Chapter 1 Utility Accommodation

100 Administration and General Information
110 General Requirements
120 Specific Installation Requirements
130 Post-Approval Administration

100 Administration and General Information

100.01 Utility Accommodation Program Purpose

RCW 47.44
WAC 468-34

This chapter provides guidance on the importance of the management and administration of the Washington State Department of Transportation's (WSDOT's) Utility Accommodation Program. The priorities controlling utility accommodation within the highway operating right of way are:

- The safety of the traveling public.
- The needs, mission, and priorities of the department.
- The needs of utility owners.

The policies and guidelines in this chapter outline the requirements and expectations for installation of utilities within the highway operating right of way. They are intended to illustrate the process, for both WSDOT and the utility owner, to produce an accurate utility accommodation document.

Nothing in this chapter is intended to limit the rights of WSDOT to impose additional restrictions or requirements on a utility installation if deemed appropriate, advisable, or necessary by the department to do so.

(1) Impacts and Requirements

Identify the immediate construction impacts and potential long-term effects of proposed utility installations upon the highway operating right of way, and ensure those installations meet the requirements of WSDOT's *Utilities Accommodation Policy*.

(2) Utility Location

Maintain accurate and up-to-date records of the location of authorized utilities installed within the right of way.

(3) Utility Ownership

Maintain accurate and up-to-date records of utility ownership.

100.02 Types of Utility Accommodation Documents

RCW 47.44.010
RCW 47.56.256
WAC 468-34-110

Utility accommodation documents define utility ownership, type, size, location, construction methods, maintenance frequency and duration, and other information considered necessary by the department. WSDOT processes utility accommodation documents related only to utility installations on operating highway rights of way, toll facilities, and the state ferry system. Utility accommodation documents used for this purpose include the following forms:

- Utility Franchise
- Franchise Consolidation
- Franchise Renewal
- Franchise Amendment
- Utility Permit

Refer to 110.01, Accommodation Application Requirements, for guidance on the use of the above forms.

(1) Utility Franchise

Utility franchises are the primary utility accommodation document used for recording utility installation details authorized within the operating highway right of way and its facilities based on the Utility Classification Criteria (see 100.04). Use DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B, Utility Forms and Documents).

(a) **Franchise Use** – Use utility franchises to describe utilities installed across, along, or within the operating highway right of way or its facilities.

RCW 47.44.020

(b) **Franchise Duration** – Utility franchises authorize utility occupation within the operating highway right of way for any duration up to, but not exceeding, 25 years. Franchise Renewal (also "Renewal") is required prior to the franchise expiration date for the franchise to remain valid. (See 100.07(1)(c), Consolidations and Renewals for additional information.)

(2) Franchise Amendment

A Franchise Amendment is a utility document that extends, supplements, or modifies an existing utility franchise based on the Utility Classification Criteria. Use DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B).

(a) **Franchise Amendment Duration and Expiration Date** – Utility Franchise Amendments authorize utility occupation within the operating highway right of way for any duration up to, but not exceeding, 25 years.

Regardless of the amount of time remaining until expiration of the parent franchise, the expiration date of a Franchise Amendment shall be the same as that of the original franchise. When the parent or original franchise expires, so do all amendments to that franchise.

Franchise Renewal is required prior to the franchise expiration date for the franchise to remain valid. (See 100.07(1)(c), Consolidations and Renewals for additional information.)

(3) Franchise Consolidation

A Franchise Consolidation (also "Consolidation") is a grouping process that combines multiple franchises, Franchise Amendments, previous Consolidations, and utility permits into a single franchise document based on the Utility Classification Criteria. Consolidations are recommended, not required, for continued installation of utilities within the operating highway right of way by utility companies. In order to meet the goals of the Utility Classification Criteria, the Consolidation process should be approached with an attitude of partnership and cooperation with the utility owner. Use DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B).

(a) **Franchise Consolidation Use** – To maintain historical records of superseded documents, list all existing accommodation documents superseded by the Consolidation as a separate exhibit.

Assign all Franchise Consolidations a new document number. The new number should end with a "C" to differentiate the Consolidation document from non-Consolidation accommodation documents.

(b) **Franchise Consolidation Duration** – Franchise Consolidations authorize utility occupation within the operating highway right of way for any duration up to, but not exceeding, 25 years.

(4) Franchise Renewal

WAC 468-34-170

Franchise Renewal is an updating process that renews a previously approved utility franchise prior to the franchise expiration date. In order to be eligible for Renewal, a franchise must meet specific qualifications and must meet the definition of the Utility Classification Criteria (see 100.04). (See 100.07(1)(c), Consolidations and Renewals for additional information.) Use DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B), when renewing existing utility franchises.

(a) **Utility Franchise Renewal Use** – Prior to the expiration of a franchise, the utility installation should be field-reviewed and the franchise updated to reflect existing conditions in the field. WSDOT should verify the installation meets current highway safety requirements and utility accommodation policies. To differentiate the Renewal document from other accommodation documents, use the existing utility franchise number, supplemented by an "R" at the end of the franchise number.

(b) **Utility Franchise Renewal Duration** – Franchise Renewal duration is the same as for a new franchise, provided that any issues identified during the Renewal review and approval process have been resolved. (See 100.07(1)(c), Consolidations and Renewals for additional information.)

(5) Utility Permit

RCW 47.44.050

WAC 468-34-130(3)

A utility permit is a secondary utility document used to define a utility installation that:

- Crosses the operating highway right of way normal to centerline or at a skew angle no greater than 45 degrees offset from normal.
- Is longitudinal to the right of way and is no greater than 300 feet in length as measured along the highway centerline.

WAC 468-34-100

(a) **Utility Permit Use** – Use a permit as a secondary utility accommodation document to define utility ownership, type, size, location, construction methods, maintenance frequency and duration, and other information considered necessary by WSDOT.

Every effort should be made to associate a proposed utility installation with an existing utility franchise based on the Utility Classification Criteria. Conduct thorough research before eliminating a franchise or Franchise Amendment as the method of documenting the proposed utility installation.

Use a permit only when research indicates there is no franchise within the Utility Classification Criteria (see 100.04) that can be amended and that the definition of a franchise or Franchise Amendment cannot be met.

(b) **Utility Permit Duration** – Utility permits have no expiration date. As such, any permits allowing utilities within the operating highway right of way should be thoroughly reviewed for impacts to planned or potential highway improvement projects or other impacts prior to approval.

(6) Informational Accommodation Documents

Informational utility accommodation documents are used to record utilities owned by WSDOT. These installations may include telecommunications, intelligent transportation system (ITS) facilities, power, water, sewer, or other utilities.

Informational utility accommodation documents may also be used to identify utility crossings or installations that have a compensable property right and for which a WSDOT franchise or permit is not appropriate.

Assign accommodation document numbers to informational accommodation documents the same as any other accommodation document. Appropriate reviews should be conducted and as-built information obtained whenever possible. Application fees and reimbursable accounts do not apply. Charge code information may be obtained from project offices by each region, as necessary.

Enter informational accommodation documents into the Utility Franchise Permit (UFP) system when the information document and installation are completed. Hard copy files should be stored similar to other utility-owned utility accommodation documents.

100.03 Installation Categories

RCW 47.44.010

Proposed utility installations within the operating highway right of way are categorized based on the impact the installation will have upon the safety, continued operation, and future improvement of the transportation facility. Impacts due to the construction, maintenance, expansion, connection to, and/or relocation of the utility must all be taken into consideration when reviewing utility accommodation applications. The primary focus of WSDOT's review should be on the safe movement of traffic by requiring that the utility be installed in the least intrusive location and constructed using the least intrusive construction method. Visual quality, engineering principles, and overall economic impacts should also be considered.

WAC 468-34-130

Generally, all longitudinal utility installations should be located as close as possible to the right of way line. Crossings should be placed as normal to the highway center-line as possible. Depth and height requirements must be met as defined in this manual and applicable state/federal codes and publications. WSDOT may restrict the number and method of service connections based on the safety and operation of the highway.

Utilities installed for a highway purpose, such as for highway illumination, rest areas, telecommunications, or other facilities, shall meet the requirements of this manual and the *Utilities Accommodation Policy*. (See 100.02(6), Informational Accommodation Documents, for further guidance.)

WAC 468-34-130(7)
WAC 468-34-110(52)

(1) Applications With Multiple Installation Categories

It is possible the proposed work could meet the definition of more than one category. When this occurs, the most stringent category shall apply to the entire application.

(2) Installation Category Types and Descriptions

The following definitions generally describe each category. Refer to Figures 100-1 through 100-6 for a graphic representation of categories.

(a) **Installation Category 1: Considerable Impact** – Utility installations within this category include any or all of the following situations or conditions:

WAC 468-34-110(53)(a)

- Longitudinal installation located between the centerline and a point 5 feet beyond outside edge of pavement or back of guardrail post.
- Longitudinal installations within any median.
- Longitudinal installations within any limited access controlled highway.
- Aerial installations within Scenic Class A or B.
- Installations requiring open cuts of the paved roadway.
- Any trenchless construction highway crossings exceeding 36”.
- Aboveground installations for which a Control Zone variance approval is required.
- Installations attached to any bridge or structure.
- Buried installations located within the Zone of Influence of a bridge footing (see Figure 120-6).
- Installations contrary to the requirements of the *Utilities Accommodation Policy*.

(b) **Installation Category 2: Limited Impact** – Utility installations within this category may include, but are not limited to, any or all of the following situations or conditions:

WAC 468-34-110(53)(b)

- Longitudinal installations located **within** an area described as: The horizontal distance 5 feet beyond the outside edge of pavement or back of guardrail post to the bottom of ditch or toe of slope **plus** either 10 feet or the horizontal distance to a point within 5 feet of the right of way line, whichever is less.
- Installations for which an individual bond is required.
- Installations requiring a Notice of Filing.
- Installations requiring environmental permitting or documentation.
- Limited access highway crossings.
- Limited access nonexempt same-side service connections.
- Installations involving storm drainage.

WAC 468-34-110(53)(c)

(c) **Installation Category 3: Little or No Impact** – Utility installations within this category may include, but are not limited to, any or all of the following situations or conditions:

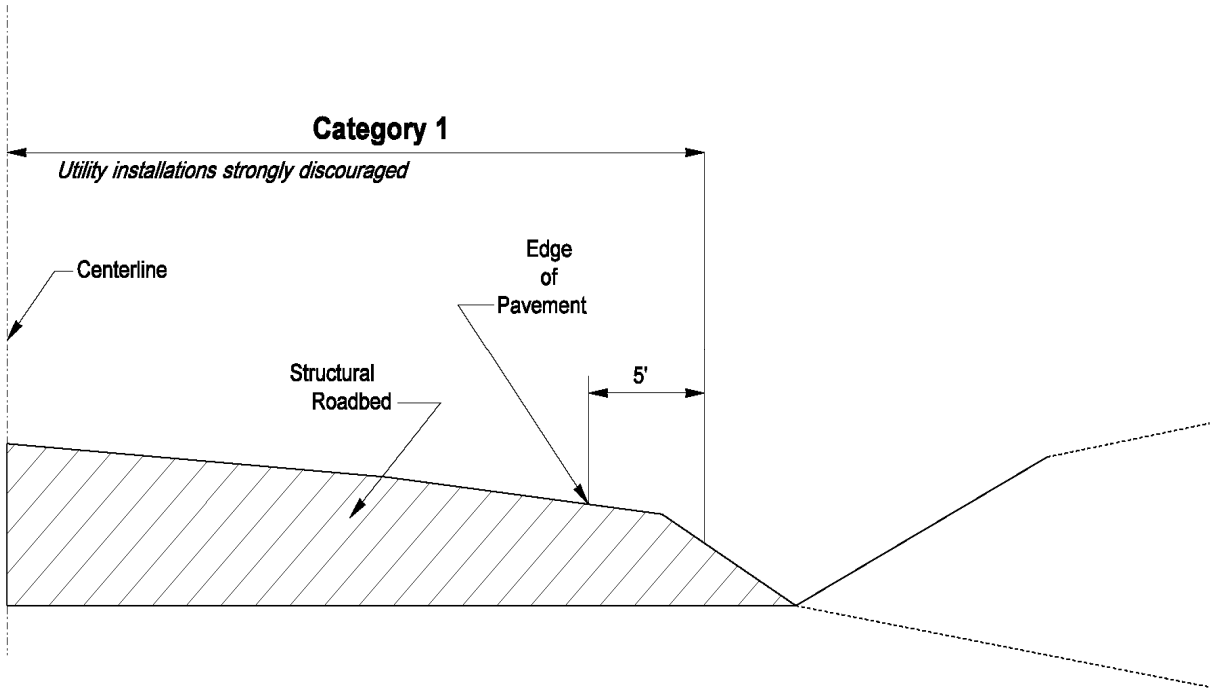
- Longitudinal installations located **beyond** an area described as: The horizontal distance 5 feet beyond the outside edge of pavement or back of guardrail post to the bottom of ditch or toe of slope **plus** either 10 feet or the horizontal distance to a point within 5 feet of the right of way line, whichever is less.
- Nonexempt same-side service connections.
- Non-limited access highway crossings.
- Aboveground installation complying with WSDOT's Control Zone Policy.
- Installations involving a change in the size or capacity of existing facilities located within existing conduits or on existing poles.

All construction work and methods necessary for Category 3 installations, such as bore pits, shoring, trenching, staging of equipment or materials, and so on, should occur within the area defined as Category 3, as illustrated in Figures 100-5 and 100-6.

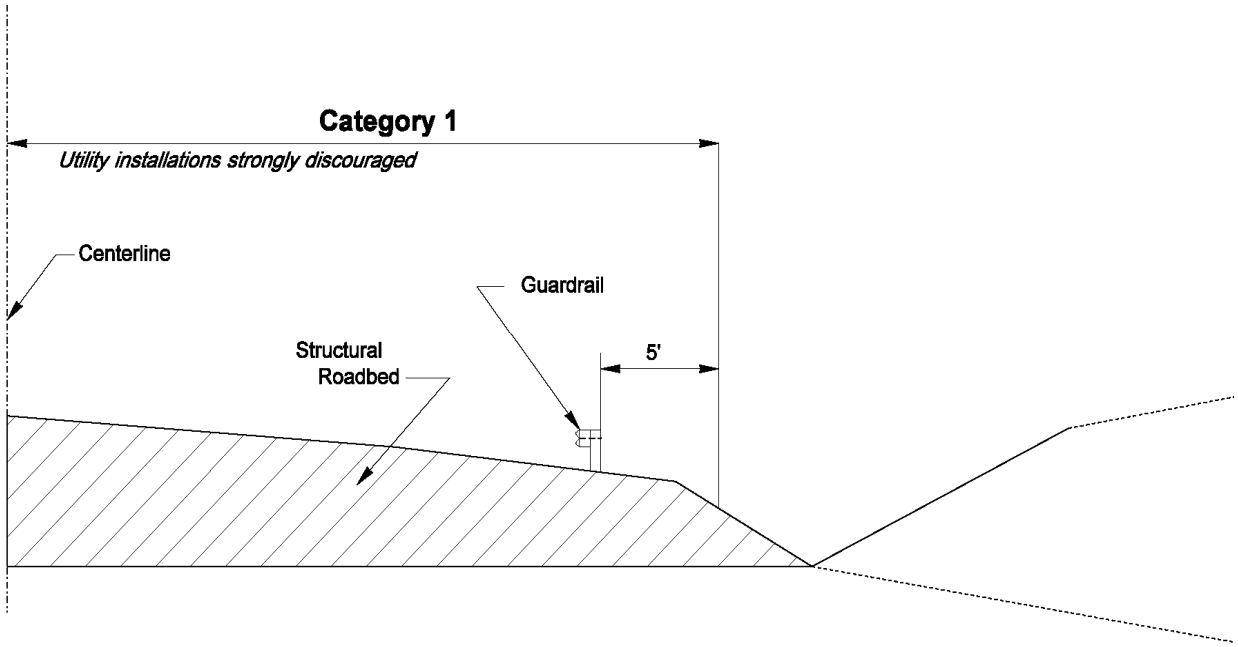
WAC 468-34-110(53)(d)

(d) **Installation Category 4: Exempt Same-Side Service Connection** – Utility installations within this category include same-side service connections in non-limited access that meet ALL of the following conditions and requirements:

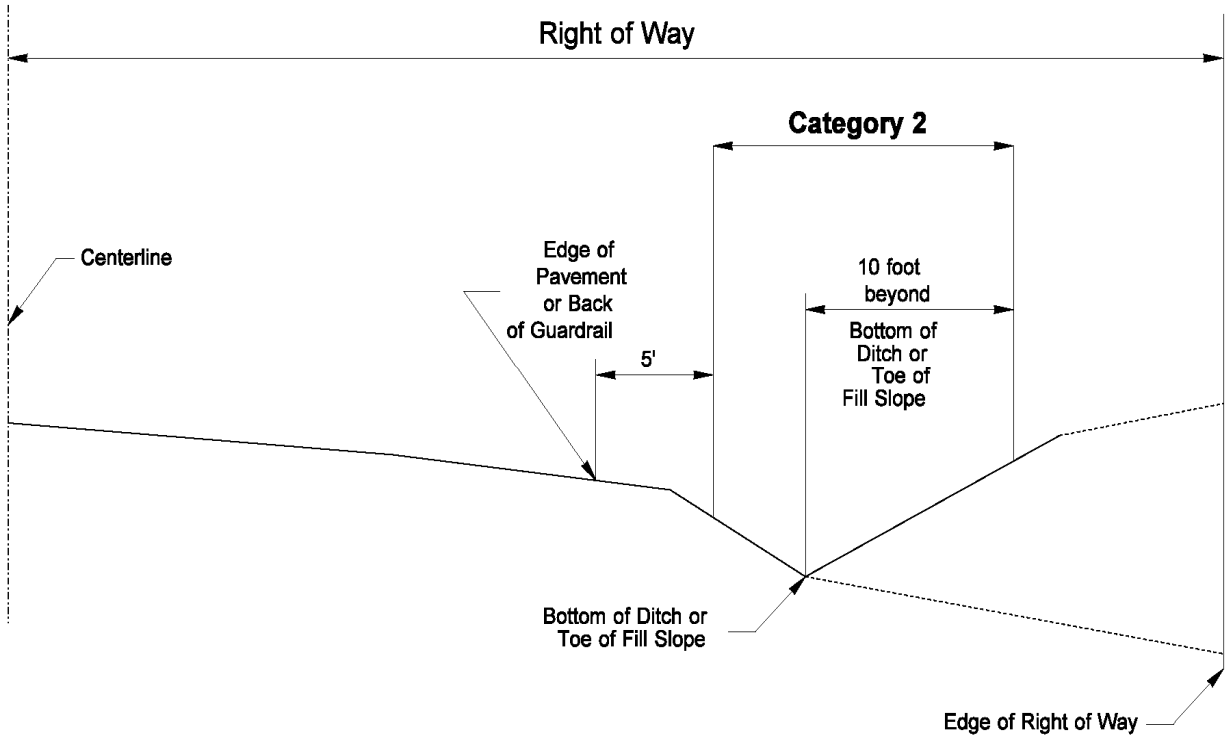
1. The same-side service connection does not exceed the following quantity or capacity:
   - Power 15 kV
   - Telephone 25-Pair
   - Natural Gas 1¼-Inch
   - Gravity Sanitary Sewer 4-Inch ID
   - Force Sanitary Sewer 2-Inch ID
   - Water 1½-Inch ID
   - Cable Television ½-Inch ID
   - Fiber Optic Cable 6 Fiber or less
2. These installations will not require a permit, provided that:
   - Longitudinal installations do not exceed 26 feet in length.
   - The service originates from an existing current franchise or permit.
3. Associated construction activity must occur within the area defined as Category 3, as shown in Figures 100-5 and 100-6.
4. WSDOT may restrict the number and method of service connections based on the safety and operation of the highway.
5. The utility shall submit a Category 4 Installation Authorization (Notice of Compliance) form to the region Utilities Office.



