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### 470.01 Introduction

Transportation projects may impact public services and utilities by increasing demand beyond the capability of service providers or by disrupting service. Construction impacts may include requiring relocation or adjustment of utility lines or facilities or interfering with police, fire, and emergency services.

Public services in a project area may include fire, police, schools, parks and recreational facilities, and maintenance services. Utilities may include municipal agencies, special utility districts, and private companies that provide services such as electricity, natural gas, water, wastewater or stormwater collection, and telecommunications.

This chapter reviews environmental considerations related to these public services. See related discussions on social and economic and environmental justice impacts (**Chapter 458**) and transportation (**Chapter 460**).

#### (1) **Summary of Requirements**

Under FHWA's NEPA implementing regulations, impacts on public services are considered as a socio-economic indicator (see **Chapter 458**). Under SEPA regulations, public services and utilities are included in the analysis of impacts to the built environment.

WSDOT's Discipline Report checklist on Social Elements (see **Exhibit 458-1**) includes impacts on public services. WSDOT's *Utilities Manual* (M 22-87) and FHWA Technical Advisory may also offer some guidance.

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\*Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the WSDOT Environmental Services Office (ESO) home page: <http://www.wsdot.wa.gov/environment/>

In preparing preliminary engineering plans and final PS&Es, the regional project manager or utility staff negotiates agreements with utilities whose facilities will require relocation or adjustment as a result of a transportation project.

**(2) Abbreviations and Acronyms**

None related to public services and utilities. See **Appendix A** for a general list of abbreviations and acronyms used in the EPM.

**(3) Glossary**

See **Appendix B** for a general glossary of terms used in the EPM.

**Public Service** – SEPA lists fire, police, schools, parks or other recreational facilities, maintenance, communications, water/stormwater, sewer/solid waste, and other governmental services or utilities as elements of the built environment to be considered during the environmental review process.

**Utility** – Privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electric power, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, and other similar commodities, including any fire or police signal systems, street lighting systems, and traffic control system interties, which directly or indirectly serve the public. (WSDOT *Utilities Manual* (M 22-87), Chapter 2.)

**Utility Relocation** – The adjustment of utility facilities required by a highway project. Includes removing and installing facilities, acquiring necessary property rights in the new location, moving or rearranging existing facilities, or changing the type of facility, including any necessary safety and protective measures. Also means constructing a replacement facility, functionally equal to the existing facility, where necessary for continuous operation of the utility service, project economy, or for staging highway construction.

## 470.02 Applicable Statutes and Regulations

This section lists the primary statutes and regulations applicable to public services and utilities issues. See **Appendix D** for a list of statutes referenced in the EPM. Permits and approvals required pursuant to these statutes are listed in **Section 470.06**.

**(1) National Environmental Policy Act/State Environmental Policy Act**

The National Environmental Policy Act (NEPA), 42 USC Section 4321, and implementing regulations require that all actions sponsored, funded, permitted, or approved by federal agencies undergo planning to ensure that environmental considerations are given due weight in project decision-making; public services and utilities are not specifically mentioned.

The State Environmental Policy Act (SEPA) and its implementing regulations (WAC 197-11) mandate a similar procedure for state and local actions, and public services and utilities are listed among the elements of the built environment to be considered. Specifically, the discussion of significant impacts is to include the “cost of and effects on public services, such as utilities, roads, fire and police protection, that may result from the project” (WAC 197-11-44(6)).

Federal implementing regulations are at 23 CFR 771 (FHWA) and 40 CFR 1500-1508 (CEQ). State implementing regulations are in WAC 197-11 and WAC 468-12 (WSDOT). For details on NEPA/SEPA procedures, see **Chapter 410** and **Chapter 411**.

**(2) CFR Title 23 – Reimbursement for Utility Relocation**

Title 23 of the Code of Federal Regulations implements and carries out the provisions of federal law relating to the administration of federal aid for highways. Subpart A of Part 645 of 23 CFR prescribes the policies, procedures, and reimbursement provisions for the adjustment and relocation of utility facilities on federally aided projects, and Subpart B prescribes policies and procedures for accommodating utility facilities and private lines on the right-of-way of federally aided projects. (For more information on utilities accommodation, see **Chapter 810**.) The text of 23 CFR 645 can be found online at:

☞ [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/23cfr645\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/23cfr645_01.html)

**(3) RCW 47.44 – Franchises on State Highways**

Under this law, WSDOT may grant franchises to use any state highway for the construction and maintenance of water, flume, gas, oil, or coal pipes; telephone, telegraph, and power lines and conduits; trams or railways; and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, other state agency or department, and any other such facilities. RCW 47.44 is on line at:

☞ <http://apps.leg.wa.gov/RCW/default.aspx?cite=47.44>

**(4) WAC 468-34 – Utility Franchises and Permits**

This section of the WAC relating to WSDOT establishes procedures related to granting utility permits and franchises on WSDOT rights-of-way. WAC 468-34 is available on line at:

☞ <http://apps.leg.wa.gov/WAC/default.aspx?cite=468-34>

## **470.03 Policy Guidance**

To assist in implementing CFR Title 23, FHWA has published a program guide regarding Utility Relocation and Accommodation on Federal Aid Projects. (For more information on utilities accommodation, see **Chapter 810**.) The program guide is available on line at:

