www.govinfo.gov/app/collection/cfr>

#### **615.04 Federal Highways Administration (FHWA)**

ITD may approve an exception to the requirement of fair market value when, in the determination of the Department, the placing of the broadband conduit and facilities in State rights-of-way are in the public interest.

**23 CFR 710.403(e).** Current fair market value must be charged for the use or disposal of all real property interests if those real property interests were obtained with title 23, United States Code, funding except as provided in paragraphs (e)(1) through (6) of this section. The term fair market value as used for acquisition and disposal purposes is as defined by State statute and/or State court decisions. Exceptions to the requirement for charging fair market value must be submitted to ITD and FHWA in writing and may be approved by FHWA in the following situations:

- (1) When the grantee shows that an exception is in the overall public interest based on social, environmental, or economic benefits, or is for a nonproprietary governmental use. The grantee's ROW manual or Real Estate Acquisition Management Plan (RAMP) must include criteria for evaluating disposals at less than fair market value, and a method for ensuring the public will receive the benefit used to justify the less than fair market value disposal.
- (2) Use by public utilities in accordance with 23 CFR part 645.
- (3) Use by railroads in accordance with 23 CFR part 646.
- (4) Use for bikeways and pedestrian walkways in accordance with 23 CFR part 652.
- (5) Uses under 23 U.S.C. 142(f), Public Transportation. Lands and ROWs of a highway constructed using Federal-aid highway funds may be made available without charge to a publicly owned mass transit authority for public transit purposes whenever the public interest will be served, and where this can be accomplished without impairing automotive safety or future highway improvements.

(6) Use for other transportation projects eligible for assistance under title 23 of the United States Code, provided that a concession agreement, as defined in §710.703, shall not constitute a transportation project exempt from fair market value requirements.

**23 CFR 710.405(a).** A ROW use agreement for the non-highway use of real property interests may be executed with a public entity or private party in accordance with §710.403 and this section. Any non-highway alternative use of real property interests requires approval by FHWA, including a determination by FHWA that such occupancy, use, or reservation is in the public interest; is consistent with the continued use, operations, maintenance, and safety of the facility; and such use does not impair the highway or interfere with the free and safe flow of traffic as described in §710.403(b).

**FHWA Memorandum: Alternative Uses of the Highway Right-of-Way Guidance. April 22, 2021. (Incorporated herein by reference)** “State DOTs are not required to charge fair market rent or other fees for use of the ROW if accommodating the facility as a utility, and the fees may be set at the discretion of the State. State DOTs are encouraged but not required to allocate collected fees for transportation uses, purposes, and services.”

### **615.05 Federal Communications Commission (FCC)**

**FCC 18-133. Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.** Declaratory Ruling with overview of 47 U.S.C. § 253(a), 332(c)(7)(B) of the Act. This declaratory ruling provides guidance and policy regarding removal of barriers to deployment of next generation wireless services. Items discussed in this ruling include: legal background; framework for small wireless facilities deployment; state and local fees; state and local authority in setting terms for wireless infrastructure deployment in public Rights-of-Way; and shot clocks for state and local review of wireless infrastructure deployments.

## **SECTION 620.00 AGREEMENTS, LICENSING AND PERMITS**

### **620.01 Broadband Fiber Optic Telecommunications**

In order to preserve the integrity, safe operation, and function of the State Highway System with the requests from both public and non-public utilities for access to public Rights-of-Way, ITD must effectively manage this limited resource. This is accomplished by planning for the accommodation of current and future broadband capacity requirements by using space saving measures such as corridors for broadband infrastructure, colocation of facilities, and use of conduits containing micro-ducts that can be used by multiple providers.

Pursuant to federal regulations, Broadband Providers may be eligible to gain access to ITD Rights-of-Way on a competitively neutral and unbiased basis.

### **SHARED RESOURCES AGREEMENTS**

It is ITD’s intent to utilize Shared Resources Agreements in lieu of fees or other financial transactions with broadband providers. District Engineers and Division Administrators shall enter into Shared Resources Agreements with broadband providers who are requesting access to ITD Right-of-Way, or conduits and vaults for longitudinal builds along the State Highway System. Broadband Providers are not required to enter into Shared Resources Agreement if a proposed encroachment permit application request is limited to the crossing of the state highway right-of-way. The Broadband Program Manager

will assist District staff with the drafting of Shared Resources Agreements between the District Engineer or Division Administrator and the broadband provider.

### **MUTUALLY AGREED UPON EXCHANGES OF FACILITIES AND SERVICES**

When the parties negotiate and mutually agree to an exchange of facilities and services, the value of the proposed facilities and/or services should ensure the value of the exchange is fair and equitable for both parties. The cost basis of the shared resource facilities shall be included as part of Agreement. Mutually agreed upon exchanges may include the following:

1. Where ITD is offering access to ITD Rights-of-Way, conduits and vaults exchanges with providers may include dark or lit fiber on a dedicated ITD fiber optic cable, or strands of fiber on a larger cable to be installed by the broadband provider.
2. Installation of additional conduits to include a conduit for the State of Idaho or ITD use, and additional conduit(s) made available for purchase by other users on a non-discriminatory basis at a price per linear foot specified in a Shared Resources Agreement.
3. The fair market value requirement for broadband is satisfied when the public benefit is advanced; and the public benefit is advanced when additional conduit or services are provided to the ITD for the benefit of the public.
4. ITD may also negotiate broadband services to ITD facilities from the provider.
5. An estimate of the value of the facilities and/or services that ITD would receive as part of the exchange. These publicly available estimates are intended to ensure that a) the public receives adequate value in return for use of the right-of-way and b) the unbiased treatment of broadband utility providers. The estimated value may be based on the broadband facility items listed in Appendix C – Broadband Facility Valuation Matrix.

### **TERM**

The term of the agreement between ITD and the Broadband Provider shall be 20 years under most circumstances and specify the use rights granted from the Parties with respect to any Infrastructure shall be effective on the date first set forth in the Balance Sheet and shall thereafter continue for the initial agreement term period. At the conclusion of the initial agreement period, the use rights shall renew automatically for up to FIVE (5) successive, consecutive FIVE (5) year renewal terms unless and until terminated by written notice delivered by either party at least NINETY (90) days prior to the expiration of the initial term or any subsequent five-year renewal term. Should this Shared Resources Agreement expire or be terminated, neither Party shall be permitted to remove any Infrastructure added by such Party without the written consent of the other Party or as allowed by law.

**620.02 Broadband Wireless Telecommunications.** The Division of Highways and the small wireless provider shall enter into a Master License Agreement setting forth the terms and conditions for authorizing the use of specified rights-of-way for the purposes of installing, placing, mounting, operating, modifying, maintaining, upgrading, replacing, and removing wireless telecommunications facilities prior to issuing encroachment permits by District permitting staff. Districts may issue Right-of-Way Encroachment Application and Permit for Small Wireless Facilities (ITD Form 2118).

Small Wireless Providers shall provide engineering specifications of proposed equipment and facilities as part of the permit application to allow Department staff to evaluate: structural loads for attachments to state facilities; new standalone structures; impacts to pedestrian facilities and State Rights-of-Way. Any

installation of broadband small wireless infrastructure along Interstate Right-of-Way will require the review and approval by the FHWA Division Administrator.