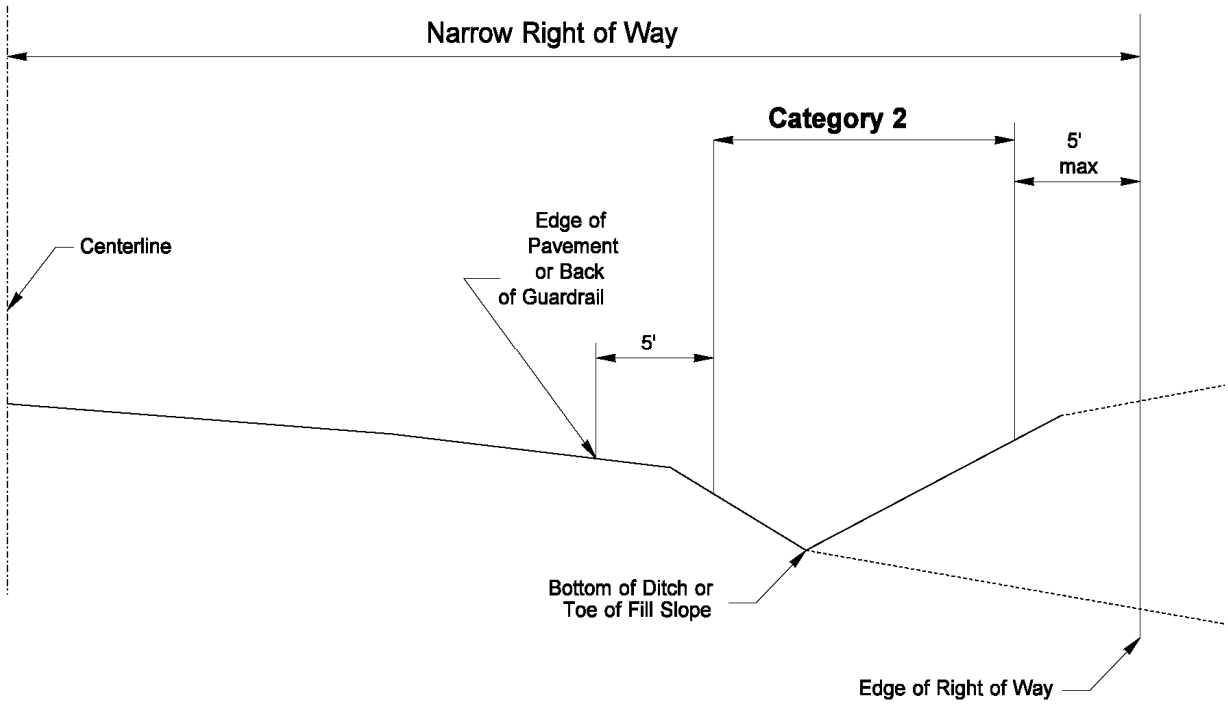
Installation Category 1
Figure 100-1



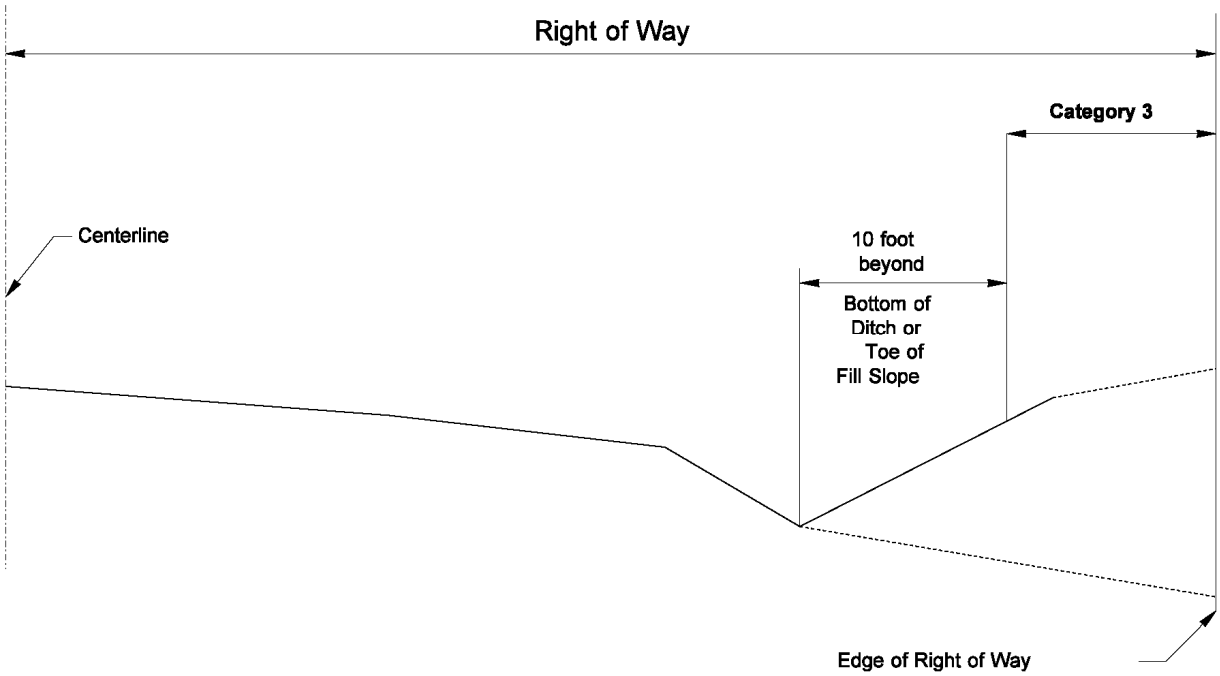
Installation Category 1: With Guardrail
Figure 100-2



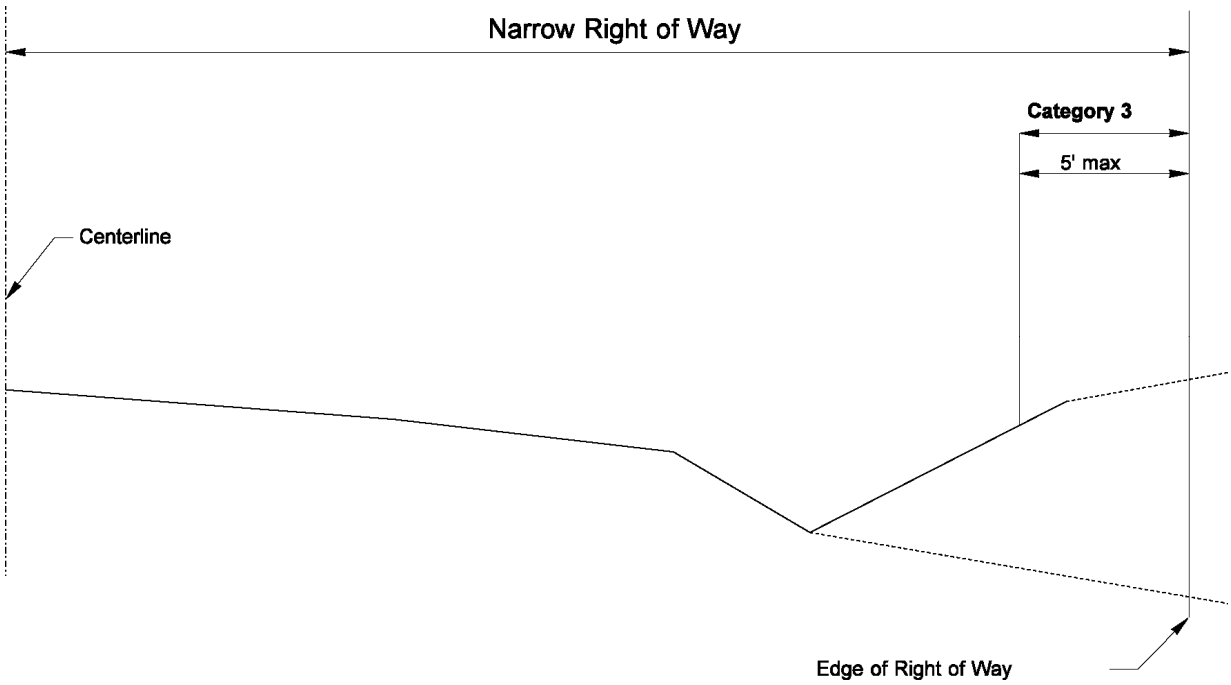
Installation Category 2: Standard Right of Way
Figure 100-3



Installation Category 2: Minimal (Narrow) Right of Way
Figure 100-4



Installation Category 3: Standard Right of Way
Figure 100-5



Installation Category 3: Minimal (Narrow) Right of Way
Figure 100-6

100.04 Utility Classification Criteria

WSDOT Policy

The following four elements constitute the Utility Classification Criteria (also Classification Criteria) for all utility accommodation documents:

- Highway Number
- County
- Utility Type
- Utility Owner

The Utility Classification Criteria recommendation is that only one franchise be issued to each utility owner for each type of utility, within each county or section of county, on each highway. Once a franchise is issued, each additional utility accommodation application will be treated as an amendment to the original franchise based on the Classification Criteria.

(1) Purpose of Classification Criteria

The Utility Classification Criteria has two primary purposes. The first is to reduce the number of existing utility accommodation documents currently being administered by WSDOT through the Franchise Consolidation process. The second purpose is to provide clear and consistent guidance for the administrative processing and management of utility accommodation applications received by the department.

(2) Implementation and Use of Classification Criteria

Each new utility accommodation application shall meet the Classification Criteria. The key to new accommodation applications meeting the Classification Criteria is the status of existing utility franchises. Three conditions dictate the treatment of new and existing accommodation documents.

When a utility accommodation application is received by WSDOT, a determination will be made regarding which of three conditions the application falls under as defined in Figure 100-7, Accommodation Document Classification.

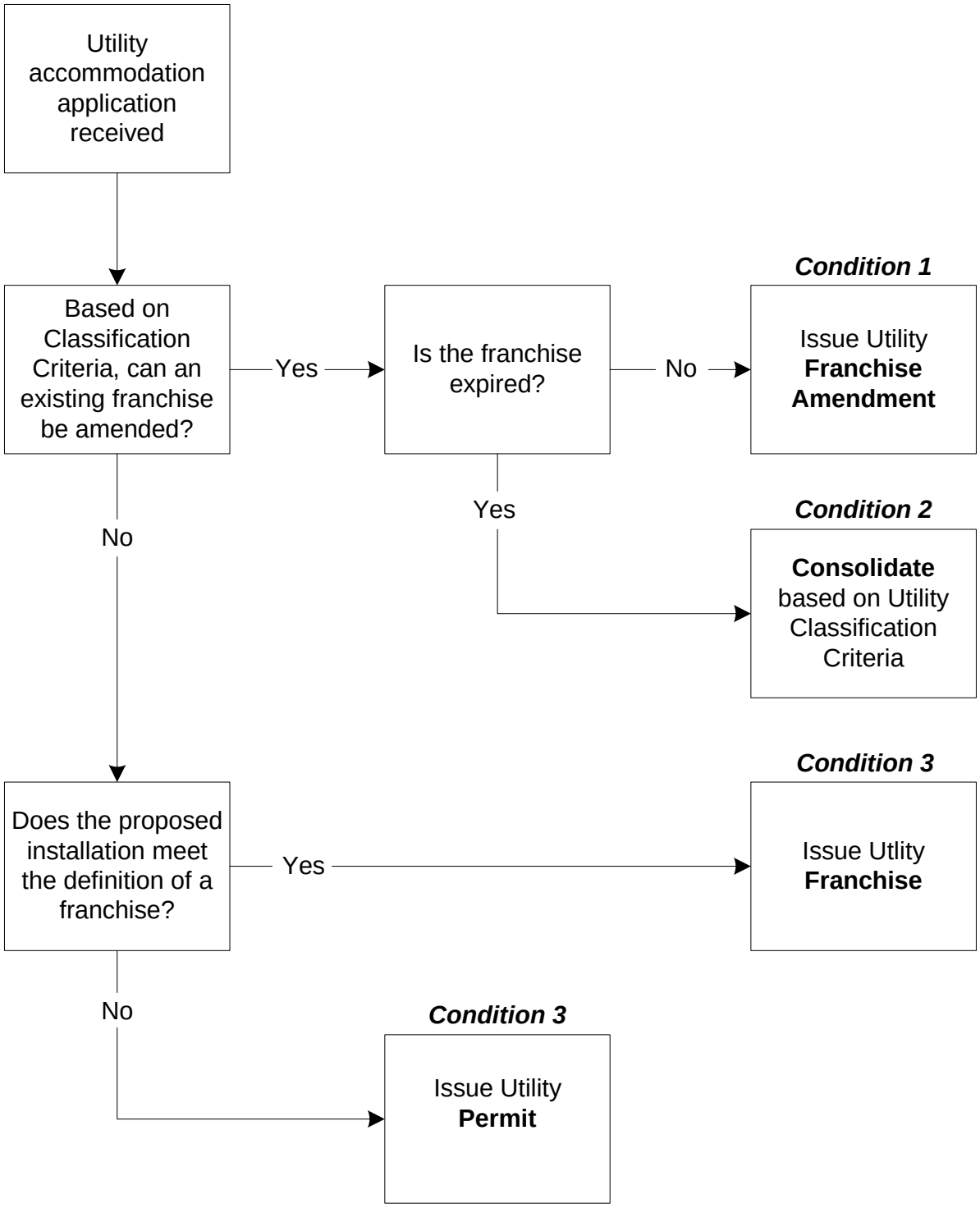
(a) **Condition 1** – If a franchise is available as defined by the Classification Criteria and the franchise is current (not expired), the application should be processed as an amendment to that franchise.

(b) **Condition 2** – If a franchise exists, but is expired, the Franchise Consolidation process must be completed for approval of the utility accommodation application. This condition will have an effect upon other existing franchises and permits within the Classification Criteria, as described in 110.02, Franchise Consolidation and Franchise Renewal Process and Requirements.

1. **Condition 2 Exception** – If implementing the Classification Criteria under Condition 2 will cause a delay in the delivery of a highway improvement project, WSDOT should work cooperatively with the utility to create a Consolidation Plan that avoids project delays. (See 110.02, Franchise Consolidation and Franchise Renewal Process and Requirements, for detailed guidance.)

(c) **Condition 3** – If no franchise exists, a new franchise should be created using the Utility Classification Criteria. Alternatively, if the proposed utility installation does not meet the definition of a franchise, a utility permit may be issued.[1]

[1]Permits should be issued only if there is little chance of another application being received that would fall within the area defined by the Utility Classification Criteria. (See 100.02(5) for detailed guidance.)



Accommodation Document Classification
Figure 100-7

100.05 Accommodation Documents: Management and Administration

(1) Region Documentation

WSDOT Policy

All regions are responsible for maintaining utility accommodation documentation for every utility installation located within their operating highway right of way. Supporting documentation should include, but is not limited to:

- Approved accommodation documents.
- Correspondence.
- Variance justification and supporting documentation.
- Appropriate decision-making documentation such as diaries, notes, letters, emails, and so on, that substantiate the decision-making and approval processes.
- Utility plans and details.
- Other plans and details such as Traffic Control Plans (TCP), Stormwater Pollution Prevention Plans (SWPPP), and other plan requirements.
- Surety information.
- Accounting details such as J-account information, copies of checks or check receipts, reimbursable account agreements, and other documents.
- Inspection information and details such as Inspector's Daily Reports (IDR) and materials reports.
- Checklists.
- Region and Headquarters (HQ) review approvals.
- Meeting agendas, notes, and action items.
- Research information.
- Other pertinent information.

(2) General Utility Company Documentation

Best Practice

Regions should also consider maintaining files for individual utility customers. Customer files should be used to track general agreements, letters of clarification or understanding, commitments made with WSDOT or the utility, utility system plans, or other general utility company information or correspondence that may be generated by day-to-day business and that is not specific to a particular accommodation document file.

(3) Headquarters Documentation

The HQ Utilities Unit functions as a statewide coordination office and, as such, generally maintains only limited and temporary accommodation-related files. Headquarters responsibilities include:

- Blanket surety files.
- Utility Transfer of Ownership (Acceptance of Assignment) files of significance.
- Compliance reviews.
- Historical records.
- Management of statewide utility-related databases.

100.06 Approval Authority

Approval for all utility accommodation documents and related administrative documents is delegated as defined in this section (see Appendix B, Authority Matrix).

(1) Headquarters Approval

The following documents and conditions require approval by the HQ Utilities, Railroad, and Agreements Manager, as delegated by the State Design Engineer. Further delegation is not allowed.

(a) **Headquarters-Executed Administrative Documents**

- Blanket sureties.
- Transfer of Ownership for utilities for which WSDOT holds a blanket surety unless the utility is fully within one region; that region has approval, but must notify Headquarters. (See 130.05, Utility Transfer of Ownership – Acceptance of Assignment, for detailed guidance.)

(b) **Headquarters-Approved Accommodation Variance Documents: Federal Highway Administration (FHWA) Concurrence** – FHWA review and concurrence is required for the following utility installations proposed within interstate rights of way:

- Open cuts.
- Longitudinal installations within any median.
- Permanent access breaks from property adjacent to freeway right of way.
- Construction and maintenance site access from freeway ramps or main line.

(c) **Headquarters-Approved Accommodation Variance Documents** – All variances within full control limited access rights of way require review and approval by Headquarters. These variances include:

- Uncased installations involving pressurized carrier pipes and carriers of transmittants, other than natural gas, that are flammable, corrosive, expansive, energized, or unstable.
- Longitudinal utility installations within full control limited access rights of way (as defined in WAC 468-34-130(3)).
- Access breaks for utility accommodation variances from property adjacent to fully controlled access rights of way. (Access break review and approval will be coordinated with the HQ Access and Hearings Section. For access break requests for utilities without variances, an informational copy of the request should be sent to the HQ Utilities Unit.)
- Construction and maintenance site access from main line in fully controlled access rights of way.
- Aerial installations proposed in areas designated as Scenic Class A or B.

