

- 810.01 Introduction
- 810.02 Applicable Statutes and Regulations
- 810.03 Policy Guidance
- 810.04 Interagency Agreements
- 810.05 Technical Guidance
- 810.06 Permits
- 810.07 Exhibits

### Key to Icons

 Web site.\*

### 810.01 Introduction

Utilities accommodation is about allowing utilities to use WSDOT highway right of way when such use and occupancy is consistent with federal, state, and local laws and regulations and does not interfere with the primary purpose of the highway. This chapter presents the statutes and regulations, policy guidance, interagency agreements, technical guidance, and permits applicable to utilities accommodation.

### 810.02 Applicable Statutes and Regulations

The following statutes and regulations are applicable to utilities accommodation. See **Appendix D** for a list of statutes referenced in the EPM.

#### (1) **CFR Title 23 – Accommodating Utility Facilities**

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 utility relocation and reimbursement, see **Chapter 470**.) 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)

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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/>

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

Under this state 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 online at:

☞ <http://www1.leg.wa.gov/CodeReviser>

Click on The Revised Code of Washington (RCW), then Title 47, then 47.44.

Or by direct link:

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

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

This section of the Washington Administrative Code relating to WSDOT establishes procedures related to granting utility permits and franchises on WSDOT rights-of-way.

☞ <http://www1.leg.wa.gov/CodeReviser>

Click on Washington Administrative Code (WAC), then Title 468, then 468-34.

Or by direct link:

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

**810.03 Policy Guidance**

To assist those involved in implementing CFR Title 23, FHWA has published a program guide, *Utility Relocation and Accommodation on Federal Aid Projects*. (For more information on utility relocation and reimbursement, see **Chapter 470**.) 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>

## 810.04 Interagency Agreements

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. The MOU is online via WSDOT's Environmental Services Office Web site:

☞ <http://www.wsdot.wa.gov/environment/compliance/agreements.htm>

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 810.03**.

## 810.05 Technical Guidance

### (1) *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.

For help with utility easements on WSDOT right of way, contact the WSDOT Headquarters Real Estate Services Office at 360-705-7237.

### (2) *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 online at:

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

## 810.06 Permits

For highways crossing state or federally owned land, utility easements may be required.

### (1) **Federal Land**

See **Section 520.13** for information on obtaining easements from the USFS, BLM, or NPS.

### (2) **State Land**

See **Section 540.17** for information on obtaining easements from WDNR.

## 810.07 Exhibits

None.