### **COMPENSATION FOR RIGHT OF WAY ACCESS AND ATTACHMENTS TO STATE FACILITIES**

ITD will receive fair and reasonable compensation for access to Right-of-Way and attachment to ITD facilities in accordance with Federal Communications Commission (FCC) Declaratory Ruling FCC 18-133. ITD reserves the right to adjust compensation structures based on governing guidance from the FCC or FHWA, as amended, or on an Agreement renewal cycle.

### **TERM**

Term of Individual Small Wireless Facility Permit. Each individual Permit shall have a term of 10 years from each individual effective date. The effective date shall be the date the permit is approved by ITD. The Company shall operate and maintain each Small Wireless Facility subject to applicable requirements set forth in the Small Wireless Facility Permit, the Agreement, any terms, conditions, and limitations as specified on each individual Permit issued, and in compliance with applicable statutes, ordinances, regulations, and rules. At the end of the 10 year term, and if there is no basis for denial or termination, each individual Permit may be extended an additional 10 years.

**620.03 Location Criteria.** When allowed on ITD Right-of-Way, broadband facilities should be located in a location approved by the District and ITD Broadband Program Manager. Providers shall obtain Small Wireless Facility Permit for the installation of any Small Wireless Facility within the ITD Right-of-Way. These locations should be as far from the roadway as possible and/or in inaccessible locations where they are unlikely to be hit by errant vehicles. In addition, the safety impacts of access to construct and service the facilities should be considered. The goal is to ensure the facilities are placed in locations that preclude them from being roadside hazards, yet still provide safe access for maintenance personnel.

- 1) Adequate sight distance must be provided for safe ingress to and egress from the sites.
- 2) The facilities must be located outside the clear zone (where unlikely to be struck) unless shielding already exists.
- 3) An adequate pull off area well beyond the shoulder must be provided for construction and maintenance purposes.
- 4) Ensure that proposed utility facilities do not impact pedestrian facilities or accessibility.
- 5) Identify the location of all mounts to existing poles, structures or aerial cables on private or public utility facilities, and ITD facilities.

**620.04 Installation within Interstate Right-Of-Way.** 23 CFR § 710.405 ROW Use Agreements. (a) A ROW use agreement for the non-highway use of real property interests may be executed with a public entity or private party in accordance with §710.403 and this section. Any non-highway alternative use of real property interests requires approval by FHWA, including a determination by FHWA that such occupancy, use, or reservation is in the public interest; is consistent with the continued use, operations, maintenance, and safety of the facility; and such use does not impair the highway or interfere with the free and safe flow of traffic as described in §710.403(b). Any installation of broadband infrastructure along Interstate Right-of-Way will require the review and approval by FHWA Division Administrator. The ITD Broadband Program Manager will coordinate review and approval of any installation requests along the Interstate with FHWA.

**620.05 Median Installations.** ITD and FHWA discourage median installations for broadband infrastructure or any other utilities but the ITD Division Administrator does have the authority to approve such installations if considered justified. Any median installations in the Interstate right-of-way require the review and approval by FHWA Division Administrator. In situations where it is not technically feasible or is unreasonably costly and there are no feasible alternate locations, the risk involved in constructing, operating, and maintaining broadband infrastructure may be more than offset by the benefits derived by Intelligent Transportation Systems (ITS) and other broadband infrastructure.

#### **620.06 As-Built Plans and Data Deliverables**

- 1) Upon completion and final inspection by ITD, the Company or Utility shall provide complete and accurate As-Built drawings to include all features installed in the right-of-way within 30 days of the installation of the Broadband Facility. The As-Builts will include, to the nearest 0.10 feet, all longitudinal, horizontal and vertical dimensions. All cellular, fiber optic and supporting utility infrastructure placed under Shared Resource or Master License Agreements through the utility encroachment permitting process shall be delivered to ITD in Esri File Geodatabase Feature Class format. All GIS data must be projected to ITD's standard projected coordinate system, NAD 1983 Idaho Transverse Mercator (Meters), WKID 102605 (Authority: Esri). All latitude/longitude fields in GIS datasets must be calculated to WGS84 geographic coordinate system using numeric decimal degrees (not N/S/E/W).
- 2) Herein, failure to provide complete As-Built drawings within 30 days of completion of the work will be considered default of the applicable Permit and such Permit will become invalid and the undocumented installation shall be removed.

# **UTILITY ACCOMMODATION POLICY**

**IDAHO TRANSPORTATION DEPARTMENT**  
**Edition**  
**June 2021**



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## SECTION 1 GENERAL INFORMATION

### 1.1 PURPOSE AND APPLICATION

This document supersedes “*Utility Accommodation Policy, Idaho Transportation Department Edition 2003*” and all prior editions. These provisions concern the location and manner in which utility installations are to be made within the rights-of-way of the state highway system of Idaho and highway projects for local roads using Federal-aid.

This policy of the Idaho Transportation Department (ITD) shall adhere with Idaho code and accommodate utility facilities installations on federal aid and non-federal aid state highway rights-of-way, to the extent that such facilities may be accommodated without compromising the safety or integrity of the highway and without interference to the normal operation and maintenance activities as required.

This policy applies to maintenance of existing public and non-public utilities, new utility installations, and existing utility installations to be retained or adjusted as a result of highway construction or reconstruction, and the relocation of utility facilities that are found to constitute a hazard to the traveling public on all rights-of-way under the jurisdiction of the ITD. The standards set forth in this policy will also apply where encroachment by private utility facilities is permitted.

ITD will enter into agreements with local highway authorities to regulate the use and occupancy of the right-of-way of local federal-aid highways by utility facilities in accordance with the Federal Highway Administration's regulations found in [Title 23, Code of Federal Regulations, Part 645, Subpart B, Accommodation of Utilities](#) coupled with any other reference cited therein and any amendments or supplements which are in effect prior to execution of the agreement.

Exceptions to any provisions contained in this policy may be authorized by ITD or the Idaho Transportation Board in any instance where there is evidence showing that unusual hardship and/or unusual conditions provide justification and where alternate measures can be prescribed in keeping with the intent of the policy. All requests for such exceptions shall be documented with design data, cost comparison, and other information that may be pertinent.

[ITD's Guide for Utility Management \(GUM\) current edition](#) in accordance with this policy outlines the procedures established by ITD regarding coordination and administration of utility facility installations, relocations and adjustments within the right-of-way of the State Highway System and for utility facility relocations on local highway improvement projects using Federal-Aid funds. The GUM is available for public inspection and copying at the Idaho Transportation Department central office, 3311 West State, Boise, Idaho 83707 or the Idaho Transportation Department website <https://apps.itd.idaho.gov/Apps/manuals/ManualsOnline.html>

**1.2 AUTHORITY**

**The provisions of this manual are authorized by the following sections of the Idaho Administrative Procedures Act:**

- *Administrative Rule (IDAPA) 39.03.42* “Rules Governing Highway Right-of-Way Encroachments on State Right-of-Ways”; references the rule establishing standards and guidelines for encroachments on state highway rights-of-way; including but not limited to: definitions, safety, maintenance, applications, permits, access spacing, design standards, turnouts and unauthorized/nonstandard encroachments.
- *Administrative Rule (IDAPA) 39.03.43* “Rules Governing Utilities on State Highway Right-of-Way”; references this policy for utilities occupying the highway right-of-way of the State Highway System.