Refer to 120.14, Variances: Types, Treatment, and Approval, for detailed guidance and requirements for proposed variance installations.

Regions should contact the HQ Utilities Unit as early as possible in the application review process when any utility application or proposed variance requires Headquarters approval. Discuss the details of the proposed installation and the reason for the variance to verify what information is required to receive approval of the proposed utility installation.

(2) Region Approval

The following documents and conditions require approval by a Regional Administrator or a delegated authority. Delegation of authority is established for the Regional Administrator's direct report staff in writing by each Regional Administrator.

(a) **Region-Approved Accommodation Documents**

- Crossing installations within full control limited access right of way that do not involve a break in access.
- Any accommodation document within a modified, partial, or non-limited access controlled highway that does not involve a variance to WSDOT's *Utilities Accommodation Policy*. (See 120.14, Variances: Types, Treatment, and Approval, for detailed information on variance types and treatment.)
- Longitudinal installations within any non-limited access highway except those proposed to be installed within any median.
- Aerial installations within Scenic Classes C and D and nonvariance installations as determined by the region within Scenic Classes AX and BX. (See 120.08, Scenic Classification Policy, for detailed guidance.)
- Aboveground installations classified as Location III utility objects.

(b) **Region-Approved Variance Accommodation Documents**

- Longitudinal utility installations within partial or modified limited access highways.
- Utility installations using open trench construction methods, other than interstate, involving uncased pipes transmitting material, other than natural gas, that is flammable, corrosive, expansive, energized, or unstable. All other uncased installations require Headquarters approval.
- Crossings of fully controlled limited access highways.
- Roadway installations proposing to open cut the existing paved roadway.
- Utilities installed within the area defined as Category 1 (see Figures 100-1 and 100-2).
- Installations that are proposed to be installed at less than the minimum required depth. (See 120.04, Pipelines, for minimum depth requirements.)

(c) **Region-Executed Administrative Documents**

- Individual sureties.
- Utility Transfer of Ownership for utilities limited to utility installations within individual regions' boundaries. (See 130.05, Utility Transfer of Ownership – Acceptance of Assignment, for detailed guidance.)
- Notice of Filing required for utility installations that require advertisement of an opportunity for a hearing. (See 120.01, Hearings, for detailed guidance.)

(d) **Region Approval Requirements** – All region-approved documents must meet, as applicable, the following criteria:

- Installation is in accordance with the *Utilities Accommodation Policy*.
- No objection to the installation has been filed by a third party.
- No dispute exists between WSDOT and the applicant with respect to the acceptability of the proposed installation.
- Access plan revision has been approved for routine maintenance of the utilities facility.
- A utility service access road will not be constructed.
- All aboveground utility objects are classified as Location III Objects.

100.07 Accommodation Process and Procedure

The utility accommodation process varies in duration and complexity depending on the proposed installation's impact to highway facilities and its compliance with WSDOT's utility accommodation requirements. The process described in this section is generic in nature. Differences in application processing will exist between regions and from one application to another.

In general, all applications go through a four-step process between the time the initial application is received and the utility installation certification process is completed. This four-step process can be as short as several weeks for a simple utility service connection or as long as several years, depending on the nature and complexity of the proposed utility installation. The four basic steps in the utility accommodation process are:

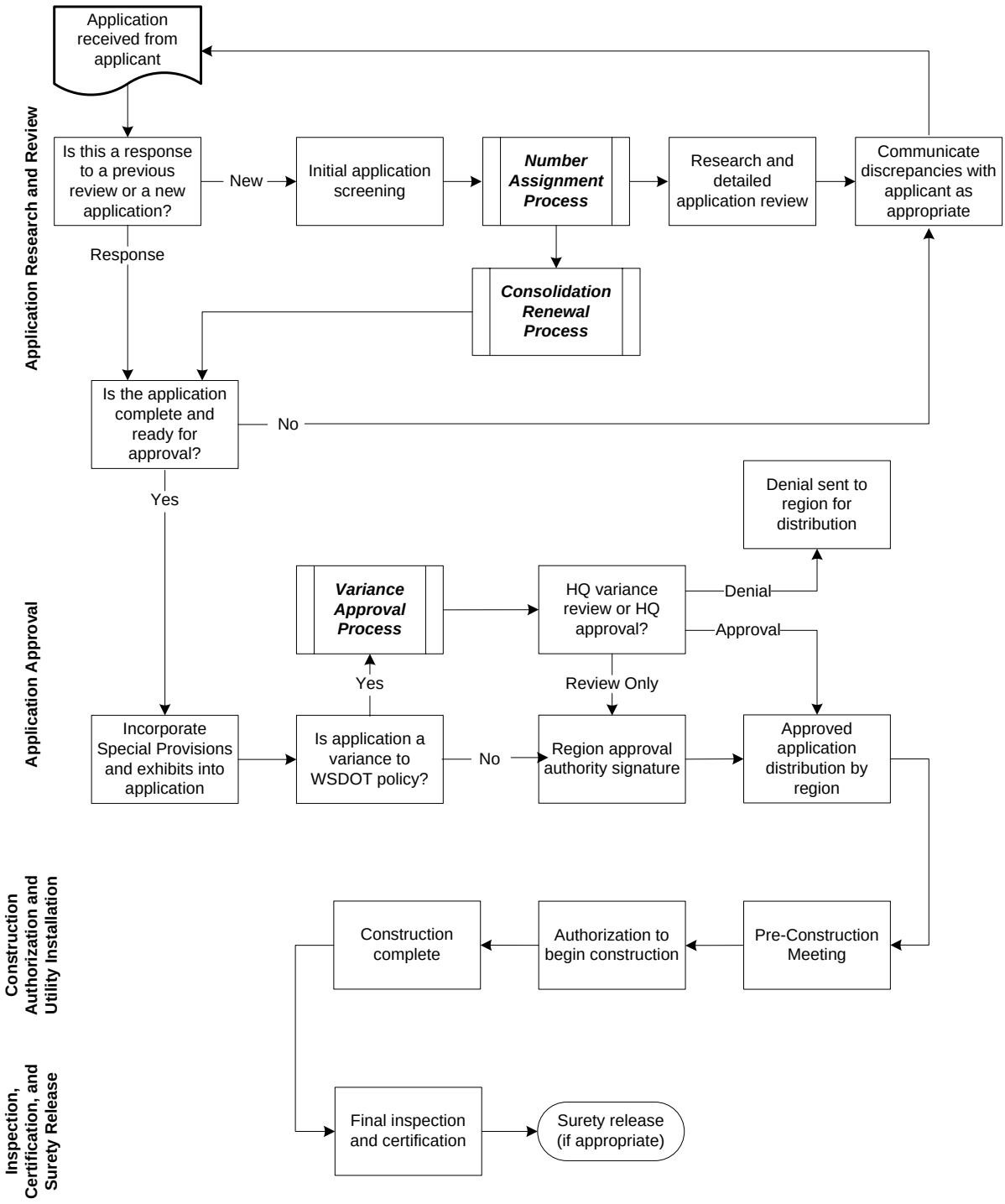
Step 1 Application Research and Review

Step 2 Application Approval

Step 3 Construction Authorization and Utility Installation

Step 4 Inspection, Certification, and Surety Release

Refer to Figure 100-8, Utility Accommodation Process, for a flow chart outlining this four-step application process.



Utility Accommodation Process
Figure 100-8

(1) Application Research and Review

All applications must be reviewed to ensure they are accurate, complete, and meet WSDOT standards and requirements for utility installations within the highway operating right of way.

(a) **Initial Application Screening** – Initial screening should generally include, but is not limited to, the following:

- Application and UFD forms are complete and satisfactory (address, contact information, signature, tax ID number, and so on).
- SR and MP are accurate.
- Installation category is correct.
- Application and UFD information match.
- Attached plans match information on application and UFD.
- Appropriate fee is included with application.
- Does it need a reimbursable account?
- Surety is included or on file (blanket sureties).

(b) **Assigning Application Numbers: Utility Classification Criteria** – Assigning an application number requires that the application be reviewed to determine compliance with the Utility Classification Criteria (see 100.04). Compliance with the Utility Classification Criteria dictates how an application number will be assigned to the application.

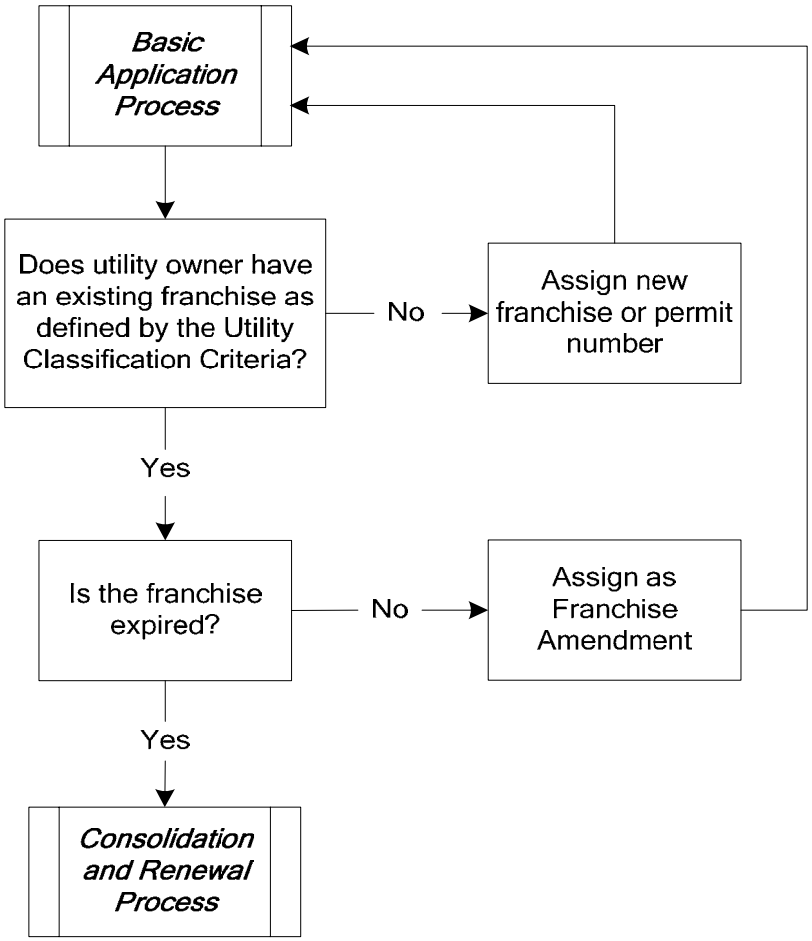
The following questions must be answered to determine an application's compliance with the Utility Classification Criteria (see Figure 100-9, Assigning Document Numbers).

1. Does the utility owner have an existing franchise within the boundaries as defined by the Utility Classification Criteria?
   - If no, issue a new utility franchise or permit number as described in 100.02, Types of Utility Accommodation Documents.
2. If yes, is the franchise current or expired?
   - If the franchise is current, assign a Franchise Amendment to the proposed utility installation.
   - If the franchise is expired, the Consolidation or Renewal process must be started.

(c) **Consolidations and Renewals** – Consolidations and Renewals are fixed processes that accomplish specific WSDOT utility accommodation goals. Both are required processes if a situation dictates either is necessary (as described previously). Utilities can also enter into the Consolidation process voluntarily. The process is essentially the same, whether it is required by the department or requested by the utility.

The amount of effort for a Consolidation will vary depending on a variety of circumstances. (See 110.02, Franchise Consolidation and Franchise Renewal Process and Requirements, for detailed guidance.)

A key goal of the Consolidation process is roadside hazard elimination. Refer to Chapter 9 for a detailed description of the purpose and goals of Control Zone management.



Assigning Document Numbers
Figure 100-9

(d) **Research and Detailed Review** – Once the initial screening is complete and an appropriate application number has been assigned, the application must be reviewed in detail. Depending on the category and complexity of the application, these reviews can be quick and routine. Others may require significant effort from a variety of region functional support offices, including:

- Maintenance
- Bridge Maintenance
- Bridge Preservation
- Traffic
- Environmental
- Landscape
- Hydraulics
- Design
- Project
- Materials Lab

Any variance proposals should also be reviewed at this time to ensure the variance is sufficiently justified, as discussed in 120.14, Variances: Types, Treatment, and Approval.

(e) **Communicate With Applicant** – Once a detailed review has been completed, any identified discrepancies, inconsistencies, errors, unjustified variance proposals, or other issues should be communicated to the applicant. This discrepancy communication process may vary between applications. It can be an informal phone call or e-mail, a formal letter to the applicant, or a scheduled meeting to go over any identified issues in detail. It may also be appropriate to communicate minor issues to the applicant prior to an internal region review.

(f) **Variances to Policy** – Variance approvals require additional justification and a more rigorous approval process than nonvariance installation proposals. If an application proposes a variance to WSDOT policy, the applicant should be made aware of the type of variance and the associated justification process as soon as possible. Discuss installation alternatives to the proposed variance with the applicant. The utility owner should be provided an opportunity to revise installation location or methods to avoid the variance process and any negative impacts it may have on highway facilities or the utility's construction schedule. (See 120.14, Variances: Types, Treatment, and Approval, for detailed information.)

(2) Application Approval

Prior to approval, all applications should have undergone a comprehensive review process that verifies the application meets WSDOT's utility accommodation policies and guidelines. The final step in the application process is to put together a utility franchise or permit package for approval. Documentation necessary for accommodation documents varies. (See 100.02, Types of Utility Accommodation Documents, for detailed information on accommodation documentation.)

Any approved utility franchise or permit should be detailed and specific enough for a utility inspector or maintenance employee to determine whether a utility contractor is installing the utility as approved.

(a) **Types of Accommodation Approvals** – Approval of an accommodation application will vary depending on the nature and complexity of the installation proposal. For specific signature approval authorities for various types of utility accommodation documents, refer to 100.06, Approval Authority.

1. **Nonvariance Approval**s – Applications that meet WSDOT's policies and guidelines are approved within the region by either the Region Utilities Engineer or the Regional Administrator or designee.

2. **Variance Approval**s – Variance approval <u>is dependent on the type of variance being proposed to determine region, Headquarters, or FHWA approval.</u>

110 General Requirements

110.01 Accommodation Application Requirements

Utility installations shall be authorized only if it can be shown the proposed installation will not have a negative impact upon, nor in any way inhibit, the continued operation, maintenance, structural integrity, or future improvement of highway transportation facilities. In all cases, the needs of WSDOT shall take precedence over the needs of the utility.

(1) Utility Accommodation: Requirements

RCW 47.44
WAC 468-34-160

Utilities must obtain written approval from WSDOT prior to occupation by any materials, equipment, or personnel within the operating highway right of way. The department may grant approval only after appropriate review of the proposed work. Companies installing utilities without WSDOT's express written consent are guilty of a misdemeanor and may be liable for monetary and other penalties, as allowed by law. (See 130.04, Penalties, for additional information on unauthorized utility installations.)

Applications should include sufficient information to allow WSDOT to clearly determine the nature and extent of the utility installation with regard to highway plans and facilities.

WAC 468-34-020(1)

Utilities are required to pay for all costs associated with the review and approval of utility accommodation requests, including related direct and indirect overhead expenses. (See 110.03, Fees and Reimbursable Accounts, for additional guidance on cost recovery.)

(2) Accommodation Documents: Evaluation for Impacts

The purpose of operating right of way is to provide the safe, economic, and efficient transport of people and goods across the state and beyond. Utilities may be installed within the operating right of way provided the installation does not negatively impact these transportation purposes.

Utility accommodation applications received by WSDOT should be evaluated for any impact the installation may have on existing, planned, or potential transportation facilities. To meet the necessary requirements, proposed installations must:

WAC 468-34-130(2)

- Be designed to be safely constructed and maintained.
- Have no adverse effect on the efficient operation of the highway right of way or its facilities.

WAC 468-34-130(1)

- Be placed in a location that will avoid interference with highway operations, maintenance, and future highway improvement(s).
- Minimize the need for future utility adjustment to accommodate highway improvements or other transportation work.

WAC 468-34-130(2)

- Be placed as near the outside edge of the right of way line as possible for longitudinal installations.
- Not deviate from the *Utilities Accommodation Policy*, WSDOT policy, applicable laws, or industry codes, standards, or regulations.
- Meet or exceed the same legal and regulatory requirements as those required of WSDOT.

Amendment 18 to the Washington State Constitution (Section 40 – Highway Funds)

- Impart, by law, no monetary cost to the taxpayer or in any way use funds set aside for transportation purposes during the life of the installation.

(3) Other Documentation: Standard Forms and Exhibits

The following forms and documents (see Appendix B for examples) are required for all Category 1, 2, and 3 utility installation applications within the operating highway right of way:

- DOT Form 224-030, Special Provisions for Permits and Franchises, Exhibit A
- DOT Form 224-696, Application for Utility Permit or Franchise
- DOT Form 224-697, Utility Facility Description, Exhibit B

WAC 468-34-010(1)

All applications must be submitted on forms provided by WSDOT. Construction plans and details must show the exact location of the proposed utility in relation to highway features in the vicinity of the proposed installation, including the centerline, fog line, top and bottom of ditch or toe of slope, existing structures, and other highway features.

(4) Required Documentation: Nonstandard Exhibits

WAC 468-34-010

The documents that may also be required with an approved application package, as determined by WSDOT on a case-by-case basis, include:

- WSDOT Right of Way Plan sheet for the installation area.
- Utility-submitted plans, sketches, cross sections, profiles, or details.
- WSDOT installation requirements such as typical crossing details.
- WSDOT-approved Traffic Control Plan.
- Approved Temporary Erosion and Sediment Control (TESC) Plan.
- Approved Dewatering Plan.
- Approved Bridge Attachment Plan and details.
- Consolidation or Renewal Plan.
- Corrective Action Plan.
- Miscellaneous/other plans or details.

(5) Required Documentation: Category 4 Applications

WAC 468-34-110(53)(d)

Category 4 franchise applications must be submitted to WSDOT on Category 4 Confirmation of Compliance forms (see Appendix B, Utility Forms and Documents).

(6) Additional Submittal Requirements: All Applications

WAC 468-34-020(1)
WAC 468-34-020(3)

In addition to category-specific standard and nonstandard form requirements, all applications, regardless of category, require that an appropriate application fee and performance surety be submitted prior to approval of an application. (See 110.03, Fees and Reimbursable Accounts, and 110.04, Sureties, for detailed guidance.)

(7) Utility Installation Plan Requirements

The level of detail necessary for plan submittal is dependent on various factors, including the application category and type of right of way and the circumstances relative to each installation. The following guidelines should be used when considering proposed installation plan requirements.