<http://www.fhwa.dot.gov/reports/utilguid/>

WSDOT's *Utilities Accommodation Policy* (M 22-86) was established in cooperation with the utility industry. It follows AASHTO policy guidelines on accommodating utilities within highway and freeway rights of way, and is in compliance with state laws and regulations governing the accommodation of utility facilities and with federal aid policies and procedures. Its objective is to prescribe the means by which utility installations, when located in a manner not interfering with the free and safe flow of traffic, or otherwise impairing the highway or its visual quality, may be accommodated within state highway rights of way. The policy is online at:

<http://www.wsdot.wa.gov/Publications/Manuals/M22-86.htm>

#### 470.04 Interagency Agreements

The following interagency agreements pertaining to public services and utilities are available at:

<http://www.wsdot.wa.gov/Environment/Compliance/agreements.htm>

**(1) National Forest Lands Memorandum of Understanding**

WSDOT has a Memorandum of Understanding with the U.S. Forest Service (USFS) relating to highways over national forest lands. The MOU identifies procedures for WSDOT and USFS to follow in allowing utilities within a highway right of way that crosses the National Forest boundary.

**(2) Memorandum of Understanding Regarding Scenic Classification of Highways**

A Memorandum of Understanding between WSDOT and the Washington Utility Coordination Council (WUCC) related to Scenic Classification for Utilities Accommodation on State Highway Rights of Way establishes the continued operation and upgrading of the scenic classification system as described in WAC 468-34-330. This MOU is part of the WSDOT *Utilities Accommodation Policy* (M 22-86) noted in **Section 470.03**. (For more information on utilities accommodation, see **Chapter 810**.)

**(3) Joint Memorandum Regarding Utilities on Bridges Over State-Owned Aquatic Lands**

WSDOT and the Washington State Department of Natural Resources (WDNR) issued a joint memorandum to their staff on April 4, 2005 to work cooperatively on utility crossings attached to bridges that cross over state-owned aquatic lands. WSDOT and WDNR continue to work cooperatively to develop a standardized easement template for state-owned aquatic lands. See **Section 540.16**, Aquatic Lands Use Authorization.

**(4) Other Interagency Agreements**

See **Appendix E-1** for a guide to all interagency agreements referenced in the EPM.

## 470.05 Technical Guidance

WSDOT has no discipline report checklist to guide analysis of utility and public service impacts; however, impacts on public services are covered in the Social Element Discipline Report (see checklist, **Exhibit 458-1**).

Under SEPA, “impacts to public services and utilities” refers to potential significant disruption or increased demand on services.

### (1) FHWA Technical Advisory

FHWA Technical Advisory T 6640.8A (October 1987) gives guidelines for preparing and processing environmental and Section 4(f) documents. For social impacts, including potential impacts on public services, the draft EIS should discuss the impacts on services listed below for each alternative commensurate with the level of impacts and to the extent they are distinguishable. Discussion of impacts on services such as school districts, recreation areas, churches, businesses, police, and fire protection should include both direct impacts to these entities and the indirect impacts resulting from the displacement of households and businesses (see **Section 458.05**).

The Technical Advisory is available on the FHWA Web page at:

☞ <http://www.fhwa.dot.gov/legregs/directives/techadvs/t664008a.htm>

### (2) Construction Impacts

Transportation projects are mostly likely to impact public services and utilities during construction. Impacts might include, for example, delays in school bus service, police, fire, and emergency services, and relocation of utility facilities.

Safety and operation of the highway facility are primary considerations when dealing with utility use of WSDOT right of way. Financial impacts to the utilities or transportation projects are determined in general based on the utilities compensable real property interest. For details on the options for dealing with any utility relocation work, and any related environmental review and permitting work, see Exhibit 310-1.

#### (a) WSDOT Utilities Manual

WSDOT’s *Utilities Manual* (M 22-87) describes general practices, policies, and procedures with respect to agreements, permits, and franchises between WSDOT and other entities, including those using WSDOT’s right of way and those affected by WSDOT projects. Chapter 2 gives specific guidance for utility agreements.

The *Utilities Manual* includes detailed procedures and samples for preparing preliminary engineering agreements and construction agreements. The *Utilities Manual* is available online at:

☞ <http://www.wsdot.wa.gov/Publications/Manuals/M22-87.htm>

The manual also includes information on approval authority, utility property rights, authorization to proceed, extra work, administrative and supervisory responsibility, inspection and records, and checklists for utility contracts and regional review.

(b) **WSDOT *Design Manual***

In Section 1410, Right-of-Way Considerations, WSDOT's *Design Manual* (M 22-01) describes the region's responsibility to ascertain ownership of all utilities and arrange for necessary adjustment, including relocation of portions of the utility if necessary. Provisions for relocation or adjustment are included in the PS&E plans when such items are normal construction items and WSDOT is obligated for moving expenses, or when the utility requests that relocation be performed by WSDOT and the Director of Environmental and Engineering Programs or Region Administrator has approved the request. Readjustment may require WSDOT to purchase substitute rights-of-way or easements for eventual transfer to the utility. Such right of way or easements must be shown on the ROW plans with the same engineering detail as for highway right of way. The *Design Manual* is available at:

☞ <http://www.wsdot.wa.gov/Publications/Manuals/M22-01.htm>

(3) **WSDOT GIS Workbench**

Useful information may be obtained from the WSDOT GIS Workbench, a GIS interface for internal WSDOT users only. It has numerous layers of environmental and natural resource management data, including a category called Building and Utilities. For information on how to access the GIS Workbench, see:

☞ <http://www.wsdot.wa.gov/Environment/GIS/workbench.htm>

**470.06 Permits and Approvals**

None.

**470.07 Non-Road Project Requirements**

Requirements for ferry, aviation, and rail projects are similar to those for highways.

**470.08 Exhibits**

None.