**The authority of utilities to use and occupy the right-of-way of highways is cited as follows:**

- *Idaho Code §§ 62-701, 62-705, and 62-1101* provides that telephone and telegraph companies, electric power companies, oil and gas pipeline companies, etc., may use the public right-of-way for their transmission lines.
- *Idaho Code § 42-3212(k)* permits sewer and water districts to construct and maintain facilities across or along any public street or highway and to use the public right-of-way for their transmission lines.
- *Idaho Code § 40-2308* provides for use of public highways and city streets by gas and water.

**The state's authority to regulate the use of the right-of-way of state highways is cited as follows:**

- *Idaho Code § 40-312(1)* authorizes the Idaho Transportation Board to prescribe rules and regulations affecting state highways and to enforce compliance with such rules and regulations.
- *Idaho Code § 40-312(3)* provides additional rule-making powers by the Idaho Transportation Board for the regulation of public right-of-way usage by utilities.

**1.3 DEFINITION OF TERMS**

ACCESS	The ability to enter or leave a public highway or highway right-of-way from an abutting private property or other public highway.
ACCESS CONTROL HIGHWAYS	Access control is applicable to State highways accessible only by interchanges (ramps). These highways typically include Freeways, Expressways and the Interstate system which require FHWA approval for any change in access. See IDAPA 39.03.42 – Rules for Governing Highway

	Right of Way Encroachments on State Rights-of-Way.
BACKFILL	Approved material used to replace excavated material.
BEDDING	Soil or other suitable material to support a pipe, conduit, casing, or gallery.
BORING	Rotary drilling into the earth to insert a conduit or casing in the bore.
CARRIER	Pipe directly enclosing a transmitted fluid (liquid or gas).
CASING	A larger pipe generally under the roadway, through pier(s), or abutment(s) of highway structures that enclose one or more utility conduits or carriers.
CLEAR ZONE	An area outside the traveled way, auxiliary lanes and shoulders that is constructed and maintained as free from physical obstruction as practical, for use as a recovery area by errant vehicles.
COATING	Material applied to or wrapped around a pipe.
CONDUIT or DUCT	An enclosed casing for protecting wires or cables.
DEPTH OF COVER	Depth of material from top of underground utility facility to the finish grade of a roadway or the natural ground or the bottom of a stream channel.
DISTRICT	An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the State of Idaho.
DRIVING	A mechanical means to forcibly install a casing without the means of drilling or boring.
EASEMENT	An interest in real property that conveys use, but not ownership, of a portion of an owner's property.
ENCASEMENT	A larger structural element around an underground utility facility. Includes casing or utility tunnel.
ENCROACHMENT	Any authorized or unauthorized use of highway right-of-way or the air space above the highway right-of-way.
FORESLOPE	The area from the edge of pavement to ditch line.
FRONTAGE ROAD	A road auxiliary to and located to the side of the highway for service to the abutting properties and adjacent areas, for the purpose of controlling access to the highway.
GRADE SEPARATION	A structure separating the elevations of two or more intersecting roads above or below a highway.
HIGHWAY(S)	The entire width between the boundary lines of every main traveled way publicly maintained when any part is open to use by the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway. Also, roads, streets, alleys, and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands, or interests lawfully acquired, pedestrian facilities, and any other structures, works, or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the

	public, or located and recorded by order of a board of commissioners, are highways.
HIGHWAY RIGHT-OF-WAY	Property rights to land generally designated for transportation purposes, open to the public, and under the jurisdiction of a Public Highway Agency.
IDAHO TRANSPORTATION BOARD	Is vested with authority, control, supervision and administration of the Idaho Transportation Department established by Title 40, Chapter 3, of the Idaho Code.
INTERSECTION	The general area where two or more highways join or cross at-grade.
INTERSTATE HIGHWAY	As identified by U.S. Code, a part of the National System of Interstate and Defense Highway System with a fully controlled access and having medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way.
JACKING	A method to place underground pipe without trenching by cutting an opening ahead of the pipe and forcing the pipe into the opening by means of horizontal jacks.
MAINTENANCE	The continuous work or in kind replacement that is required to keep any encroachment within the highway right-of-way from deterioration due to wear and tear, and to preserve the general character of the original improvement without alteration of any of its component factors.
MEDIAN	The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved.
PERFORMANCE BOND	A statutory bond, issued by a surety company authorized to do business in the state of Idaho that guarantees performance of work in accordance with permit requirements.
REST AREA	A roadside area with parking and other facilities, separated from the roadway that provides travelers an opportunity to stop and rest.
RIGHTS-OF-WAY	A general term denoting land, property, or interest therein and under the jurisdiction of specified entity.
ROADSIDE	A general term denoting the area adjoining the outer edge of the roadway with-in the right-of-way.
ROADWAY	The portion of a highway, including shoulders, for vehicular use.
SHOULDER	The paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
SMALL WIRELESS FACILITY	(1) The facilities— (i) are mounted on structures 50 feet or less in height including their antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; (2) Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume; (3) All other wireless equipment associated with the structure, including the

	wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; (4) The facilities do not require antenna structure registration under FCC Ruling 18-133 Part 17; (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.
STATE HIGHWAY SYSTEM	The principal highway arteries in the state, including connecting arteries and extensions through cities, and includes roads to every county seat in the state.
SUBBASE	A layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.
SUBGRADE	The surface of the roadbed or that surface noted as "Subgrade" on the highway plans.
TRAVELED WAY	The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.
UTILITY	An entity comprised of any person, private company, public agency or cooperative owning and/or operating utility facilities.
UTILITY FACILITY	All privately, publicly or cooperatively owned lines, facilities, and systems for producing, transmitting or distributing communications, cable television, electricity, light, heat, gas, oil, petroleum products, ore, water, slurry, steam, sewage, waste or storm water not connected with highway drainage, and other similar commodities.
UTILITY TUNNEL	An underground structure capable of containing several pipes, cables and conduits for utility facilities.
VIEW AREA	A roadside area provided for motorists to pull off the traveled way and view the scenery in safety.

## SECTION 2

## RIGHT-OF-WAY & PERMIT

### 2.1 USE

ITD acquires rights-of-way adequate for the construction of the highway facility, and for its safe operation and maintenance. ITD recognizes Idaho law allowing utilities to jointly-use highway right-of-way when it does not impair or interfere with the free and safe flow of traffic and highway maintenance. The opportunity for joint use avoids the additional cost of acquiring separate rights-of-way for the exclusive accommodation of utilities. ITD is not obligated to acquire extra right-of-way needed to allow utilities within highway right-of-way.