(a) **Installation Plan Guidelines** – Utility plans should:

- Have sufficient detail to illustrate the intent of the installation.
- Match the Utility Facility Description.
- Clearly define issues such as pavement cuts, horizontal and vertical location, environmental issues, and other data determined necessary by WSDOT.
- Allow utility inspectors to confidently determine whether a utility is installed in the manner and at the location approved by the department.

Plans that do not show sufficient detail to verify factors surrounding a proposed installation may require additional information for WSDOT approval.

110.02 Franchise Consolidation and Franchise Renewal Process and Requirements

Both the Franchise Consolidation and Franchise Renewal processes often require significant research and effort by both the department and the utility for the process to be accomplished thoroughly and correctly. This research should include field verification, review of existing accommodation documents, and other information before a Franchise Consolidation/Renewal can be completed and approved (see Figure 110-1). This research effort is necessary to: ensure existing surface utilities meet current *Utilities Accommodation Policy* standards; verify utility location and ownership; comply with Control Zone requirements; and meet highway safety standards. As much as is reasonable and feasible, all utility information must describe the utility and its appurtenances in their entirety. This is also an opportunity to clean up old files.

Partial Consolidation or Renewal of an existing franchise is discouraged and should be avoided. Franchise Amendments that meet the Utility Classification Criteria do not require Consolidation. Franchise Consolidations and Renewals should include any utilities that have been disconnected/deactivated[2] on the Utility Facility Description form.

At a minimum, research during the Consolidation/Renewal process should be to review, verify, and correct any issues identified during the process. A Consolidation/ Renewal Plan can be developed at the discretion of each region and in cooperation with the utility for any noncompliant utility objects. This plan shall be attached to the Franchise Renewal or Consolidation document as an exhibit.

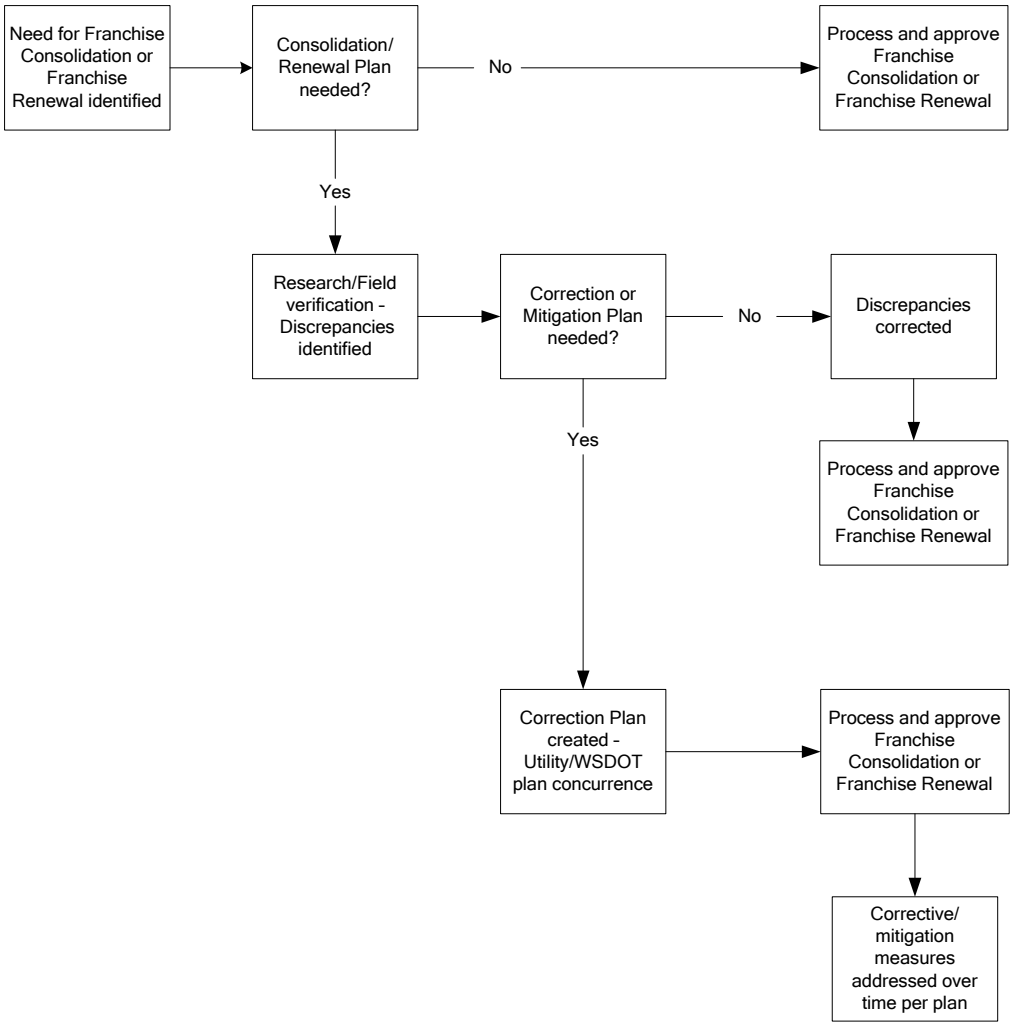
(1) Consolidation/Renewal Plan

When necessary, the department should meet with the utility to develop a Consolidation/ Renewal Plan. At a minimum, this plan should outline the:

- Roles and expectations between the utility and WSDOT.
- Time frames and milestones for research and field surveys.
- Deficiencies correction needed.
- Target dates for mitigation and correction.
- Approval of interim service connections.
- Target Consolidation/Renewal submittal date.

As a best practice, the department may provide to the utility any information available regarding known utility locations from internal sources such as hard copy files and databases. Consolidations and Renewals should include disconnected/ deactivated in-place utilities on DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B).

[2] Disconnected/deactivated utilities must be tracked due to potential impacts to highway improvement projects and for potential use by other utilities or the department.



Franchise Consolidation/Renewal Process
Figure 110-1

(2) Research

Franchise Consolidation and Franchise Renewal applications should be reviewed to discover opportunities for utility/WSDOT partnerships for mitigation of deficiencies, as well as to update current conditions. Research information may include the following:

- Utility Classification Criteria
- Planned highway improvement projects
- Planned utility improvement projects
- Annexations
- Access control designation changes
- Category 4 installations
- Undocumented utilities
- New installations being proposed
- Ownership changes
- Traffic safety
- Control Zone
- Scenic Classification

In order to identify deficiencies that may need to be addressed during the Consolidation/ Renewal process, it is also necessary to gather field data specific to the method of utility installation in order to accurately verify existing conditions. The following information must be submitted to WSDOT by the utility with the Consolidation or Franchise Renewal application.

(a) **Field Data: Surface and Aerial Utility Installations** – DOT Form 224-697, Utility Facility Description, Exhibit B, and the Utility Object Relocation Record (UORR) form (see Appendix B) should be completed and submitted to the department. Both documents should contain the:

- Milepost location of each utility object being described.
- Utility offset from the highway centerline and edge of traveled way (fog line).
- Slope characteristics (such as fill slopes, foreslopes and backslopes, ditch depths and widths, and so on) between the centerline and the utility; extend to right of way whenever possible.

This information should be gathered for any surface and aerial utility objects, including, but not limited to, the following:

- Individual utility and guy poles
- Down guys
- Hydrants
- Telephone pedestals
- Ground-mounted transformers
- Disconnected/deactivated facilities
- Hydrants
- Gas or casing vents
- Conduits, both vacant and occupied
- Other aboveground utilities or appurtenances
- Cabinets

Submit the above-mentioned forms, along with DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B), to start the Consolidation or Renewal process.

(b) **Field Data: Subsurface Utility Installations** – DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B) must be completed and submitted to the department. Utility owners must locate subsurface utilities to verify the location, size, and other attributes of the utility. Information should be gathered for all subsurface utilities, including, but not limited to, the following:

- Waterlines
- Valves
- Pressure relief valves
- Blow-offs
- Vents
- Pumps
- Cables
- Hand-holds
- Drainage facilities
- Casings
- Conduit
- Vaults
- Manholes
- Disconnected/deactivated facilities

(3) Undocumented Utility Installations and Improvements

Utilities should be encouraged to provide information regarding undocumented utility installations and improvements during the Consolidation/Renewal process. Generally, there should be no penalty or consequence for providing this information. It is to the benefit of both the department and the utility to document as much information as possible about utilities within the operating highway right of way.[3] Approach the Consolidation/Renewal process as an opportunity to collaborate with the utility to locate and identify as many undocumented utilities as possible.

(a) **Planned Highway Improvements** – The department should inform utilities early and often of any planned or programmed highway improvements that may offer an opportunity for correction of identified utility deficiencies or improvements. Frequent communication with the utility industry by region Utilities Offices is strongly encouraged.

[3] Accurately documenting utilities avoids utility damage during highway maintenance work and costly impacts to highway improvement projects due to delays caused by unidentified utilities.

(b) **Planned Utility Improvements** – Utilities should be encouraged to share planned improvements with WSDOT that may offer opportunities to enhance the safety and visual quality of highway corridors.

(c) **Annexations** – Franchise Consolidations and Franchise Renewals should exclude those portions of the previous franchises and permits now located within city limits. The current State Highway Log should be reviewed for changes in the milepost limits of city boundaries. Local agencies should also be contacted to determine recent annexations that may not be included in the current State Highway Log. Limited access highways are exempt from this rule. (See 120.03, Annexations and Route Jurisdiction Transfers, for additional guidance.)

Best Practice

To avoid confusion and to maintain a historical record of changes between successive accommodation documents, changes in jurisdiction should be noted in the accommodation document.

Best Practice

(d) **Access Control Designation Changes** – Right of way designations should be reviewed for changes in access levels. Generally, this only affects jurisdiction issues relating to utilities located within city limits (see Annexations above). WSDOT retains jurisdiction and control of utilities installed within limited access right of way.

If a local agency has annexed an area of the highway since the last franchise was issued, but part or all of this area is within limited access, this condition should be noted in the Special Provisions.

(e) **Scenic Classification** – Aboveground utilities should be reviewed for changes in scenic classification designations as well as the need for existing utilities to be installed underground within Scenic Class A or B or areas designated as Subclass X.

(f) **Safety** – As part of the Consolidation/Renewal process, research should be conducted to determine the location of any highway safety issues, such as documented utility pole hits, clear zone inventories, and other data, to identify any known or potential deficiencies along a highway corridor. Provide this information to the utility company and compare with data provided by the utility to assist in developing a Mitigation or Corrective Action Plan. Corrective measures should be created in partnership with the utility to remove or mitigate the unsafe utility object and protect the traveling public. The plan should identify what measures will be taken to resolve the safety issues as well as the agreed time frame for making improvements.

Safety issues that may need to be addressed when considering Consolidation/ Renewal efforts include:

- Areas with potential for improvement.
- Facilities within the Control Zone.
- Highway and utility maintenance issues.
- Highway improvement or preservation projects.
- Utility improvement projects.

The Consolidation/Renewal process should include review of utility-related accidents within the area of the proposed Consolidation or Renewal. Obtain an accident report from the region Traffic Safety Office (TSO) for the highway and milepost limits of the Consolidation/Renewal under consideration. Areas with potential for improvement identified by the TSO that involve utilities should be mitigated or, preferably, corrected by the utility as soon as possible, with high priority.

(g) **Highway Maintenance** – Consult local highway maintenance areas to identify any utility installations that may be troublesome for highway maintenance crews. Include corrections to issues identified in the Corrective Action Plan.

(h) **Corrective Action Plan** – When significant discrepancies are identified whose correction may place a significant financial or operational burden upon a utility, a Corrective Action Plan or Mitigation Plan should be created jointly between WSDOT and the utility. Both the utility owner and the department should approach the Consolidation/Renewal process in a cooperative manner in order to develop a plan for addressing any deficiencies identified during the Consolidation/Renewal process.

When deficiencies are identified, WSDOT should work cooperatively with the utility to develop a Corrective Action Plan. This plan should outline the:

- Expectations of the utility.
- Constraints limiting immediate deficiency correction.
- Plan for overcoming identified constraints.
- Time frames and milestones for correction of specific deficiencies.
- Target completion date.

Once deficiencies have been identified, both organizations should work together to develop a workable plan to mitigate deficiency issues. Corrective Action Plans should identify and prioritize the correction of deficiencies. For example, documented safety issues such as utility pole hits should be a top priority, and a plan for immediate correction should be developed. Identified clear zone infractions without a documented history of accidents may be corrected systematically over time as part of planned highway improvement project utility relocation efforts or during planned utility upgrades.

Regardless of the manner in which deficiencies are addressed, it is important to take proactive, systematic, and cooperative steps toward making corrections. Creation of a Corrective Action Plan holds the utility responsible and accountable, identifies reasons for delay of immediate corrective actions, and creates expectations of the utility.

When used, Corrective Action Plans should be attached to the Franchise Consolidation/Renewal application as an exhibit.

(4) New Utility Installations Included in Consolidations/Renewals

New utility installations may be included in Consolidations or Renewals. However, the Consolidation or Renewal process is mainly an inventory and administrative procedure and does not provide the same level of review and approval as a new utility installation. Issues related to new utility construction, such as traffic control, construction impacts to highway facilities and maintenance, and related issues need to be addressed when new utility installations are proposed to be included as part of the Consolidation/Renewal document.

Circumstances vary with each situation. However, it may be better to process an amendment separately from to the Consolidation/Renewal being developed, rather than issue the amendment at the same time as the Consolidation/Renewal document.

(5) Consolidation/Renewal Administration

Administratively, Consolidations and Renewals provide opportunities to clean up old files.

For Consolidations, use the Utility Classification Criteria to combine franchises, amendments, permits, and Category 4 permits into a new document. Assign a new franchise number and cross reference the old documents into the new document both in

the Special Provisions and the Utility Franchise and Permit (UFP) database. Document retention rules require that documents superseded by the Consolidation be kept in the region Utilities Office for six years, after which they should be destroyed.

A Franchise Renewal is used to cover facilities that were issued under a franchise that was at, or near, its expiration date. The Renewal should include all amendments to the initial franchise. Permits, Category 4 facilities, and unrecorded facilities may be included in the Franchise Renewal if they are within the limits of the initial franchise and its amendments. Facilities covered by other franchises cannot be included in the Franchise Renewal.

(6) Utility Responsibility

By signing the Application for Utility Permit or Franchise form, the applicant agrees to meet the terms and conditions of the application and any exhibits or attachments issued with the approved application. Those requirements include maintaining a valid and active utility accommodation document. Although WSDOT may inform a utility of expired utility franchises, it is ultimately the responsibility of the utility to ensure it has sufficient resources to meet the requirements contained herein.

WSDOT acknowledges this may require resource expenditures by utilities in order to meet this obligation. It is the department's expectation that, by allowing utilities to occupy the operating highway right of way, all requirements of the *Utilities Accommodation Policy* will be met, including maintaining an active accommodation document, and that the utility will plan for such contingencies accordingly.

By signing a utility accommodation document, the utility agrees to meet its obligations to WSDOT in a timely and satisfactory manner.

(a) **Delay by Utility** – Upon notification by WSDOT of an expired or soon-to-expire utility franchise, it is expected that the utility will make a reasonable and timely effort to obtain a utility accommodation document that meets the requirements of the Utility Classification Criteria. If a utility fails to reasonably meet this obligation, notification should be given to the State Utilities Engineer.

Upon review, the State Utilities Engineer may take action up to and including placing a regional or statewide moratorium on further approval of accommodation documents submitted by the utility until such time as the utility is in full compliance with the state Utilities Accommodation Policies.

WAC 468-34-100

110.03 Fees and Reimbursable Accounts

This section describes accommodation documents' fees and reimbursable charges for WSDOT expenses in dealing with utilities' requests for installations within WSDOT right of way.

(1) Accommodation Fee Expenses

WAC 468-34-020(1)

Fees collected cover the basic overhead charges related to the processing of accommodation applications. This work includes, but is not limited to, administrative services such as photo copying, accounting, and release of individual sureties. Fees also include work associated with receiving and reviewing applications for overall completeness and minor revisions to the application needed to meet WSDOT submittal requirements.

(2) Accommodation Fees

WAC 468-34-020(1)

Accommodation fees for various types of applications or processes are shown in Figure 110-2.

Application/Process	Fee
Category 1 Installation	$500
Category 2 Installation	$300
Category 3 Installation	$150
Category 4 Installation	No Charge
Franchise Consolidation	$300
Franchise Renewal	$250
Transfer of Ownership	$50

Fee Schedule
Figure 110-2

(3) Reimbursable Charges

Reimbursable engineering costs beyond the application fee will be charged for:

WAC 468-34-020(2)

- Both internal and external meetings related to the proposed utility installation.
- Detailed engineering review of accommodation requests such as clear zone calculations; scenic classification; Utility Facility Description (UFD) and installation plan review; Variance Justification review; diary entries and internal correspondence (written as needed for application approval).
- Preapplication approval field review by WSDOT personnel as necessary.
- Review of utility relocation plans related to highway improvement project utility relocation needs, to ensure compliance with the *Utilities Accommodation Policy*.

Reimbursable costs will also be charged for postapplication approval field inspection necessary to ensure utility facilities are installed as reviewed and approved by WSDOT. (See Chapter 7, Inspection, for additional details.) Costs for inspection may include, but are not limited to:

WAC 468-34-020(2)

- Preconstruction meetings.
- Construction inspection to verify it is installed according to the accommodation document.
- Travel time to and from worksite.
- Oversight of traffic control.

(4) Reimbursable Accounts

Regions should establish a single dedicated “J” Account for each utility customer. Subsequent accommodation applications should be assigned a separate Group number under the utility’s “J” Account that references the proposed installation’s:

- Application number.
- State route number.
- Milepost limits.
- Utility Work Order number (if available).

For further guidance on reimbursable accounts, see Chapter 8, Reimbursement.

(5) Accountability

It is WSDOT's policy that signature by the utility on the Application for Utility Permit or Franchise authorizes the department to charge for all costs associated with processing the utility's application. Language on the application states that the customer agrees to this policy by signature.

When WSDOT experiences difficulties recovering costs from a utility, the utility may be subject to more stringent recovery policies. Consult with region accounting personnel or the State Utilities Engineer if cost recovery becomes an issue with a particular utility.

110.04 Sureties

WAC 468-34-020(3)

Sureties provide WSDOT with a means of recovering costs in the event the utility does not meet its obligations with the department. Sureties are required for all utility installations to offset the cost of repair to the highway operating right of way caused by faulty, unsafe, negligent, or other impacts caused by a utility installation. All sureties must indemnify WSDOT as to contractual liability and must provide the department with a means of recovering costs in the event the utility does not meet its obligations to WSDOT.

(1) Surety Classes

There are two Surety Classes used in conjunction with utility installations within the highway operating right of way.

(a) **Individual Surety** – An individual surety is a one-time surety attached to a single utility installation project. The surety is released upon satisfactory completion of that utility installation. For additional guidance, see Surety Release (below).