### 2.2 PRE-EXISTING

ITD recognizes that pre-existing property interests within public rights-of-way exist. Proof of a pre-existing property interest within a highway right-of-way shall be accepted in the form of a duly executed deed, grant or other document establishing the same, or at

least two affidavits sufficient to establish prior right or title of the utility.

In the absence of such proof, it shall be assumed that the utility occupies the highway right-of-way as a permittee (i.e. by permission), and enjoys no vested interest.

### **2.3 PERMITTED**

An ITD Utility Encroachment Permit (form # ITD-2110), or ITD Encroachment Permit for Small Wireless Facilities (form # ITD-2118) are the documents that specify the requirements and conditions under which installing and maintaining utility facilities on the highway right-of-way shall be performed. Plan sheets showing the location for utility facilities within the highway right-of-way are to be attached and made a part of the Utility Encroachment Permit. The District issuing the Utility Encroachment Permit will include all additional requirements called “Special Provisions”.

Each new utility facility installation that is to occupy state highway right-of-way shall require the owner of the facility to secure an ITD Utility Encroachment Permit. Any addition to or change in location or components of existing facilities other than for routine maintenance and emergency repairs, shall require issuance of a new Utility Encroachment Permit prior to the initiation of such work or change.

Existing utility facilities that are to be relocated or adjusted to a position within the highway right-of-way due to a construction project shall be issued a Board Order to relocate and a no cost Utility Encroachment Permit by ITD. Before issuance of the Board Order, the Utility shall be afforded the opportunity of a Hearing before the Idaho Transportation Board.

Utility facilities not adjusted and already covered by a permit will not require a new permit.

No permitted interest or rights-of-way shall be transferred to another utility or person except by written consent of ITD.

Utility facilities wishing to locate on or across highways for which all deeded rights have not been obtained (such as through National Forest System Lands, U.S. Bureau of Land Management land, Railroad property, etc.) shall acquire approval to use the rights-of-way for non-highway purposes from the appropriate entity having administration of the property prior to issuance of an ITD Encroachment Permit.

ITD reserves the right to deny any request for a permit.

The ITD [GUM](#) outlines the process to be followed for requesting, approving and implementing Utility Encroachment Permits on the highway right-of-way and the Hearing process and issuance of a Board Order.

### **2.4 ADMINISTRATIVE APPEAL**

If the applicant for a Utility Encroachment Permit is denied a permit by the District, the

applicant may appeal as follows:

1. The applicant sends a written appeal to the ITD District Engineer within thirty (30) days from notification of the permit being denied. The appeal process commences on the date the written appeal is received.
2. The District Engineer will have fourteen (14) working days to review and prepare the appeal for review by the ITD Chief Engineer.
3. The appellant shall be notified by certified mail within Thirty (30) working days of the ITD Chief Engineer's decision.

The Chief Engineer's decision will be final and conclusive unless subsequently changed by a court of competent jurisdiction.

## **2.5 REQUIREMENTS OF PERMITTEE**

Because it is impossible to anticipate all future highway needs or proposals, ITD may require relocation of permitted utilities if needed. The utility shall waive reimbursement for any future relocation expenses as a condition of obtaining a permit to install new or upgrade existing facilities within the highway right-of-way.

The permittee shall conduct their operation so as to cause a minimum of interference to the highway users and the operation and maintenance of the highway. The utility shall provide a traffic control plan in conformance with the latest edition adopted by Idaho of the Federal Highway Administration's *"Manual on Uniform Traffic Control Devices"* as adopted by ITD (MUTCD) and all other ITD standards concerning the construction operations of the utility facility. Traffic control plans showing detours and signing operations for all lanes must have ITD approval prior to any work beginning. No lane closure shall be made without prior ITD approval. Peak hour lane closures may be prohibited.

Any noncompliance of the permit requirements will result in termination of the utility company's permit and the utility facilities covered by the permit must be removed.

If the utility fails to construct, repair or remove said utility in accordance with the terms of the permit to the satisfaction of ITD or fails to pay ITD any sum of money for the inspection, reconstruction, repair or maintenance of said utility, ITD retains the right to cancel the permit, remove said utility and restore the highway at the sole expense of the utility. Before canceling the permit, ITD shall notify the utility in writing, setting forth the violations and give the utility reasonable time to fully correct the violations.

Any utility work done through a contract issued by the permittee shall be subject to the same requirements of the permit.

## **2.6 EMERGENCY REPAIR AND MAINTENANCE**

An emergency repair or adjustment of utility facilities may be made without prior permit if there is an extreme emergency. An extreme emergency would exist if the utility facility were damaged such that it presented imminent danger, or loss of life, or severe damage to property, or loss of vital utility services.



The utility company shall notify ITD as soon as possible in advance of any maintenance or emergency repair work to utility facilities within highway right-of-way. Notification shall be given to the appropriate ITD District office or state communications per the GUM.

None of the provisions of this policy are waived for maintenance or emergency repairs except for the requirement to secure a permit prior to work. In all cases the permittee shall comply with the State Law requiring notification of all utility owners prior to any excavation. Highway right-of-way access will only be granted for the actual time when repairs are being made and the extreme emergency exists. Every precaution shall be taken during such periods to safeguard the highway user.

Violation of the above-listed regulations governing maintenance and emergency access to the highway right-of-way shall result in immediate cancellation of the Utility Encroachment Permit for that facility.

## **2.7 PERMIT FEE**

Utility Encroachment Permit shall not be processed until all applicable permit fees are received. Fees for permits are not refundable. Utility Encroachment Permit fees shall be as follows:

- Non-Interstate: new, modify or relocated, fifty dollars (\$50).
- Interstate: new, modify or relocated, fees will be addressed at the time of application.
- Interstate & Non-Interstate: maintenance or emergency repair without change in location, No Charge.
- Interstate & Non-Interstate: ITD highway project requires modify or relocation, No Charge.
- Small Wireless Facility: permit fees are based on Master License Agreement terms including rates per facility, and annual attachment and right-of-way access fees.

## **2.8 INSPECTION**

To ensure compliance with the terms and conditions of Utility Encroachment Permit, ITD reserves the right to inspect the work of the utility or their contractor during such periods as deemed necessary to check compliance and to require correction of deviations from the terms and conditions of the permit. ITD may assign at the time of permit issuance, an inspector to inspect the work and the expense of said inspector shall be borne by the permittee. Such inspection by ITD shall in no way relieve the permittee of any duty or responsibility to the general public, nor shall such inspection relieve the permittee from any liability for loss, damage, or injury to persons or property as provided in this policy.

## **2.9 PERFORMANCE BOND**

ITD reserves the right to require a performance bond in any amount it deems appropriate, in order to guarantee satisfactory completion and cleanup of the utility work being permitted. The bond amount designated at the time of permit issuance shall be large enough to cover costs to correct potential damage that might be caused by the permittee. The bond shall be executed by a surety company authorized to conduct business in Idaho and in full force prior to commencing of

permitted work.

## **SECTION 3 INDEMNIFICATION**

### **3.1 MAINTENANCE BY UTILITIES**

The utility facility shall at all times be maintained, repaired, renewed and operated by and at the expense of the utility. The utility shall maintain at its sole expense their facilities occupying the highway right-of-way in a condition satisfactory to ITD.