(b) **Blanket Surety** – A blanket surety is acceptable for multiple utility installations by a single utility owner and is valid throughout the state of Washington as long as the surety remains in effect. Depending upon the circumstances of a specific utility installation project, a blanket surety may be supplemented by an individual surety if deemed necessary by WSDOT.

(2) Types of Sureties

There are three types of sureties that can be used within each Surety Class. Utilities have the option to choose which surety to use, provided they are eligible to use the surety type.

(a) **Individual Surety**

1. **Individual Bond** – An Individual Class surety obtained from a licensed bonding agent. Use DOT Form 224-048, Individual Bond for Franchise or Permit (see Appendix B).
2. **Individual Escrow Agreement (see Appendix B)** – An Individual Class surety obtained from a licensed banking institution, which must be notarized.
3. **Individual Governmental Entity Pool** – An Individual Class surety obtained from an approved entity pool program.

(b) **Blanket Surety**

1. **Blanket Bond** – A Blanket Class surety obtained from a licensed bonding agent. Use DOT Form 224-012, Blanket Bond for Franchises and Permits (see Appendix B).
2. **Blanket Escrow Agreement** – A Blanket Class surety obtained from a licensed banking institution, which must be notarized.

3. **Blanket Governmental Entity Pool** – A Blanket Class surety obtained from an approved entity pool program.

WSDOT recognizes that surety bonding may be difficult for some smaller local agencies. Recommend Assignment of Escrow Accounts to smaller agencies with limited resources. Escrow accounts have no cost and they gain interest while held in the bank.

WSDOT should also work closely with local agencies to ensure understanding of surety requirements and how those requirements could affect agency construction schedules. Local agencies should also be made aware of the department's bonding release requirements. If the local agency releases its contractor's bond before WSDOT inspects and releases the local agency's surety with the department, the agency will be liable for repairs to the highway if the contractor's work is substandard and requires attention.

(3) Governmental Entity Pools

A Governmental Entity Pool is an alternative surety for local agencies and public utilities. For-profit utilities are not eligible for Entity Pool coverage.

Generally, an Entity Pool only provides liability coverage for Participating Members' third-party damages, such as bodily injury or property damage, resulting from members' negligent acts. Coverage is not normally provided for performance. In order for a utility to use an Entity Pool as a surety for highway utility installation purposes, the Entity Pool must be willing to provide, by Resolution, performance coverage in lieu of a performance bond on behalf of its Participating Members.

(a) **Entity Pool Eligibility** – To meet WSDOT's entity pool surety requirements, an organization must:

- Be a local agency, such as a city or county, or a public utility.
- Be a participating member in a joint self-insured local government property/liability program.
- Have the approval and oversight of the State Risk Manager in the Office of Financial Management (OFM), as provided in RCW 48.62.
- Operate under the rules of WAC 82-60.
- Be listed on the OFM Risk Management Division Local Government Self-Insurance Program.

(4) Sureties for Other State Agencies

Sureties are not required for utility accommodations involving other state agencies.

(5) Sureties for U.S. Government Agencies

Sureties are not required for federal agency utility accommodations.

(6) Surety Requirements

The following are minimum requirements for all sureties submitted:

- Must be an original surety document.
- Escrow Agreement must be from a legally licensed banking institution.
- Escrow Agreement must be stamped, signed, and notarized by a valid Notary Public licensed to do business in the state of Washington.

- Bonds must be issued from a bonding agent licensed within the state of Washington. State forms may be used by the bonding agent, or bonding agents may use their own forms, provided all information contained on the state form is contained in the agent form.
- Entity Pool sureties must be self-insured local government property/liability programs that have the approval and oversight of the State Risk Manager in the Office of Financial Management as provided in RCW 48.62 and operate under the rules of WAC 82-60.

(7) Surety Approval

The Region Utilities Engineer approves and maintains individual sureties. The HQ Utilities, Railroad, and Agreements Manager approves and maintains blanket sureties. The HQ Utilities Unit also maintains a Holder List of approved blanket sureties that is updated and published regularly.

(8) Surety Amounts

(a) **Individual Surety Minimum Amounts** – Individual bonds and Assignment of Escrow Accounts shall be a minimum of $1000. Surety amounts may be higher if deemed necessary or prudent by WSDOT to enable recovery of foreseeable expenses.

WAC 468-34-020(3)

(b) **Blanket Surety Minimum Amounts** – Blanket Bonds shall be a minimum of $10,000. However, an individual surety may be used to supplement a blanket surety on a case-by-case basis for individual utility installations if deemed necessary or prudent by WSDOT.

WAC 468-34-020(3)

(c) **Additional Surety** – The Region Utilities Engineer should use individual discretion when considering requiring increased or additional surety amounts beyond the minimum. Reasons or conditions for requiring increased amounts include, but are not limited to:

- Open cuts of the paved roadway.
- Other Category 1 installations.
- Demonstrated poor work performance issues.
- Scope of work, such as large or high-impact projects.
- Roadway crossings other than open cuts.
- Bridge attachment installations.

WSDOT may increase surety amounts for any reasonable situation deemed high risk to the continued safety or operation of department facilities.

(9) Surety Duration

To ensure authorized utility work has been done to WSDOT's satisfaction, all sureties remain in effect until Completion of Construction, as follows:

(a) **Installations Outside the Roadway** – Sureties for work outside the roadway prism shall be maintained for a minimum period of one year after the date of completion of construction. Drainage, reestablishment of vegetation, or other issues may extend this time period on a case-by-case basis (see below).

WAC 468-34-020(3)

(b) **Open Cuts of Traveled Lanes or Shoulders** – Sureties for work involving disturbance of the roadway prism shall be maintained for a minimum period of two years after the date of Completion of Construction. This is to ensure no settling or other secondary damage has occurred as a result of the installation.

WAC 468-34-020(3)

WAC 468-34-020(3)

(c) **Drainage, Vegetation Reestablishment, or Other Special Situations** – Sureties for special situations shall be held as needed for the situation until Completion of Construction. For example, sureties for utility work requiring revegetation may be held until revegetation has taken hold to WSDOT's satisfaction. Specific conditions and expectations defining when a surety may be released should be clearly identified in the accommodation document provisions. Identify contact persons in Special Provision No. 1, when used.

(10) Surety Release

(a) **Individual Sureties** – The surety holder or surety agent must request a surety release in writing from WSDOT. Upon satisfactory review, a letter authorizing the release of the surety must be sent to the bonding agent or banking institution where the surety is held. A copy of the letter should also be sent to the surety holder.

(b) **Blanket Sureties** – Requests for release of blanket sureties must be made in writing to the State Utilities Engineer. A Notice of Request for Release of Blanket Surety must be distributed to each Region Utilities Engineer for review of installations within their regions. All utility installations installed by the Surety Holder must be reviewed to ensure the Surety Duration has been satisfied.

(11) Changing Blanket Surety

Unless authorized by WSDOT, utilities making a change in surety agents are required to maintain a surety at all times during the surety transition.

(12) Surety for Utility Maintenance Plans

A surety is required for all Utility Maintenance Plans. If the utility has a current blanket surety on file, the Maintenance Plan surety requirement may be considered satisfied. If no blanket surety is on file, an Individual Surety must be obtained before a utility can be allowed access to the highway operating right of way to conduct maintenance, regardless of whether an approved Maintenance Plan is on file.

(13) Contractor Sureties

Performance bonds or any other sureties between utility owners and their contractors do not satisfy WSDOT's utility surety requirements. The department does not have a business relationship with the utility owner's contractor. It is WSDOT's expectation that utility owners will manage their own contractors when hired to work within the highway right of way on behalf of the utility.

110.05 Local, State, or Federal Agencies

All utility installations proposed within the operating highway right of way require submittal of an Application for Utility Permit or Franchise, including all local, state, or federal agencies.

(1) State and Local Agencies

Some state and local agencies from which WSDOT may receive utility accommodation applications include, but are not limited to, the following:

- City municipalities
- County governments
- Department of Natural Resources (DNR)
- Department of Fish and Wildlife (DFW)
- Public school districts
- State Parks and Recreation Commission
- State-funded colleges and universities

Submit applications for utility installation proposals from local agencies and other state agencies on DOT Form 224-696, Application for Utility Permit or Franchise (see Appendix B). These applications are subject to the same requirements as other applications. Additional documentation may be required as defined elsewhere in this manual or as determined by the Region Utilities Engineer.

(2) Coordination With Other State Agencies

Some state agencies have Memorandums of Understanding (MOUs) with WSDOT. These MOUs may specify that the department and the state agency work together in a certain manner or may outline specific expectations regarding utility accommodation. Currently WSDOT has established MOUs with the following state agency:

(a) **Department of Natural Resources (DNR)** – WSDOT utility franchises authorize utility companies to install utility facilities within state right of way, but do not authorize utility companies to occupy DNR-managed aquatic lands. DNR also owns and manages upland areas where WSDOT occupies right of way by easement for roadway purposes only.

The DNR maintains authority for management of the state's aquatic lands and issues proprietary easements for activities that occur on them,[4] including utility easements. In addition to obtaining a utility franchise or permit from WSDOT, utility companies whose facilities are installed upon WSDOT rights of way or highway facilities that cross over DNR-managed aquatic lands and upland ownership must also obtain an easement from DNR.

[4] These include tidelands and bedlands in the Puget Sound, Willapa Bay, and Grays Harbor; bedlands along the outer coastal shelf; and shorelands and bedlands within navigable freshwater lakes and rivers throughout the state.

(3) Federal Agencies

WSDOT has standing agreements with the following two federal agencies that obligate the department to specific rights, obligations, and coordination efforts relative to utility installations or relocations on state highways.

Agency	Agreement
U.S. Bureau of Reclamation (USBR)	GC-1020-B
U.S. Department of Agriculture, Forest Service	NFS 00-MU-11060000-040 (MOU)

Other federal agencies that may submit utility accommodation applications to WSDOT include, but are not limited to, the following:

- Department of Homeland Security
- Bonneville Power Administration (BPA)
- U.S. Army Corps of Engineers (Corps)
- NOAA USGS
- U.S. Fish and Wildlife Service
- U.S. Department of Energy

Utility installation proposals received from federal agencies must be processed using DOT Form 224-699, Application for Utility Permit or Franchise for U.S. Government Agencies (see Appendix B). This form contains General Provisions that differ from those of other utilities. Verify that the correct General Provisions are attached to the application prior to issuing the approved document. Use necessary Special Provisions the same as any utility installation application.

Refer to Chapter 5, Government Agencies: State, Federal, Tribal, and Other Entities, for additional information regarding coordination and requirements relating to specific federal agencies.

WAC 468-34-020(1)

(a) **Federal Agency Fees** – Applications received from the federal government are exempt from application fees. However, the region may still require the federal agency to pay for any additional costs incurred by WSDOT for the review and approval of the agency's accommodation application. Other than application fees, all other application requirements apply to federal applications.

(4) Utility Installation Application Requirements

All utility installations within the operating highway right of way, including those from other government agencies, require submittal of the appropriate accommodation application for review and approval by WSDOT prior to occupation of construction personnel, equipment, or materials on the highway right of way or installation of the utility. Refer to 110.01, Accommodation Application Requirements, for detailed submittal requirements.

120 Specific Installation Requirements

120.01 Hearings

(1) Determining the Need for a Franchise Hearing

WSDOT is required to determine whether an opportunity for public hearing is necessary for certain utility installations. When determining the need, factors such as traffic flow, residential and public use area access, and business and environmental impacts should be considered.

RCW 47.44.010
RCW 47.44.020
WAC 468-34-030(1)

Hearing opportunities will normally be required for proposed utility installations that involve:

WAC 468-34-030(2)

- Overhead transmission lines in excess of 35 Kv.
- Facilities involving the installation of carrier pipe larger than 18 inches nominal diameter.
- Facilities requiring an excavation wider than 3 feet.
- Pipelines carrying transmittants that are flammable, corrosive, expansive, energized, or unstable and that are larger than 4 inches nominal diameter.
- Pressurized carrier pipes larger than 12 inches nominal diameter.
- Underground installations of any size that require excavation through landscaped areas authorized by permit and that are maintained by owners of abutting property.

WSDOT may approve, without advertisement, all other franchise applications.

(2) Hearing Requirements Met Under a Related Process

WSDOT may determine that hearing requirements have been met if the planned facility has already been or will be the subject of environmental land use or other hearings, such as the SEPA process or where the applicant presents evidence of a direct contact with owners of abutting property. However, any comments received from the public Notice of Opportunity for a Hearing must be addressed to the satisfaction of the department by the applicant prior to approval of the franchise.

WAC 468-34-030(3)

(3) Franchise Hearings

Those franchise applications that WSDOT determines warrant a hearing or hearing opportunity shall be processed in accordance with WAC 468-34-040 – 468-34-090.

120.02 City Streets as Part of State Highways

A city is responsible for utility permitting on non-limited access highways within its city's limits. WSDOT is responsible for maintaining the pavement on the highway within the city limits. Even though cities can allow open cuts of the highway, the restoration must meet department requirements. All efforts should be made by the region Utilities Office to coordinate review of any proposed utility installation within the city.

RCW 47.24.020(4)(5)

Work Zone Traffic Control for utility installations must meet MUTCD requirements. The region must work closely with the city to ensure the use of proper Work Zone Traffic Control.

RCW 47.24
RCW 47.24.020(13)

120.03 Annexations and Route Jurisdiction Transfers

(1) Annexations

Cities often annex areas along or near existing city boundaries that include state highways. This annexation process effects jurisdiction as it relates to utility accommodation. (See 120.02, City Streets as Part of State Highways, for information on jurisdictional issues relating to utility accommodation.) Annexations that include non-limited access highways transfer jurisdiction of utility permitting authority to the city. City limits are noted on the latest edition of the State Highway Log. Annexation information is the responsibility of the local cities and counties.

(a) **Processing Existing Accommodation Documents** – Existing accommodation documents approved by WSDOT should be sent to the local agency. Entries should be made in the UFP and the accommodation document file indicating the date of transfer and other pertinent data such as local agency contact information and annexation resolution number. A letter or other assignment document must be sent to the local agency indicating the assignment of the utility accommodation authority.

(2) Route Jurisdiction Transfers

RCW 47.24.020

Route Jurisdiction Transfers (RJTs) are the transfer of ownership of a specific roadway from WSDOT to a local agency or vice versa. Upon formal transfer, operation and maintenance responsibilities are transferred to the receiving agency.

(a) **Transfer to WSDOT by a Local Agency** – When WSDOT accepts responsibility for a roadway, every effort should be made to obtain all available utility accommodation information from the local agency. Any companies known or suspected of having utilities along the route should also be contacted and informed of the change in route ownership. Existing accommodation documents obtained from the local agency are automatically canceled. All utilities must obtain an approved accommodation document from the department. Refer to Undocumented Utilities (below) for information on obtaining an accommodation document for existing utilities.

Other considerations include:

- City limits and jurisdiction issues
- Access control levels
- Control Zone issues
- Property rights (easements)
- Urban growth and associated utility issues

1. **Ownership Transfer to WSDOT: Acceptance Process** – The region Utilities Office should make every effort to become involved as early as possible in the transfer process to ensure utility accommodation issues are properly coordinated. Routes being transferred to WSDOT should be screened to estimate the level of effort needed by the region Utilities Office to bring the proposed route up to department standards before the transfer process is completed and to inventory obvious utilities. Make every effort to obtain existing accommodation documents from the local agency and incorporate them into WSDOT records.

   Review existing permits or franchises issued by the local agency for contract terms. If there is a termination clause, WSDOT should decide whether to terminate the agreement pursuant to the termination language and issue its own franchise or maintain the existing agreement. If no termination clause exists, regions should contact the HQ Utilities Unit for legal assistance if necessary.

2. **Reviewing Existing Accommodation Documents** – After obtaining existing accommodation documents from the local agency, they should be reviewed for language that may bind WSDOT or the utility to specific actions or conditions.
3. **Processing Existing Accommodation Documents** – New franchises or permits must be issued using standard WSDOT forms and provisions. Copies of existing documents received from the local agency should be kept in the file until a new WSDOT-issued accommodation document is issued. Copies of the new franchises shall be sent to the utility owner.
4. **Resolving Existing Safety and Variance Issues** – Existing accommodation agreements between the local agency and the utility cannot be contrary to WSDOT utilities accommodation policies. Resolution of issues such as Control Zone encroachments relating to existing aboveground utilities should be approached in a programmed manner that accounts for budgetary and other constraints associated with the utility owner. At the same time, it should provide a method of resolving safety or other issues on the newly acquired roadway in a timely fashion.
5. **Undocumented Utilities** – Undocumented utilities are often identified when a service connection or extension of an existing utility is needed on an RJT highway. Undocumented utilities should be provided a reasonable opportunity to become properly documented with WSDOT. Every effort should be made to work cooperatively with the utility to document the existing utility infrastructure while subsequently accommodating the installation of the newly proposed utility facility. (See 130.07, Undocumented Utility Installations, for detailed guidance.) Treat unsafe conditions such as utilities within the Control Zone with a Corrective Action Plan (see Chapter 9).

(b) **Transfer from WSDOT to a Local Agency** – When a route is transferred to a local agency, existing accommodation documents must be part of the transfer. Existing accommodation documents held by WSDOT are canceled. Original accommodation documents identifying existing utilities must be sent to the local agency. Entries are to be made in the UFP revising the status of transferred documents to Inactive. Entries should explain where the documents were transferred, the date of the transfer, and the resolution or certification number.

RCW 35A.14.900

1. **Processing Existing Accommodation Documents** – Existing accommodation documents approved by WSDOT should be forwarded to the receiving agency. Entries should be made in the UFP indicating the date of transfer and other pertinent data such as local agency contact information.

(3) Fees

All costs associated with processing accommodation documents that resolve existing safety or variance issues are to be paid by the utility as defined in Chapter 8, Reimbursement. Existing but undocumented utilities are subject to all fees and costs associated with documentation of the existing utility. (See 130.07, Undocumented Utility Installations, for additional guidance.)

WAC 468-34-020

120.04 Pipelines

Pipelines and casing installed within the operating right of way must meet the requirements of this manual, the WSDOT *Utilities Accommodation Policy*, and the references. References to pipe in this section are inclusive of all types of pipe, including carrier pipe, casing, galleries, conduit, innerduct, or any other enclosure that may convey or contain a utility.

(1) New Installations

WAC 468-34-240(1)

Applications for proposed pipeline installations must specify:

- Capacity, count, class of transmittants, or other quantitative data.
- Maximum working, test, and/or design pressures.
- Industry design standards for the class of carrier.

(2) Changes in Existing Facilities

WAC 468-34-240(2)

Pipeline use is restricted to that which was originally approved. Changes in the use of an existing pipeline require advance approval by WSDOT. A new application could be required for any change in the originally approved facility, which may include:

WAC 468-34-240(1)

- Ownership (see 130.05, Utility Transfer of Ownership – Acceptance of Assignment).
- Capacity, count, class of transmittants, or other quantitative data.
- Increase or decrease in maximum working, test, and/or design pressures.
- Change in capacity.