### **3.2 NOTICE OF DAMAGE**

Notification of damage to any utility facility by ITD or by another utility shall be made to the affected utility company.

### **3.3 UTILITY INDEMNIFICATION**

ITD's Utility Encroachment Permit shall include the following language as a provision of the permit:

“By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless and defend regardless of outcome, the State from the expense of and against all suits or claims, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractors in the design, construction, maintenance or use of the facility covered by the permit.”

## SECTION 4 DESIGN

### 4.1 RESPONSIBILITY

When a utility requests to locate or adjust its utility facility within the highway right-of-way, or attach to a highway structure, the utility is responsible for the design and installation of the facility. ITD is responsible for review and approval of the utility's proposed design with respect to the location of the utility facilities to be installed or relocated, and the manner of placement. This includes the measures to be taken to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and existing landscape, and the integrity of the utility facility.

When a highway construction project requires the relocation or adjustment of utility facilities, ITD must coordinate the design with the utility in accordance with the [GUM](#).

### 4.2 RELOCATING COST

When highway improvements require the relocation of utility facilities that have been permitted on highway right-of-way, they shall be moved at the owner's sole expense unless ITD agrees in advance, and at its sole discretion to pay or share in the cost of relocation.

On highway construction where a utility facility originally occupied and/or occupies a portion of the rights-of-way in which the utility has a prior right to the location, the following provisions shall apply:

- ITD will enter into an agreement to reimburse the utility for all costs incurred in designing, removing, adjusting, or relocating the specified utility facility now and if required at any future time by ITD.
- The utility shall release and relinquish to ITD all its rights, title, and interest in its easements located within the right-of-way in exchange for necessary ITD permits to accommodate utility facilities that are relocated, adjusted, or remain in place. These permits may not be canceled except by mutual agreement between the utility and ITD.

In all cases, the utility shall be liable for any cost incurred upon ITD due to the action or the failure to act during relocation or alteration of the utility's facilities within the highway right-of-way or the boundaries of a highway project.

### 4.3 MINIMUM REQUIREMENTS

All utility installations on, over, or under highway right-of-way and attachments to highway structures should be of durable materials designed for long service life expectancy and relatively free from routine servicing and maintenance. Utility installations, at a minimum, shall meet the following requirements:

- Electric Power and Communication Facilities shall conform to the currently applicable National Electrical Safety Code.

- Water Lines shall conform to the currently applicable specifications of the American Water Works Association.
- Pressure Pipelines shall conform to the current applicable sections of the Standard Code for Pressure Piping of the American National Standards Institute, Title 49, Code of Federal Regulations, Parts 192 and 195, and applicable industry codes.
- Liquid Petroleum Pipelines shall conform to the current applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
- Corrugated Metal Pipe or Reinforced Concrete Pipe, Conduit, casing pipe, or gravity carrier pipe shall conform to the current issue of the Standard Specifications for Highway Construction, published by the Idaho Transportation Department and the American Society of Testing and Materials.

Utility facilities shall conform to or surpass the requirements of federal, state, and local regulations if such regulations are more restrictive than the standards referred to above.

On new installations or adjustments of existing utility lines, provisions should be made for known or planned expansion of the utility facilities, particularly those located underground or attached to structures. They should be planned to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

## SECTION 5 LOCATION

### 5.1 GENERAL

**Utility facilities shall be located in such a manner so as to:**

- Not adversely affect highway operation or traffic safety;
- Avoid interference with highway maintenance and signing;
- Eliminate or at least minimize the need for later adjustment of the facility to accommodate future highway improvements;
- Permit access to the facilities for servicing with a minimum interference to highway traffic.
- Preserve or minimize disturbance to natural landscape.

A decision regarding the accommodation of a utility at a particular location should be made consistent with sound engineering practices. The right-of-way shall be left in as good a condition or better than it was prior to any work.

### 5.2 EXISTING FACILITIES

Existing facilities within the limits of, and not in conflict with, a highway construction project may remain in place provided the conditions of this policy have been met.

Existing facilities on highway right-of-way that, after comprehensive accident history or safety studies are declared by ITD to be a hazard to highway users shall be relocated or shielded.

Existing underground facilities that fall in the path of a highway construction project and are too weak to support the highway loads and the equipment operation for the highway construction shall be relocated or protected in a manner acceptable to both ITD and the utility.

If existing utilities are allowed to be left in a location that would be under the roadway, the utility will not be allowed to cut the pavement for repair of that facility damaged by an accident or a natural disaster unless first approved by ITD. Approval by ITD will only be granted if the utility can show the repair is an emergency condition that can only be achieved by cutting the pavement. If repairs are done by pavement cuts, the utility company will replace the highway subbase, base and pavement to the requirements and satisfaction of ITD.

### 5.3 UNDERGROUND FACILITIES

Underground utilities shall be installed to preclude any necessity for disturbing the highway to perform maintenance or expansion operations.

Minimum depth of cover below the roadway surface and within 20 feet of edge of roadway shall be at least 4 feet except for Interstate highways the minimum depth shall be 5 feet. Everywhere else depth of cover shall be at least 3 feet, except for pipe siphons that shall be installed in accordance with ITD Standards.

ITD may approve location for underground facilities with less than minimum depth of cover provided the top of the facility does not project above the highway subgrade, and protection in a manner acceptable to ITD is included.

#### **5.4 ABOVE GROUND FACILITIES**

Above ground utility facilities including pedestals or service poles installed as part of a buried installation, shall be located outside the clear zone of the highway as near as possible to the rights-of-way. Where highway right-of-way is not sufficient to allow installation beyond the clear zone, the facilities will be placed in the best possible location that affords adequate protection to ITD satisfaction for an out-of-control vehicle, such as behind guardrail. Particular care shall be exercised when such facilities are to be located on the outside of a horizontal curve.

Above ground, utility facilities shall not be closer to the traveled way than other roadside appurtenances and fixtures unless approved by ITD.

Minimum conductor vertical clearance for overhead utility lines crossing highways shall be approved by ITD, but in no case shall be less than the clearance required by the National Electrical Safety Code.

#### **5.5 LONGITUDINAL**

Longitudinal utility facility installations shall be located outside the normal maintenance operating area (beyond ditch or curb line) and as near to the right-of-way line as possible.

Where frontage roads are provided, utility facilities shall be located so they can be serviced from the frontage road or other access outside highway rights-of-way.

ITD may approve longitudinal installations to locate within the foreslope limits only if the following conditions are shown to exist to ITD satisfaction:

1. The utility facilities are not a detriment to the highway system.
2. The highway traverses a scenic area where an aerial installation would detract from the view or the terrain.

Installations approved to be located within the foreslope limits shall be placed a uniform distance from the pavement edge as near as practicable to the inside edge of the ditch.

Open canals or irrigation ditches shall not parallel highways within the rights-of-way.

#### **5.6 CROSSING**

Facilities crossing the highway should be placed as near as possible to a right angle to the highway

alignment as practical and preferably under the highway.