Any changes made to previously approved installations should be documented appropriately.

(3) Abandoned, Deactivated, or Disconnected Pipeline

WAC 468-34-250(3)(d)

When it is determined a pipeline is no longer needed, the first consideration should be removal. If removal is determined to be infeasible, an abandoned pipeline may remain within the operating highway right of way provided doing so would not negatively affect the roadway structure or continued maintenance and operation of the highway facility. Abandoned pipe shall be backfilled with pressure grout or other suitable material as directed by WSDOT. (See 130.06, Abandoned, Deactivated, or Disconnected Utilities, for additional guidance.)

Best Practice

(a) **Documentation of Abandoned, Deactivated, or Disconnected Pipelines** – To aid project design and delivery efforts within WSDOT, an accommodation document should be maintained on file for the abandoned in-place pipe defining the status, location, and ownership of the abandoned pipe.

Best Practice

(b) **Hazardous Piping Material** – Ownership of any abandoned, deactivated, or disconnected pipelines composed of hazardous materials such as asbestos cement should remain the property of the utility until such time as the pipe is removed from the right of way and properly disposed of. Maintain an accommodation document for the utility and list the pipe as abandoned in the UFP database.

Best Practice

(c) **Pipes Carrying Hazardous Material** – Abandoned, deactivated, or disconnected pipelines that may have transmitted hazardous substances such as petroleum or other products can remain in the right of way as long as the pipe has been flushed or otherwise decontaminated. The abandoned utility may be used for a subsurface conduit or casing if a future need arises in the area.

(4) Existing Pipelines: Adjustment

Adjustment of pipe location, depth, size, or capacity is often necessary due to utility needs, construction conflicts, existing shallow installation depth, damage, or other situations and/or conditions. When adjustment becomes necessary, all governmental and regulatory codes, industry standards and specifications, and WSDOT requirements shall be met. A new application is required for any change in the facility that was originally approved.

WAC 468-34-260

In general, utility installations and adjustments are to be made with due consideration to highway and utility costs and in a manner that will provide maximum safety to the highway users; will cause the least possible interference with the highway facility and its operation; and will not increase the difficulty or cost of maintenance of the highway.

See AASHTO's "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way"

Where highway construction or alterations are considered, utility companies should be involved early in the design process. This will permit joint and parallel activities to be coordinated throughout the life of the highway project. Where utilities exist within the right of way of a highway to be widened or improved and a utility relocation is likely, consideration should be given to again accommodate those existing utilities within the highway right of way.

(5) Pipelines in Existence Prior to Highway Construction or Designation

Carrier pipelines in existence prior to highway construction or highway designation (such as an RJT), located within the operating right of way, may remain in place without protective measures provided the following requirements are met:

Best Practice

- Depth and existing location do not or will not conflict with highway improvements.
- The design and/or depth of the pipe are adequate to protect the pipe from loading as described in (7) below.
- Maintenance of the pipeline does not conflict with access limitations or the operational needs of the highway.
- The pipeline does not conflict with highway maintenance operations.
- The pipeline is installed to current industry and governmental standards, codes, and specifications.

(6) Pipeline Requirements: Location and Alignment

(a) **Crossings** – Generally, all highway utility crossings should meet the following conditions and requirements:

WAC 468-34-190

- Utilize subsurface construction techniques.
- Avoid impacting the roadway prism or highway drainage or other systems.
- Be located at a point that will, as much as practicable, avoid conflicts with planned highway improvements and ongoing operation and maintenance.
- Avoid installations within interchange areas. Freeway crossings should be made at locations where the chance of interference with future interchange access improvements will be minimized or avoided.

WAC 468-34-190(1)

- Pipeline installation should be as normal to the centerline of the roadway as possible.
- Pipeline crossings should avoid deep cuts.
- Bridge footings, retaining walls, or other structures should be avoided whenever possible. (See 120.07, Bridges and Structures, for additional guidance.)

WAC 468-34-190(2)

WAC 468-34-190(2)

Best Practice

- Perpetually wet areas, rocky terrain, or areas that may negatively affect highway drainage should be avoided and alternative locations considered. Alternative route analysis may be required from the utility to show that the proposed location is the only feasible location for installation.
- Wetlands or other environmentally sensitive areas should not be considered for utility installations and should be avoided whenever possible.

WAC 468-34-190(3)

(b) **Longitudinal Installations** – When considering a proposed longitudinal utility installation, issues such as the general character of the surrounding area (rural or urbanized); the potential for local land development and subsequent increase in traffic volumes; the potential or planned highway improvements; and the right of way classification should be considered. The potential for utility relocation that may result from a highway improvement project should also be examined. When installation is necessary, all longitudinal utilities should be installed parallel to the highway centerline and as near the right of way line as possible.

WAC 468-34-190(3)

1. **Longitudinal Installations Within a Roadway or Median** – Longitudinal installations within any roadway prism or median area are a variance to WSDOT policy. Encasement requirements typically do not apply to all longitudinal installations within these areas, regardless of length of installation. (See 120.15, Casing, Conduit, Innerduct, and Encasement, for detailed guidance on encasement requirements, and 120.14, Variances: Types, Treatment, and Approval, for guidance on variance justification procedures.)

AASHTO

2. **Longitudinal Installations Within Limited Access Right of Way** –Longitudinal installations within limited access right of way are a variance to WSDOT policy. (See 120.14, Variances: Types, Treatment, and Approval, for guidance on variance justification procedures.)

(7) Pipeline Requirements: Materials and Construction

WAC 468-34-210(6)
WAC 468-34-230
WAC 468-34-250

(a) **Pipe Material** – All pipes shall meet the following specific material and design requirements:

- Industry standards
- Regulatory codes and specifications
- End user product specifications

In general, WSDOT does not provide design oversight relating to utility adherence to regulatory codes. The focus of the department should be on the effects of construction, installation, and ongoing maintenance and operation of subsurface utilities upon the safety and long-term operation of the highway facility. However, this should not preclude WSDOT from identifying substandard designs or materials that may pose potentially negative or hazardous conditions upon the highway.

WAC 468-34-230

1. **Uncased Carrier Pipe** – Uncased carrier pipe shall be designed to support any highway construction or maintenance operation; the superimposed load of the highway structure itself; and any superimposed loads the roadway may be expected to withstand, including overweight loads. It is the responsibility of the utility to ensure pipe design takes into consideration how highway loading may affect the pipe under all operating ranges. Pressurized pipe must meet encasement requirements as defined in 120.15, Casing, Conduit, Innerduct, and Encasement.

(8) Trenched Construction

WAC 468-34-250

All trenched construction must meet the requirements of the current edition of WSDOT's *Standard Specifications for Road, Bridge, and Municipal Construction* (*Standard Specifications)*. When trenching and/or excavation impact the roadway prism, utility inspection oversight of the trenching work is required. The goal of trench restoration includes:

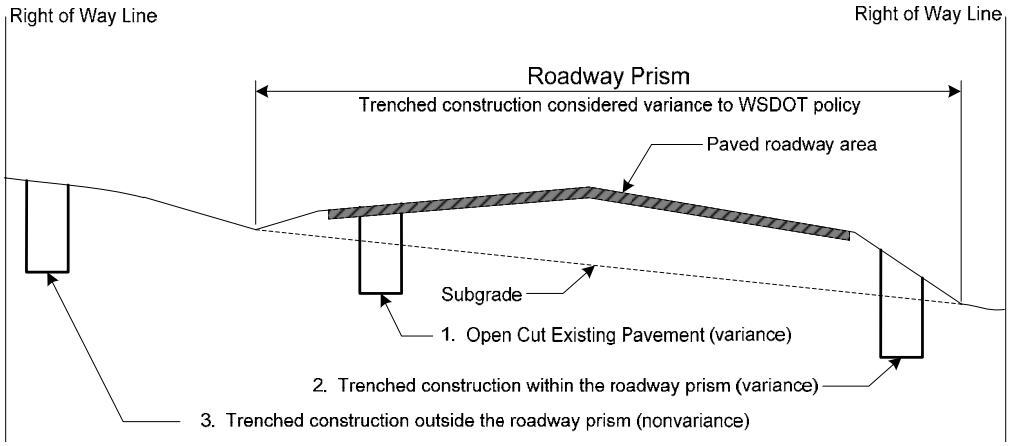
- Preserving the structural integrity of the roadway prism and other highway facilities.
- Securing piping material from deformation that may cause leakage.
- Avoiding the creation of drainage channels or blockage of existing subsurface drainage by placement of impervious backfill material such as may be encountered with the use of Controlled Density Fill (CDF) backfill in longitudinal trenches. The Region Materials Engineer and Maintenance Engineer, along with other region specialty groups, should review and approve longitudinal installations proposing CDF as a backfill material.

(9) Types of Trenched Construction

WAC 468-34-190

There are three basic types of trenches as they apply to utility accommodation. These are defined below and illustrated in Figure 120-1, Types of Trenched Construction.

- Open cut construction: Requires cutting of existing paved roadways or shoulders, which includes both crossing and longitudinal installations as well as window cuts to accommodate bore pits or service connections.
- Trenched construction within the roadway prism: Includes longitudinal installations and window cuts to accommodate bore pits or service connections.
- Trenched construction outside the roadway prism.



Types of Trenched Construction
Figure 120-1

(10) Excavation in Roadway Prism

WAC 468-34-190(4)

Excavation such as bore pits, longitudinal trenched construction, and other types of excavation within the roadway prism that is adjacent to the edge of pavement requires shoring to avoid undermining the pavement. Shoring plans should be included as part of the approved Application for Utility Permit or Franchise.

WAC 468-34-190(4)

(a) **Open Cuts** – Open cutting the existing paved roadway or shoulder to accommodate utility construction is a variance from WSDOT policy. Open cutting should only be considered as an installation method of last resort and only after a thorough review and justification process has been completed. Other route alternatives and subsurface utility construction methods must be justifiably eliminated as viable construction alternatives before an open cut proposal will be considered. (See 120.04(14), Trenchless Construction, for additional guidance.)

Approval of utility installations proposing an open cut requires a significant effort by both the utility and WSDOT. As such, all costs associated with the review and approval of such a proposal shall be borne exclusively by the utility.

Supporting information for the variance approval should be maintained in the franchise/permit file documenting the review and approval process. (See 120.14, Variances: Types, Treatment, and Approval, for detailed guidance on justification procedures for open cut proposals.)

Best Practice

1. **Open Cuts on Private Road Approaches** – WSDOT does not consider open cuts on private road approaches a variance. However the needs and desires of the permitted road approach owner should be considered when a utility installation proposes an open cut of a private road approach. The utility must give prior reasonable notice to the approach user to ensure landowner access needs are met.

   All open cuts of private road approaches shall be restored to WSDOT standards. Regions should use individual judgment when considering road approach open cut proposals. Nothing in these guidelines shall prevent the region from denying an open cut request of a private approach upon the operating highway right of way.

WAC 468-34-190(4)

2. **Open Cuts on Local Agency Roadways** – Generally, open cuts of public roads such as county road intersections are discouraged. Consideration should be given to traffic volumes and disruption to local traffic when an open cut is proposed on a local agency connecting roadway within the operating highway right of way.

(11) Trenched Crossings in Advance of Highway Construction

Best Practice

Open trench construction proposed in advance of highway improvement projects involving the placement of new Hot Mix Asphalt at the location of the open cut may be considered without variance approval. However, this should not be considered as blanket approval for all open cut proposals in advance of construction. Factors such as traffic disruption, construction schedule, and other factors should be considered before approval is granted.

Information describing the highway improvement project should be placed in the application file documenting the decision and approval process. Detailed inspection efforts should be undertaken while the utility is being installed to ensure pipe bedding and trench backfill material is placed in accordance with WSDOT standards.

(12) Pipe Bedding and Trench Backfill Considerations

When pipe trenching is proposed, the items that should be essential considerations include:

WAC 468-34-250(1)

- Restoration of the structural integrity of the roadway prism.
- Security of the pipe during placement and backfill operations against deformation that might cause leakage.
- Assurance against the trench becoming a drainage channel.
- Assurance against blocking historic or intended subsurface drainage through porous materials by placement of impervious fill materials such as CDF within longitudinal trenches.

WAC 468-34-250(1)(a)
WAC 468-34-250(1)(b)
WAC 468-34-250(1)(c)

(a) **Pipe Bedding and Trench Backfill Requirements** – The following items are required for all trenched construction or as directed by WSDOT:

WAC 468-34-250(2)

- All trenches shall be cut with vertical faces as much as may be permitted by soil and depth conditions.
- Maximum trench width shall be no more than the outside diameter of the pipe plus 2 feet.
- Shoring must meet the current Department of Labor and Industries minimum standards and as directed by WSDOT if increased shoring is needed to protect the paved roadway and/or the roadway prism.
- Unstable native materials shall be subexcavated from the trench and replaced with suitable material.
- Trench bottoms shall provide a uniform grade throughout the length of the installation.
- Pipe bedding shall be 6 inches deep or half the diameter of the pipe, whichever is less.
- Pipe bedding and backfill material and construction shall meet the requirements of the current edition of the *Standard Specifications*.
- Backfill methods shall be done to achieve prompt restoration of traffic.
- Roadway base and surfacing materials shall be cut back from the trench in a manner that eliminates roadway undermining. Base and surfacing material shall be replaced with like material as directed or defined by WSDOT.

WAC 468-34-250(2)(a)
WAC 468-34-250(2)(b)
WAC 468-34-250(2)(c)

(13) Pipe Cover

Pipeline cover, which is defined as the distance from the finish grade of the roadway or the existing grade line to the top of carrier pipe or top of casing, if used, shall be installed at the minimum depths shown in Figure 120-2, Construction Zone Cover Description, and Figure 120-3, Minimum Cover Detail. Utility accommodation applications proposing to install utilities at depths less than those listed below are a variance to WSDOT policy. (See 120.14, Variances: Types, Treatment, and Approval, for guidance on justification requirements for shallow depth proposals.)

WAC 468-34-200

Zone Description	Min. Depth
Zone A – The roadway structure, consisting of the area from top of shoulder to top of shoulder. Includes medians of less than 16 feet in width.	60 inches
Zone B – The area 10 feet beyond the bottom of ditch, toe of slope, or back of curb, or 15 feet beyond the top of shoulder, whichever is farther.	42 inches
Zone C – The area beyond Zone B to operating highway right of way line.	36 inches

Construction Zone Cover Description
Figure 120-2

If rerouting is not possible, the pipe should be protected appropriately. (See 120.04(13)(a), Shallow Pipe Installation, for additional guidance.) Utility depths should also consider variations in topography for longitudinal installations. Likewise, the minimum depth when crossing should be measured from the lowest point of the entire roadway prism.

WAC 468-34-200(1)
WAC 468-34-200(2)
WAC 468-34-200(3)

(a) **Shallow Pipe Installation** – Utility accommodation applications proposing to install utilities at depths less than those in Figure 120-3, Minimum Cover for Pipe Installation, are a variance to WSDOT policy. Where unavoidable obstacles do not allow minimum cover to be attained, a new route must first be considered for placement of the pipe. In the event shallow pipe installation cannot be avoided, bridging, reinforced concrete slabs, or other suitable means approved by the department should be used to protect the pipe from operational loading, construction, or maintenance operations. (See 120.14, Variances: Types, Treatment, and Approval, for guidance on justification requirements for shallow depth proposals.)

WAC 468-34-200(3)

(b) **Pipe Cover for Combustible or Unstable Transmittants** – Pipelines carrying material that is flammable, corrosive, expansive, energized, or unstable shall not be considered for reduced cover variance approval. In all cases, such pipelines must meet applicable industry and government codes, standards, and specifications.

(14) Trenchless Construction

WAC 468-34-250(3)

Trenchless construction should be encouraged whenever possible. The benefits include:

- Lower construction costs verses trenched construction.
- Shorter construction duration.
- Improves highway safety when compared to open cutting and trenching.
- Minimizes or eliminates traffic control costs, detours, and road closures.
- Avoids costly trench backfill and pavement repairs and associated long-term highway maintenance issues.

The requirements for trenchless construction are as follows:

Best Practice

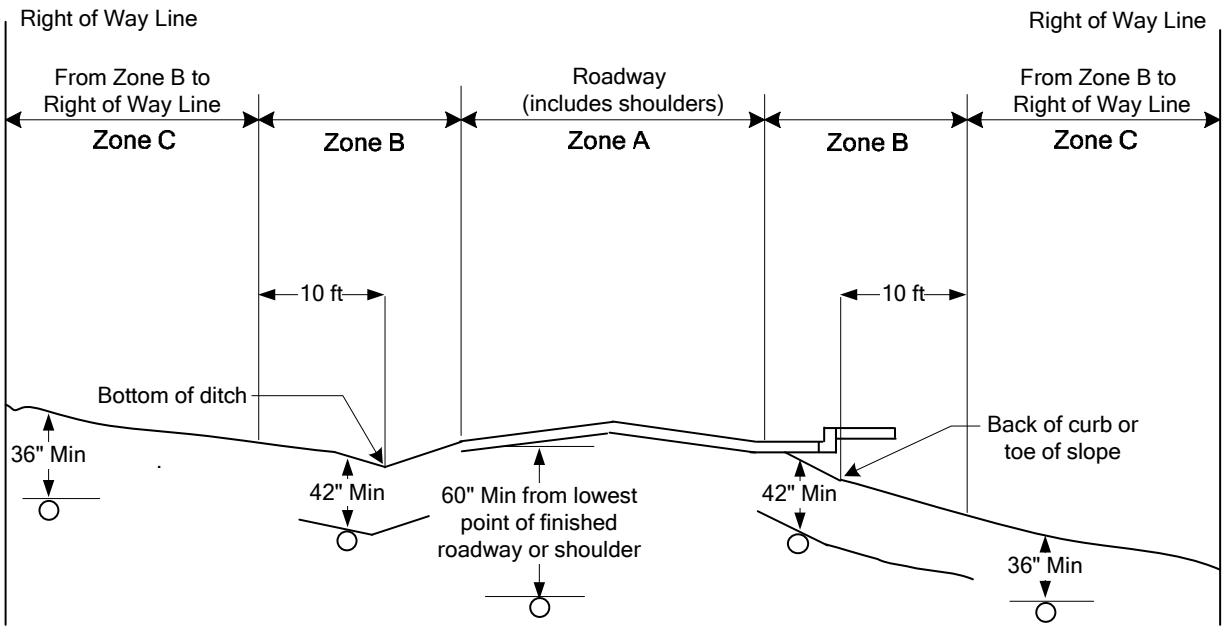
(a) **Trenchless Construction: Full Control Limited Access Right of Way** – Jack or bore pits necessary for trenchless construction within fully controlled limited access right of way must be placed outside the access control limits of the highway. Bore pits located within full control limited access are a variance and require appropriate justification explaining why work operations cannot be conducted from outside the limited access right of way. (See 120.14, Variances: Types, Treatment, and Approval, for detailed guidance on justification procedures.)