Crossings by water canals and irrigation ditches shall be made through culverts or bridges as appropriate to the size of the canal, topographic conditions, and highway safety aspects. Irrigation line and pipe siphon crossings shall be buried from right-of-way line to right-of-way line.

Underground utility crossings in deep cuts, near footings of structures, at cross drains, at grade intersections or ramp terminals and in wet or rocky terrain shall be avoided if possible.

## **5.7 WITHIN ACCESS CONTROL HIGHWAYS**

Access for constructing and servicing a utility facility along or across an Interstate shall be limited to access via:

- Frontage roads where provided;
- Intersecting or adjacent public highways, roads and streets, or;
- Special cases which must be evaluated and approved by ITD and FHWA.

Where a utility facility already exists within the proposed rights-of-way of an Interstate and it can be serviced, maintained, and operated without access from the through-traffic lanes, shoulders or ramps, it may remain provided it does not adversely affect the safety, design, construction, operation, maintenance, or stability of the Interstate.

Manholes and other points of access to underground utilities will only be permitted within the rights-of-way of an Interstate where they can be constructed and serviced without access from the through-traffic lanes, shoulders or ramps.

Access to utility facilities from through-traffic lanes, shoulders or ramps will only be permitted if an extreme emergency exists and repairs are needed for the immediate protection of property and persons or prevention of injury. Refer to [Section 2.6](#). In these emergency cases when direct access to the authorized facilities from ramps or main traveled ways is required, no vehicular traffic movements shall be tolerated that would cross traffic or be contrary to standard traffic movement.

### **5.7.1 ALONG ACCESS CONTROL HIGHWAYS**

New utility facilities shall not be permitted to install longitudinally within the rights-of-way of any Interstate, except in special cases under strictly controlled conditions established by ITD and FHWA for each specific case.

Where such longitudinal installations are requested, the utility must in each case show to ITD satisfaction:

1. There are no frontage roads or adjacent public roads/streets established at locations where accommodation of the utility facilities is feasible.
2. That the accommodations will not adversely affect the design, construction,

operations, safety, maintenance, or stability of the interstate and that it will not interfere with or impair the present use or future expansion of the interstate.

3. The location of the utility outside of the right-of-way would result in the loss of productive agricultural land, or loss of productivity of agricultural land, if any. In this case, the utility must provide information on the direct and indirect environmental and economic effects, which will be evaluated and considered pursuant to Title 23 U.S. Code Section 109(1).

Where a longitudinal utility installation is permitted, service connections to adjacent properties will not be permitted from the Interstate Right-of-way.

Where longitudinal utility installations must traverse interchange areas, they shall be located and treated in the same manner as utility crossings within interchange areas.

Installation of utilities shall not be allowed longitudinally within the median area.

#### **5.7.2 CROSSING ACCESS CONTROL HIGHWAYS**

Installations of new utility facilities and adjustments or relocations of existing utility facilities may be permitted to cross an Interstate.

Utility facilities should cross over or under the Interstate within the permitted easement or rights-of-way of the existing or relocated crossroad, provided installation and servicing thereof can be accomplished without access from the Interstate traffic lanes, shoulders or ramps. Where the utilities prefer to locate outside the permitted easement or rights-of-way of the crossroad, they shall be located and treated in the same manner as utility facilities crossing the Interstate at points removed from grade separation structures.

Overhead utility lines crossing an Interstate at points removed from grade separation structures or those crossing near a grade separation but not within the rights-of-way of the crossroad, shall be adjusted so that supporting structures are located outside the control of access lines. Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them. In extraordinary cases where such spanning of the roadways is not feasible, consideration should be given to conversion to an underground facility to cross the Interstate.

At interchange areas, support for overhead utilities should be permitted only where all of the following conditions are met:

1. The appropriate clear zone from the edge of ramps and Interstate through-traffic lanes are provided.
2. Essential sight distance is not impaired.

Except for necessary crossings, water canals and irrigation ditches shall be excluded from the Interstate right-of-way. Crossings may be made by an underground siphon



or through culverts or bridges as appropriate to the size of the canal, topographic conditions, highway safety aspects and ITD standards. All access for servicing or patrolling such facilities shall be from outside the control of access lines.

## **5.8 INSTALLATIONS ON HIGHWAY STRUCTURES**

Attachment to highway structures will be allowed only where ITD approves location and the method of attachment to the highway structures. Attachments to highway structures shall not be approved by ITD if doing so will negatively affect the structure for safe traffic operation, efficiency of maintenance, and appearance.

ITD Bridge section shall review plans and design calculations to ensure that the structure is adequate to support the additional load and accommodate the utility attachment.

Utility facility mountings shall be of a type which limit rattle due to vibrations caused by traffic. Attachments shall be made below the deck but the utility facility and mountings shall not extend below the superstructure. Bolting through the bridge floor will not be allowed.

Upon leaving the bridge, the utility should be aligned outside the roadway in as short a distance as is operationally practicable.

The utility shall be required to make satisfactory provisions approved by ITD for the lineal expansion and contraction of its facility due to temperature variations.

Shut-off valves, either manual or automatic, shall be provided at or near ends of structures to provide a means of control in case of an emergency.

Communication and electric power line attachments shall be suitably insulated, grounded, and carried in protective conduit or pipe from the point of exit from the ground to re-entry. Some structures may have existing hangers or conduits available for use with permission from ITD and the company owning the hanger or conduit.

## **5.9 AESTHETIC CONTROLS**

Aerial and underground facilities shall be designed to minimize any adverse visual impact. Locations should be planned to preserve attractive landscapes and minimize disturbance of natural landscape.

New utility installations shall not be permitted within highway right-of-way passing through or adjacent to scenic strips, view areas, overlooks, rest areas, recreation areas, public parks and historic sites except under the following conditions:

- New underground utility installations may be permitted where they do not require extensive removal or alteration of vegetation visible to the highway user or impair the visual quality of the area.
- New aerial installations are to be avoided at such locations unless there is no feasible and prudent alternative and if it can be established to ITD satisfaction that:
  1. Other utility locations are not available or are less desirable from the standpoint of

visual quality.

2. Underground installations are not technically feasible or are more detrimental to the visual quality of the area.
3. The proposed installation will be made at a location and in a manner that will not significantly detract from the visual qualities of the area being traversed and will employ suitable designs and materials that give the greatest weight to aesthetic values.

These provisions shall also apply to utility installations that are needed for highway purposes, such as for highway lighting or to serve a weigh station, rest area, or recreational area.

## SECTION 6 CONSTRUCTION

### 6.1 GENERAL

All work in connection with utility facilities shall be done in a continuous, efficient and skillful manner to the satisfaction of ITD. The details of construction of the facility shall at a minimum conform to the provisions of this policy, the “*Standard Specifications for Highway Construction*” current issue by ITD, the MUTCD and all other established federal, state and industry standards currently in effect. ITD may require more stringent provisions covered by the Utility permit to accommodate any project or site specific conditions or need.

The size of a disturbed area shall be kept to a minimum. Any highway features or facilities such as paint stripes, signs, culverts, traffic signal, luminaires, Right-of-way markers, delineators, etc., disturbed or damaged as a result of the utility work shall be properly restored at the permittee's expense, to the satisfaction of ITD.