Casing is required the full width of the full control limited access right of way where required in 120.15, Casing, Conduit, Innerduct, and Encasement. Installations proposing other than full width casing when required are a variance from WSDOT policy. (See 120.14, Variances: Types, Treatment, and Approval, for detailed guidance on justification procedures.)

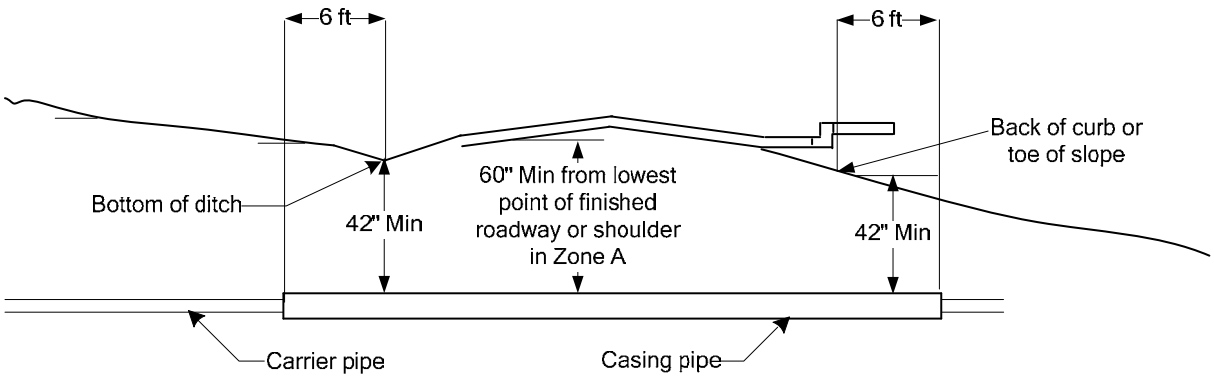
Best Practice

(b) **Trenchless Construction: Partial and Modified Limited Access Right of Way** – Jack or bore pits or other construction methods necessary for trenchless construction within partial or modified limited access right of way may be allowed without a variance.

Casing is required the full width of the partial or modified control limited access right of way where required in 120.15, Casing, Conduit, Innerduct, and Encasement. Installations proposing other than full width casing, when required, are a variance from WSDOT policy. (See 120.14, Variances: Types, Treatment, and Approval, for detailed guidance on justification procedures.)



Longitudinal Coverage Detail



Note:
Casing pipes shall extend a minimum of 6 feet beyond the toe of fill slopes, or bottom of ditch line, or outside curb.

Crossing Coverage Detail

Minimum Cover for Pipe Installation
Figure 120-3

Best Practice

(c) **Trenchless Construction: Non-Limited Access Right of Way** – Jack or bore pits or other construction methods necessary for trenchless construction within non-limited access right of way may be allowed without a variance.

WAC 468-34-250(3)

(d) **General Trenchless Construction Requirements** – When trenchless installation techniques are used, the following requirements must be met:

WAC 468-34-250(3)(a)
Best Practice

- Trenchless construction method shall be reviewed and approved by WSDOT before work begins.
- Trenchless pipe installation where the casing or carrier pipe diameter is 36 inches or greater shall require a review by the State Geotechnical Engineer.

WAC 468-34-250(3)(c)
WAC 468-34-250(3)(d)

- Casing shall extend 6 feet beyond the edge of the roadway prism or back of curb. (See 120.15, Casing, Conduit, Innerduct, and Encasement, and Figure 120-3, Minimum Cover Detail, for additional guidance.)
- Limits of bore pit excavation should not extend into any portion of the roadway prism. Pit excavation work encroaching within highway drainage systems should have preapproved protective measures in place at all times during construction. Bore pits that encroach within the roadway prism shall be preapproved by WSDOT. Shoring plans for approval shall adequately present the method of shoring. Utility work that fails to follow the shoring plan should be stopped until the shoring plan is adhered to.
- The size of the bore opening shall not exceed 5% oversize in diameter. Backfill of voids in a manner approved by WSDOT, such as pressure grouting, is required for all pipes 12 inches in diameter or greater.
- Unused or abandoned holes or casings shall be backfilled as directed by WSDOT using standard methods. (See 130.06, Abandoned, Deactivated, or Disconnected Utilities, for detailed guidance.)

(15) Pipeline Appurtenances

WAC 468-34-220

Pipeline appurtenances shall meet the requirements outlined below.

WAC 468-34-220(4)

(a) **Manholes** – Whenever possible, manholes should be located outside the roadway prism and as close to the edge of right of way as possible. Placement of manholes should be at locations that minimize interruptions to highway operation and maintenance efforts during utility maintenance work. Manholes shall not be located within any limited access highway pavement or shoulder.

WAC 468-34-220(5)

(b) **Automatic and Emergency Shut-Off Valves** – Automatic and emergency shut-off valves shall be located near the structure ends if attached to a structure and as may be required by WSDOT, industry standards, or governmental codes and regulations. Valves should be located in such a manner as to allow isolation of pipeline segments in the event of a hazardous condition. Shut-off valves shall not be located within any limited access highway pavement or shoulder.

(16) Pipeline Identification and Detection

WAC 468-34-220(3)

(a) **Markers** – Post-type markers are required for all subsurface utility installations. Markers should be installed using conspicuous colors and contain the following relevant information:

- Pipeline identification and utility station location.
- Owner of the pipeline.
- Contact phone number and other contact information with a local utility office.

- Utility size and/or capacity.
- Pipe contents.
- Warnings that may be necessary for individual utilities.
- Double markers at subsurface vaults.

1. **Marker Locations** – Markers shall be located:
   - At both ends of a roadway crossing.
   - At 500-foot intervals on longitudinal installations, or greater if sight distance allows.
   - At all angle points.

WAC 468-34-220(3)

(b) **Locate Wire** – All subsurface installations shall be detectable by a Locate Service by way of a locate wire or other means approved by WSDOT, to be installed at the time of installation or by wire integrated into the pipe itself during manufacture.

Best Practice

(c) **Detection Tape** – Detection tape should be used for all open trench pipeline installations. The detection tape should be placed in the pipe trench 12 to 18 inches above the pipe to avoid unintentional excavation of the pipe during highway maintenance or construction operations.

Best Practice

120.05 Storm Drainage and Hydraulics

A utility permit for stormwater discharge (DOT Form 224-693) is utilized to regulate constructed facilities that discharge stormwater onto state right of way and into a highway drainage system. WSDOT will consider issuing permits for constructed facilities such as pipes, ditches, storm sewers, or other drainage facilities intended to discharge stormwater into the highway drainage system, provided that the surface runoff naturally flowed toward and onto state right of way before any alteration of the terrain caused by development. For the purpose of this section, "utility" refers to any party seeking to discharge stormwater onto or through WSDOT right of way by means of a constructed facility, as described above. Further guidelines governing the acceptance of surface runoff exist in WSDOT's *Development Services Manual* and *Highway Runoff Manual*. Acceptance of surface runoff is subject to the following conditions:

(1) Runoff Characteristics

(a) **Rate of Flow** – Development of property tends to increase the rate of surface runoff. WSDOT will require the rate of flow entering the highway drainage system from the utility (applicant for the permit) to meet the flow control standards required in the *Highway Runoff Manual* (HRM):

- If the flow control standards required by the local government are more restrictive than the standards contained in the HRM, the local government's standards must be used.

In some instances, WSDOT may agree to accept unrestricted runoff from a utility. However, in those instances, the utility will remain liable for damages that occur as a result of any increased runoff. The increased runoff is that portion of the total rate of flow entering the highway drainage system that is in excess of the natural rate of surface runoff that flowed toward and onto the state right of way prior to development of the property.

(b) **Quality of Runoff** – The utility discharging runoff into a highway drainage system shall assume all responsibility and liability for the water quality of this runoff. This includes water quality both during and after development of the property in question. The water quality treatment requirements and guidelines in the *Highway Runoff Manual* must be followed when the local government practices stormwater management.

(2) Runoff Management

(a) **Compliance** – The utility shall abide by Department of Ecology requirements and issued NPDES permits, local rules, regulations, ordinances, and resolutions. The utility discharging collected surface runoff into a highway drainage system shall be responsible for compliance with all existing and future rules, regulations, ordinances, and issued NPDES permits, and resolutions of the applicable local agency and the Department of Ecology with regard to drainage, land use associated with drainage, and water quality and quantity. All local agency permits associated with drainage in any manner shall be made part of the permit application, unless local agency approval is contingent upon a WSDOT-issued permit.

(b) **Costs** – All costs and liabilities associated with the design, construction, maintenance, and operation of stormwater management facilities to restrict the rate of flow entering the highway drainage system or to maintain water quality shall be the responsibility of the utility.

(c) **Connection to Highway Drainage System** – The choice of materials and the nature and details of the connection from the highway right of way line to the highway drainage system shall comply with the *Standard Specifications* unless otherwise approved by WSDOT. All costs associated with this connection shall be the responsibility of the utility.

(d) **Surface and Subsurface Systems** – WSDOT will not consider appropriate the use of public land for the construction of subsurface disposal systems that would accommodate only surface runoff originating off the highway right of way. Drywells, perforated drains, and other subsurface disposal systems from a development should not be permitted on the highway right of way, regardless of the natural direction of surface flow from the property in question in the undeveloped state.

(3) Documentation

(a) **Data Requirements** – The application to the region for a permit to discharge stormwater runoff into a highway drainage system shall be accompanied with the following information:

1. A statement of the design criteria used in the drainage design for the property in question. If stormwater management principles are used in the drainage design, include a description of the stormwater management design criteria used for the hydraulic analysis.
2. A contour map of the property being drained. All contributing drainage areas identifying associated land use should be outlined on the map.
3. A plan and profile of the proposed drainage system showing:
   - All inlets: size, type, and location.
   - All pipe sizes.
   - Location and type of manholes.

- Location and details of connection to highway drainage system and any stormwater management facilities (such as runoff treatment and flow control) and conveyance systems (such as pipes, culverts, channels, or ditches) that are part of the drainage system for the property in question.

4. Complete hydrological and hydraulic calculations for the drainage system under consideration.
5. Details of temporary erosion control measures to prevent silts and other contaminates from entering the highway drainage system.

(b) **WSDOT Review and Approval** – Region Hydraulics Office staff shall review all applications that propose discharge of collected stormwater into the highway drainage system. Such review shall consider:

- Whether or not the property in question drained onto the highway right of way in the undeveloped state of the property.
- The rate of flow that flowed onto the highway right of way from the property in question in the undeveloped state of the property.
- The rate of flow from the property in question that is proposed to enter the highway drainage system and its effect on WSDOT's system.
- The effectiveness and adequacy of stormwater management facilities used in the system in question.
- The future maintenance and operation of the facility that routes water to WSDOT's system.
- The adequacy of the connection to the highway drainage system.
- The addition of appropriate site-specific Special Provisions to the permit as noted in Special Provisions below.

(c) **Special Provisions** – Any site-specific special provisions to the individual Permit should be added (as necessary) to DOT Form 224-157, Stormwater Permit Special Provisions, Exhibit A (see Appendix B), to clarify the utility's liabilities and responsibilities.

120.06 Open Cuts and Trenching

The purpose of this section is to explain the necessary steps involved in permitting open cuts and trenching. This includes the open cutting of a paved roadway or the open trenching outside the paved roadway.

(1) Open Cutting

Open cutting is the cutting of the existing paved roadways or shoulders.

Std. Spec. 7-08.3(3)

- Open cutting the traveled lanes and shoulders of the through traffic roadways, ramps, and frontage roads on state highways is a variance from WSDOT policy. Variances must be justified as required by 120.14, Variances: Types, Treatment, and Approval.
- Open cutting public and private approach roads within the state's right of way is allowable under WSDOT policy.

In the decision to allow open cutting, the region should consider traffic volumes and disruption to traffic.

The policy on open cutting does not apply within the corporate limits of a city or town on non-limited access controlled highways. Utility permits and franchises in this situation are issued and maintained by the local jurisdiction. Local jurisdictions should request WSDOT review, approval, and/or recommendation prior to granting such documents.

RCW 47.24.020(4)

The city or town shall, at its own expense, maintain all underground facilities in streets within the corporate limits, and has the right to construct additional underground facilities as may be necessary in those streets. However, pavement trenching and restoration performed as part of installation of those facilities must meet or exceed requirements established by WSDOT.

RCW 47.24.020(5)

The city or town has the right to grant the privilege to open the surface of any street within the corporate limits, but all damage occasioned thereby shall promptly be repaired by either the city or town itself or at its direction. Pavement trenching and restoration performed under a privilege granted by the city under this subsection must meet or exceed requirements established by WSDOT.

Excavations shall be performed in a manner that causes the least possible damage to highways, streets, roads, and other improvements. The trenches shall not be excavated wider than necessary for the proper installation of the utility facility. Excavation shall not be performed until immediately before the installation of conduit, cable, or other appurtenances. Excavated material shall be stored where interference to vehicular and pedestrian traffic and to surface drainage is minimized.

The following items will be addressed for each permit or franchise issued that allows open cutting:

(a) **Inspection** – WSDOT may have an inspector on site to ensure proper backfill and surfacing material are used and required compaction is attained. (See Chapter 7, Inspection, for further guidance.)

The region may impose additional charges to cover actual inspection costs. These costs are above the administration fee charged for a utility permit or franchise. For further guidance, refer to Chapter 8, Reimbursement.

(b) **Construction Requirements** – A typical open cut crossing detail, as shown in Figure 120-4a, will be an exhibit of the permit or franchise issued. Any modification of the details with respect to restoration methods should be reviewed and approved by the region Utilities Office and the region Materials Laboratory.

(c) **Maintenance Responsibility** – Add a Special Provision that makes the utility responsible for any construction deficiencies as a result of the roadway installation.

(d) **Controlled Density Fill (CDF)** – CDF shall be used as a backfill material when directed by WSDOT. Additional requirements may include:

- CDF mix design(s) must be submitted in writing to WSDOT for approval.
- No CDF shall be placed until WSDOT has approved the mix design.
- CDF placement within the trench shall be designated by WSDOT (determined by the type of soil in the area).
- The utility shall maintain one lane of traffic open at all times during construction.
- The utility shall submit Traffic Control Plans for approval.

Std. Spec. 2-09.3(1)E

(2) Trenching for Utility Installation

Std. Spec. 7-08.3(3)

Trenching takes place outside paved roadway sections. A typical open trench detail is shown in Figure 120-4b. Trenching shall be constructed in accordance with the following requirements:

- Trenching within the roadway prism is a variance from WSDOT policy. Variances must be justified as required by 120.14, Variances: Types, Treatment, and Approval.
- Trenching unpaved approach roads, both public and private, within the state's right of way is allowable under WSDOT's policy.
- Excavations shall be performed in a manner that causes the least possible damage to the roadway prism and other improvements.
- Trenches shall not be excavated wider than necessary for the proper installation of the utility facility.
- Excavations shall not be performed until immediately before installation of conduit, cable, or other appurtenances.
- Excavated material shall be stored where interference to vehicular/pedestrian traffic and surface drainage is minimized.
- Excavated material will be protected by BMP to prevent any environmental compliance violation.

The following items will be addressed for each permit or franchise issued that allows trenching:

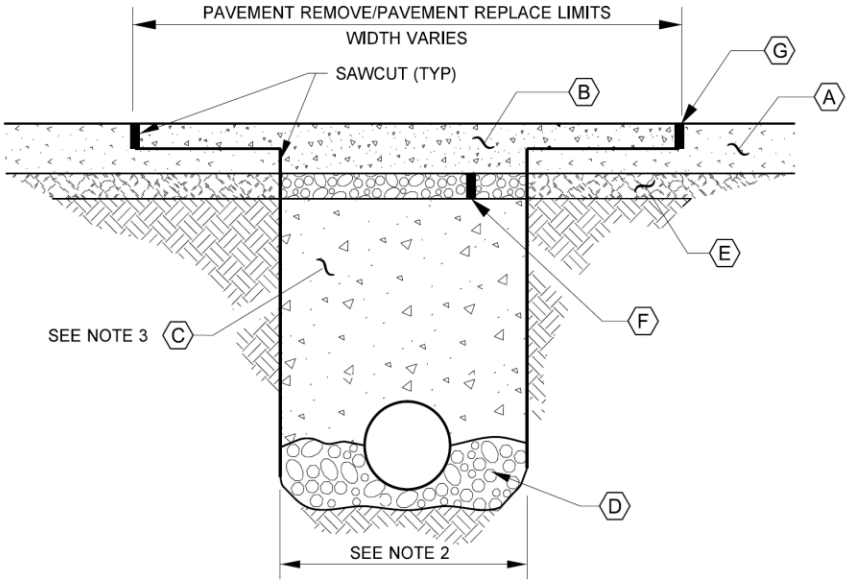
(a) **Inspection** – WSDOT may have an inspector on-site to ensure proper backfill material is used and required compaction is attained. (See Chapter 7, Inspection, for further guidance.)

The region may impose additional charges to cover actual inspection costs. These costs are above the administration fee charged for a utility permit or franchise. (See Chapter 8, Reimbursement, for further guidance.)

(b) **Construction Requirements** – Construction shall be in accordance with Standard Specification 7-08.3, Construction Requirements.

(c) **Maintenance Responsibility** – Add a Special Provision that makes the utility responsible for any construction deficiencies as a result of the installation.

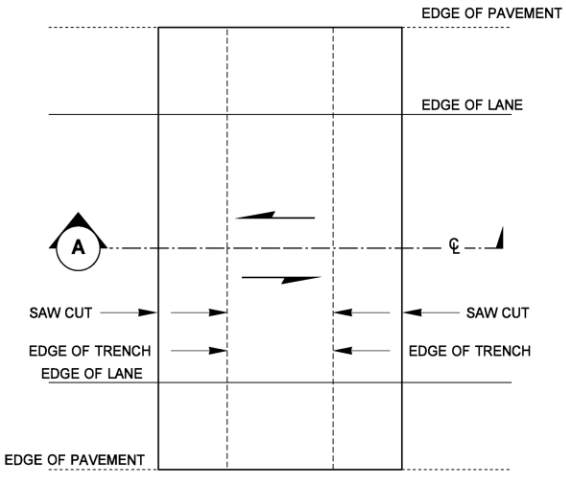
Trenching through a creek, stream, wetland, or canal requires approval of the regulatory agencies of these construction activities (such as Army Corps of Engineers, city/county ordinances, DOE, DNR, tribal councils, and so on).