Upon completion of the work all equipment, barricades, unearthed boulders and other debris shall be removed from within the limits of the highway, including mud tracks on paved roads. The disturbed surface shall be carefully graded to the lines and grades established. Seeding shall be required to restore vegetation damaged or destroyed.

### 6.2 PROTECTION OF PUBLIC

The Utility Company permit shall include a traffic control plan that will not allow or at the least limit the contractor's equipment/vehicle parking and materials storage within the roadway and the clear zone. Work zone access during construction shall be described as well as the type of protection for the public from any open excavation or other hazards. The traffic control plan and all flagging, signing, and traffic control devices used shall be in conformance with the MUTCD and ITD standards and requirements.

Construction operations shall be conducted so that a minimum amount of interference or interruption of highway traffic results. Inconvenience to residents and businesses shall be minimized. Safe and proper connections with all intersecting public or private roads or driveways shall be maintained in passable condition at all times, except when authorization is obtained from the State, County, City or Highway District having jurisdiction over the roadway. Delay to traffic including access to and from residents and businesses, shall not exceed 15 minutes unless approved by ITD.

The contractor shall provide, erect, and maintain all the required traffic control devices and provide certified flaggers necessary for the protection of the workers and the safety of the public in accordance with an approved traffic control plan. Highways, roads or driveways closed to traffic shall be protected by effective barricades. Suitable warning signs, illuminated at night, or other approved means shall be provided to mark the places where surfacing ends or is not compacted, or where there are other obstructions. All lights for this purpose shall be illuminated from sunset to sunrise. Signs not required during non-work periods shall be removed from view.

Except in cases of extreme emergency, full road closures of state highways shall not be permitted unless authorized in advance by ITD. Emergency services (e.g., police, fire and ambulance) shall be advised of the closure and proposed detour routes as soon as possible.

Flaggers shall wear approved retro reflective vests and hard hats, and shall provide stop/slow paddles of the size and color required by the MUTCD. All flagging and traffic control for the work zone shall conform to the requirements of the MUTCD and ITD.

### **6.3 PRESERVATION AND RESTORATION**

Utility shall be responsible to provide appropriate erosion control devices approved by ITD, before and during all facility installation and relocation activities. The surface area disturbed by utility installation and relocation shall be kept to a minimum.

Removal or disturbance of the existing landscape and vegetation, including tree trimming or removal, shall be have prior approval by ITD. Restoration of landscape and vegetation shall be completed immediately following completion of the work and to ITD satisfaction.

### **6.4 TRENCHING**

Utilities on highways shall not be placed under the roadway by cutting through the pavement unless approved by ITD and showing that installation by jacking, driving, or boring is impractical. ITD will consider pavement cutting only where gravel or boulders prevented jacking, driving or boring on at least three attempts made at different locations and overhead installation is not possible.

Pavement cuts for installation of utilities under Access Control Highways shall not be allowed except for special cases approved by ITD and FHWA.

When special permission is granted to cut the highway pavement in order to do trenching for installation of the utility facility, the following shall apply:

- Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet.
- The trench edges in paved areas shall be sawed or cut to neat lines parallel to and 4 feet wider on each side than the trench excavation limits, to a depth sufficient to permit removal of pavement without damage to remaining pavement. Removed pavement and other unsuitable excess excavated material shall be disposed of outside the highway right-of-way.
- No more than one-half of the traveled way shall be excavated at one time. The excavated one-half shall be completely backfilled and compacted before excavating the other one-half.
- Bedding shall be provided to the depths per ITD standards and consist of granular material that is free of lumps, clods, stones, and frozen materials and should be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges should be sub-excavated from the bedding zone and

- replaced by suitable material. The bottom of the trench should be prepared to provide the pipe with uniform bedding throughout the length of the installation.
- Immediately after placement of the bedding and pipelines, conduits, or carrier pipes, the trench shall be backfilled. ITD approved backfill material shall be placed and compacted in accordance with ITD standards to an elevation that will allow placing of the appropriate base and roadway surface. Lean concrete backfill may be required.
  - Everything removed in the performance of trenching shall be restored in kind by the contractor in accordance with ITD standards
  - Trenches excavated through gravel surfaced areas such as gravel roads and gravel shoulders, unpaved driveways, etc., shall have the gravel surface restored and maintained, except that the gravel shall be a minimum of 1 inch more than the thickness of the existing gravel.

All material specification, placement and compaction requirements for all approved trenching location within the highway right-of-way shall conform to the current Standard Specifications for Highway Construction, published by the Idaho Transportation Department.

#### **6.5 JACKING, DRIVING, OR BORING**

Installation by jacking, driving, or boring shall be in accordance with the following provisions:

- Trenching in connection with any of these methods shall be conducted no nearer than 5 feet from the subgrade edge if bulkheaded and not less than the vertical difference in elevation between the subgrade edge and the facility if not bulkheaded.
- Jacking, driving, or boring shall be by approved means that will hold disturbances of surrounding material to a minimum. Sluicing or jetting will not be allowed. Sand or cement grout packed in place shall be required where the hole is greater than 5 percent oversize in diameter for pipelines larger than 12 inch diameter.

#### **6.6 DIRECT BURIAL**

Underground electrical power and communication cable placed by the plowing method shall be subject to the following:

- Longitudinal installations shall be limited to areas outside the ditch line.
- ITD may permit, in hardship cases such as solid rock, steep cliffs, swampy areas, etc. (if ample justification is shown), the placement of the cable within the roadway foreslope. In such cases, the location shall be as specified in [Section 5.5](#).
- Rocks brought to the surface by plowing shall be removed from the highway right-of-way. The ground surface shall be graded to conform to that of the surrounding terrain and restored to ITD satisfaction.

#### **6.7 ENCASEMENT**

Casings or utility tunnels should be considered for the following conditions:

- As an expediency in the insertion, removal, replacement, or maintenance of carrier pipe crossing under highways in order to avoid open trenched construction.
- As protection for carrier pipe from external loads or shock, either during or after

construction of the highway.

- As a means of conveying leaking fluids or gases away from the area directly beneath the traveled way to a point of venting at or near the right-of-way line or to a point of drainage in the highway ditch or a natural drainage way.
- Jacked or bored installations of coated carrier pipes should be encased except where assurance can be provided against damage to the protective coating.
- Pipelines with less than minimum cover, near footings of bridges or other highway structures, or near other areas where there may be a hazard.

Casing should be used, except where the utility company advises against it because the use of a casing would be a detriment to the utilities facility or the roadway. Uncased crossings of welded steel pipelines carrying transmittants that are flammable, corrosive, expansive, energized, or unstable, particularly if carried at high pressure, will be permitted only when the utility company shows they have provided additional protective measures. Examples are as follows:

- Higher factor of safety in design.
- Thicker wall pipe.
- Radiograph testing of welds.
- Hydrostatic testing.
- Adequate coating and wrapping.
- Cathodic protection.

Casings and utility tunnels shall be designed to support the load of the highway and all superimposed loads thereon. Casings and utility tunnels shall be composed of materials of satisfactory durability for the conditions of loading and soil characteristics.

Casings shall extend a minimum of 5 feet beyond the outer edge of the subgrade. On curbed sections, the casing shall extend outside the back of curb. For Access Control Highways, casings and utility tunnel shall extend to the access control lines or to the outside of frontage roads.

Casing pipe shall be sealed at the ends with a flexible material to prevent flowing water and debris from entering the annular space between the casing and the carrier.

Pipelines located in casings or utility tunnels shall be designed to withstand expected internal pressure and to resist internal and external corrosion.

## 6.8 APPURTENANCES

Vents, drains, markers, manholes, shut-offs and utility poles are appurtenances to utility facilities. Controls for such appurtenances are as follows:

- Vents are appurtenances by which fluids or gases between carrier and casing may be inspected, sampled, exhausted, or evacuated. Vents shall be located at the high end of casings under 150 feet in length and at both ends of casings over 150 feet in length. Vent standpipes shall be located and constructed not to interfere with the safe operation and maintenance of the highway, preferably at the right-of-way line.

- Drains are appurtenances by which liquids or heavy gases may be evacuated or exhausted. Drains shall be provided for casings, tunnels, or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains may be allowed to outfall into roadside ditches or natural water courses at locations approved by ITD. Natural drainages and roadside ditches will not be used for draining materials that may be hazardous to the public.
- Markers/warning signs shall describe the type of underground utility; provide the company name and a phone number to contact for emergencies. The utility company shall be required to place markers/warning signs at the right-of-way line where underground utilities cross highways. Underground utilities installed longitudinal shall be identified by placing markers/warning signs at appropriate intervals and shall be offset as near to the right-of-way line as practical.
- Marking tape for underground facilities shall be installed in accordance with industry standards.
- Manholes are access openings in an underground system which may be entered for the purpose of making installations, repairs or maintenance. Manholes shall not be located in the pavement or shoulders of major highways. Existing manholes may be allowed to remain in place upon reconstruction provided they do not constitute a hazard. Location and design of manholes shall minimize interference to other utilities and future highway expansion. Adjustment of manholes to fit new or reconstructed highway paving, grading or slope flattening shall be done to ITD standards by ITD or its contractor unless the facility owner does the work at the utilities own expense.
- Shut-off valves shall be installed in lines at or near the ends of structures and near unusual hazards. The type of valve (manual or automatic) shall be governed by the conditions within the area.
- Overhead utility lines on the highway right-of-way should be limited to a single pole type of construction in accordance with industry standards. Joint-use single pole construction is encouraged at locations where more than one utility or type of facility is involved. Guy wires to ground anchors and stub poles should not be placed between a pole and the traveled way where they encroach upon the clear zone area. Guy wires within the right of way may require delineation.

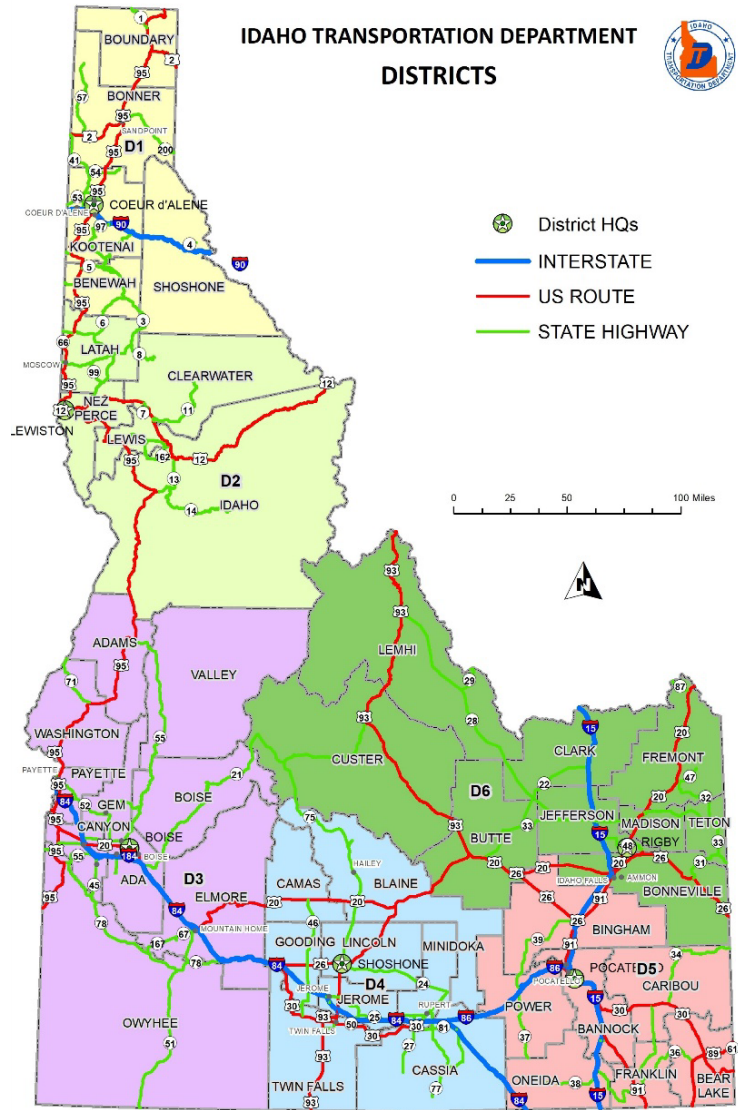
No item shall be attached to a utility facility without written permission of the appropriate utility company and ITD.

## SECTION 7 REFERENCES

- ***Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)***, latest edition, as adopted by the Idaho Transportation Department, issued by Federal Highway Administration
- ***Standard Specifications for Highway Construction*** current edition issued by Idaho Transportation Department
- ***Guide for Utility Management*** current edition issued by Idaho Transportation Department
- ***A Policy on Geometric Design of Highways and Streets*** current edition issued by American Association of State Highway and Transportation Officials
- ***Code of Federal Regulations Title 23 Part 645 – Utilities*** coupled with any other reference cited therein; ***Title 49 Part 192 & 195 – Transportation of Natural and Other Gas by Pipeline*** published by the Office of the Federal Register National Archives and Records Administration and any amendments or supplements which are in effect prior to execution of the agreement.
- ***National Electrical Safety Code*** current edition for sale by the Institute of Electrical and Electronic Engineers.
- ***Recommended Practice for Liquid Petroleum Pipeline Crossing Under Railroads and Highways*** current edition by American Petroleum Institute
- ***American Water Works Association Standards and Specifications*** current edition.



### Idaho Map with District Contact for Permit



Dist. #	City	Telephone # (208)	Mailing Address	Zip Code
1	Coeur d'Alene	772-1200	600 West Prairie	83815-8764
2	Lewiston	799-5090	P.O. Box 837	83501-0837
3	Boise	334-8300	P.O. Box 8028	83707-2028
4	Shoshone	886-7800	P.O. Box 2A	83352-0820
5	Pocatello	239-3300	P.O. Box 4700	83205-4700
6	Rigby	745-7781	P.O. Box 97	83442-0097
HQ	Boise	334-8000	P.O. Box 7129	83707-1129