OPEN CUT CROSS SECTION
NTS

LEGEND

- (A) Existing HMA (Hot Mix Asphalt) or PCCP (Portland Cement Concrete Pavement).
- (B) HMA class ½ inch or PCCP: Depth and material shall match existing pavement. Removal and replacement limits of pavement to be determined at the time of utility permit/franchise review.
- (C) Approved backfill material or CDF (Control Density Backfill) or as specified by WSDOT.
- (D) Bedding material depth beneath the pipe/casing shall be six (6) inches. Additional pipe bedding shall be placed equal to half the diameter of the pipe/casing or six (6) inches, whichever is less.
- (E) Existing crushed surfacing base course.
- (F) Crushed surfacing base course depth shall match depth of existing crushed surfacing base course.
- (G) HMA butt joint requires tack, seal, and sand. For PCCP, refer to General Note 5.

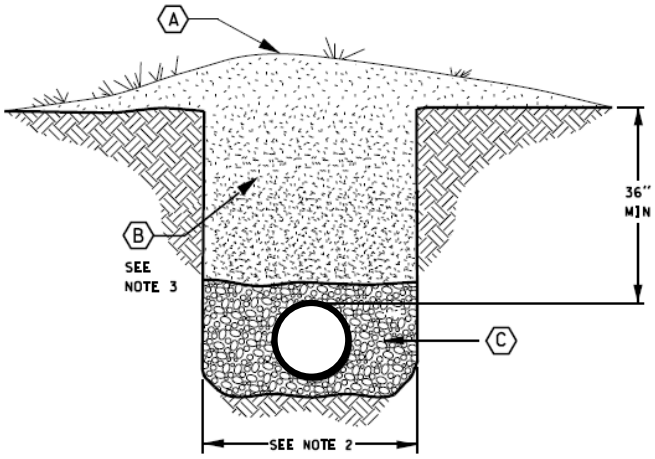


PLAN VIEW
N T S

GENERAL NOTES

1. Trenching and pipe installation shall meet the requirements of WSDOT Standard Specification 7-08.
2. Maximum trench width shall not exceed casing/pipe diameter plus an additional one (1) foot on either side.
3. Compaction shall be method "C" per Standard Specification Section 2-03.3(14)C.
4. Minimum depth shall be sixty (60) inches from the finished surface to top of casing.
5. PCCP shall be replaced to the next panel joint in each direction as approved by WSDOT. All work shall be as specified in WSDOT Standard Specification Section 5-01.3(4).
6. When connecting to an existing facility under the pavement, pavement restoration may, at the department's discretion, include the full lane width and encroached shoulder.
7. Casing pipes shall extend a minimum of six (6) feet beyond the toe of fill slopes, bottom of ditchline, or outside of curb.
8. Tack asphalt per WSDOT Standard Specification 5-4.3(5)A.

Open Cut Crossing Detail
Figure 120-4a



CROSS SECTION
NTS

LEGEND

A Surface treatment to restore existing to match adjacent (seeding, bark, etc.).

B Native material or as directed by WSDOT.

C Bedding material. Bedding material depth over and beneath pipe casing shall be half the diameter of pipe casing or 6 inches, whichever is less.

GENERAL NOTES

1. Trenching and pipe installation shall meet the requirements of WSDOT Standard Specification 7-08.
2. Maximum trench width shall be outside casing pipe width plus 1 foot either side of casing pipe.
3. Compaction shall be method _____ per Standard Specification Section 2-03.3 (14) C.
4. When connecting to an existing facility under the pavement, pavement restoration may, at the department's discretion, include the full lane width and encroached shoulder.
5. Casing pipes shall extend a minimum of six (6) feet beyond the toe of fill slopes, bottom of ditchline, or outside of curb.

Open Trench Detail
Figure 120-4b

120.07 Bridges and Structures

Utility installations on or near any highway structure listed below require review and written approval by the HQ Bridge and Structures Office prior to application approval.

- Bridges
- Approach slabs
- Retaining walls
- Noise walls
- Tunnels
- Pipe arches
- Box culverts
- Other structures

All installations shall comply with the *Bridge Design Manual* and the *Standard Specifications*.

(1) Approval and Jurisdiction

RCW 47.44.040

Prior review and approval by the HQ Bridge and Structures Office is required for utility attachments on all bridges located within the state highway system, regardless of type of right of way or jurisdiction. Attachments to bridges located on a state highway but within the corporate limits of a city or town also require prior approval by the HQ Bridge and Structures Office. The review process should verify that the bridge or structure is under state jurisdiction.

Best Practice

(a) **State and Federal Agency Approval** – WSDOT may need to coordinate with other state or federal jurisdictional agencies when authorizing utilities to be attached to highway structures. Refer to Chapter 5, Government Agencies: State, Federal, Tribal, and Other Entities, for additional guidance on coordination requirements.

(2) Bridge Structures

Bridges consist of two basic elements: substructure and superstructure. Utilities proposing to attach to, or be installed near, any portion of the substructure or superstructure require written approval of the HQ Bridge and Structures Office and, in some regions, review and/or concurrence by the region Bridge Maintenance Office prior to approval of application to do so.

Standard Specifications

(a) **Substructure** – The substructure is that portion of a bridge that supports the elements of the superstructure or that part of the structure as follows:

- Everything below the bottoms of the grout pads for simple and continuous span bridges.
- Everything below the bottom of the girders or bottom slab soffits.
- Arch skewbacks and construction joints at the top of vertical abutment members or rigid frame piers.

Substructure elements include the following:

- Piles
- Footings
- Seals
- Abutment walls, retaining walls, and endwalls
- Piers
- Wingwalls
- Barrier and railing attached to wingwalls and cantilever barriers and railings

Subsurface utilities installed near the substructure must take into account that the geophysical properties of the material surrounding the substructure and other factors eliminate negative impacts to the stability of the structure as a whole.

Standard Specifications

(b) **Superstructure** – The superstructure is that portion of a bridge supported by the substructure, that is above the substructure, and that extends:

- From the back of pavement seat to the back of pavement seat when the endwalls are attached to the superstructure.
- From the expansion joint at the end pier to the expansion joint at the other end pier when the endwalls are not attached to the superstructure.

Superstructure elements include, but are not limited to, the following:

- Girders
- Slabs
- Barrier
- Railing elements attached to superstructure elements

Utility conduits are often preinstalled within the superstructure to accommodate existing or proposed utilities.

(c) **Other Structures** – Utility installation on or near other structures such as retaining walls, noise walls, sign bridges, or bases for light and signal poles may require approval by one or more Headquarters offices, including Bridge and Structures, Bridge Preservation, and Geotechnical, as well as region Bridge Maintenance.

(3) Bridge Installation Proposals

(a) **Submittal for Review and Approval** – Early and frequent communication with the HQ Bridge Preservation Office is necessary when a utility installation is proposed on or near a structure. This is especially true for structures located within local agency jurisdictions where utility permitting authority rests with the local agency. Contact the HQ Bridge Preservation Office to determine what information may be necessary for approval of a particular bridge attachment, including planned bridge rehabilitation or replacement.

1. **General Submittal Information** – Submittals to the HQ Bridge and Structures Office for the review and approval of bridge attachments, subsurface installations, or aerial installations near a structure must include enough information to clearly illustrate how the utility is to be installed. Generalized, vague, or incomplete information may delay the approval. An application should be considered incomplete until enough information is received to allow a meaningful review.

   All review transmittal packages sent to the HQ Bridge and Structures Office for review should include the following:

   - Franchise or permit number
   - State route number and milepost
   - Bridge number
   - As-built bridge details
   - Cross sections
   - Reimbursable account number
   - Other pertinent information

2. **Local Agency Jurisdiction Submittals** – Bridge attachment submittals for installations within local agency jurisdictions that are not within limited access right of way should also include the name and contact information for the local agency.

3. **Bridge Attachment Submittals** – In addition to general submittal information, utilities proposed to be attached directly to a structure should include the following documents with the review transmittal:
   - Bridge attachment details. (See Figure 120-5, Utility Installation Guideline Details for Existing Bridges: Utility Hanger Details, for additional information.)
   - Engineering calculations for attachments involving pressurized pipe systems, heavily loaded utilities, or as requested by the HQ Bridge and Structures Office.
   - A plan and elevation view showing the proposed utility location on the structure.
   - Horizontal dimensions from all bridge primary members (girder, stringer, beam, edge of slab, and so on).
   - Anchor details or catalogue cuts with material specifications and proposed spacing, embedment depth, method of installation, and loading calculations.
   - Utility line expansion joint details and proposed locations.
   - Detail of bridge abutment showing the method of transitioning the utility off the bridge. Any excavations or borings at these locations should include a cross section with horizontal and vertical offsets.

(4) Subsurface Installations Near Structures

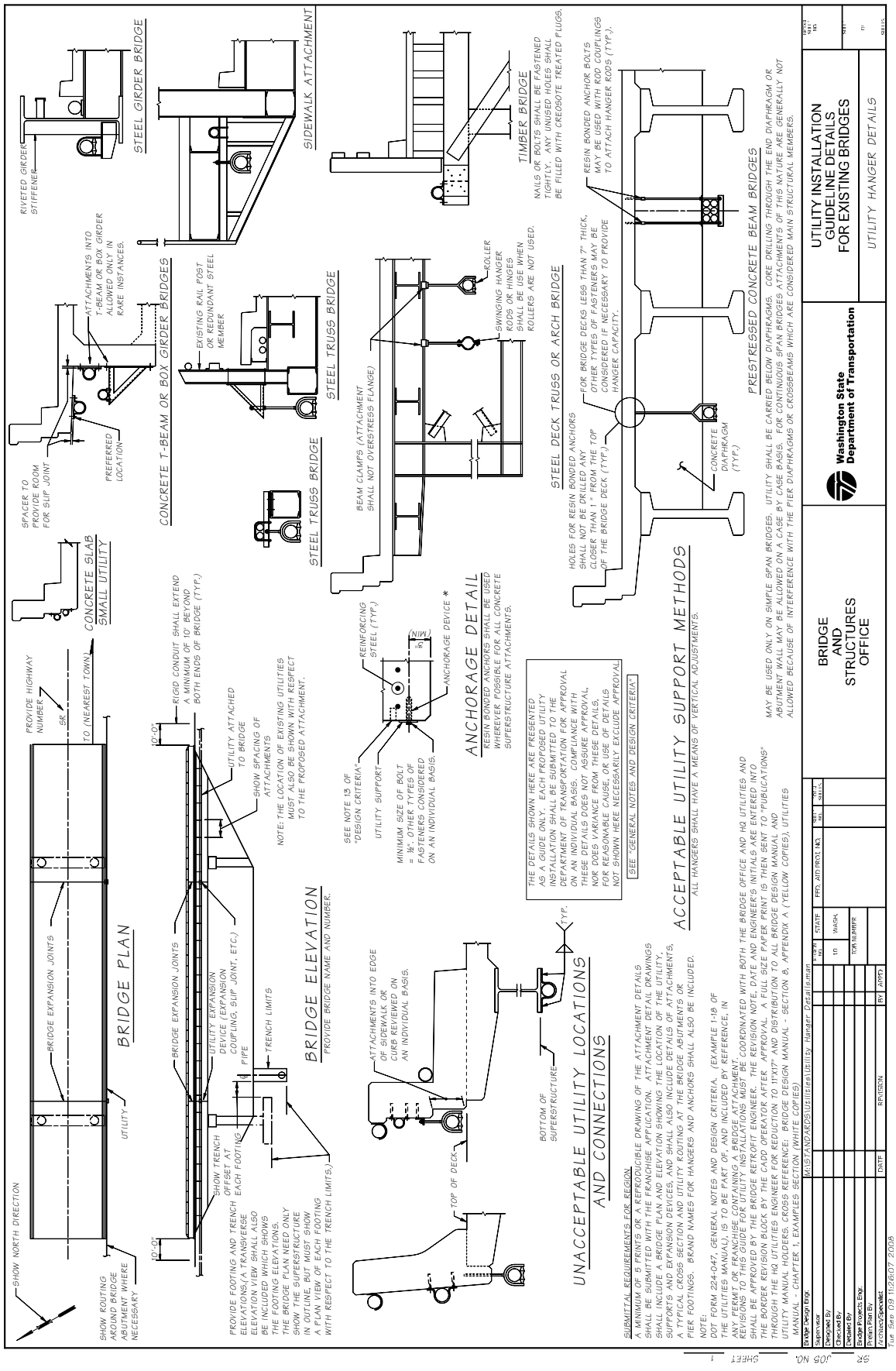
The HQ Bridge and Structures Office must preapprove all excavations and borings that meet the following:

- Below a footing, seal, or pile group.
- Within a horizontal distance equal to twice the footing width from any edge of a footing.
- Below a 45 degree envelope from the bottom of any edge of a footing. Figure 120-6, Zone of Influence, illustrates these limits. (See also Figure 120-7, Subsurface Bridge Submittal Example.)
- A plan and elevation profile of the proposed utility location with references identifying adjacent bridge piers or retaining walls by WSDOT bridge name, and bridge, pier, or wall number.
- Information regarding the proposed method of installation.
- A location cross section showing the horizontal and vertical relationship between the proposed installation and any adjacent bridge pier footings, wall footings, or existing utilities.
- Any datum equations used to compare utility elevations to bridge as-built elevations.

Pressurized utilities installed within the Zone of Influence must be encased to minimize undermining of the substructure in the event of damage or rupture to the carrier pipe. (See 120.15, Casing, Conduit, Innerduct, and Encasement, for additional guidance.)

(5) Aerial Installations Near Structures

For bridge maintenance and inspection purposes, aerial utility installations shall not be installed within 30 feet of any structural element. Aerial utilities proposing to be installed within 30 feet of any structure should be submitted for review and approval by both the HQ Bridge Preservation Office and the region Bridge Maintenance Office.



Utility Installation Guideline Details for Existing Bridges: Utility Hanger Details
Figure 120-5

(6) Bridge Attachment Requirements

Proposed utility installations must be submitted to the HQ Bridge and Structures Office for preapproval on an individual basis.

Compliance with standard attachment details does not constitute automatic approval. Installations that deviate from standardized attachment details or preapproved attachment requirements without prior approval from the HQ Bridge and Structures Office will be subject to removal.

WAC 468-34-270

(a) **Design Considerations and Criteria** – At a minimum, all utilities attached to or installed near a bridge or other structure shall meet the design requirements set forth below. These criteria should be used in conjunction with the *Bridge Design Manual*.

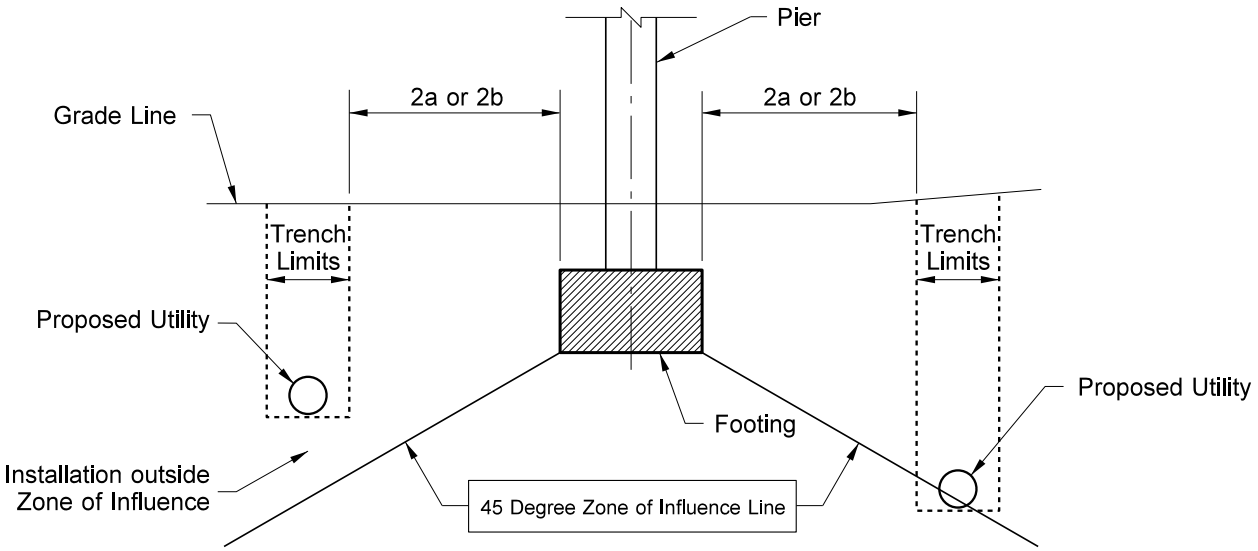
WAC 468-34-270

1. **General** – All installations shall meet the requirements of WSDOT's most recent edition of the *Standard Specifications*.
   - Each proposed bridge attachment should be considered on its individual merits and separately designed to be compatible with the appearance of the structure.
   - Existing structure must be able to support the additional load of the proposed utility.
   - Installation shall not impede in any manner the painting, maintenance, or inspection of the structure.
   - Manholes, hand holes, or similar utility elements shall not be installed in the bridge deck on overcrossings.
   - Attachments on a structure of a pipeline carrying a hazardous material shall be avoided where feasible and where other installation alternatives exist, such as jacking or boring at or near the structure location.

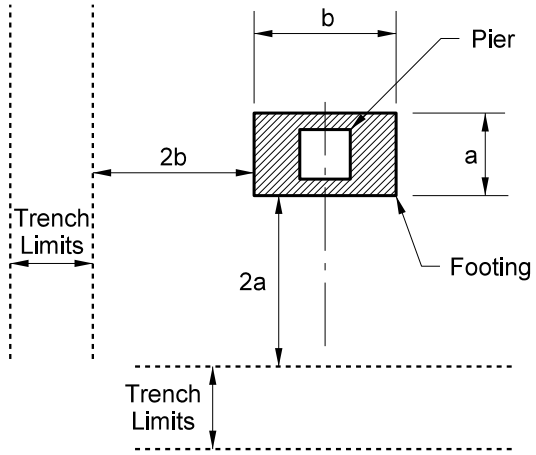
   In all cases, the utility is responsible for restoration and repair of damage to structures as a result of the construction and operation of the utility.

WAC 468-34-270

2. **Materials, Design, and Casing** – All pipes carrying transmittants that are flammable, corrosive, expansive, energized, or unstable shall be encased throughout the length of the structure. A sleeve approximately 3 inches larger than the outside diameter of the carrier pipe shall be used. The space between the pipe and the casing must be effectively vented at each end. All piping systems under pressure shall state the maximum operating pressure and test pressure on the plans and on the label. (See 120.15, Casing, Conduit, Innerduct, and Encasement, and 120.04(16), Pipeline Identification and Detection, for additional guidance.)
   - Utilities shall be provided with suitable expansion devices near bridge expansion joints and/or other locations as required to prevent temperature and other longitudinal forces from being transferred to bridge members.
   - Utility supports shall be designed such that any loads imposed by the utility installation do not overstress the conduit, the supports, or the bridge members.
   - Utility locations and supports shall be designed so that a failure, such as a rupture, will not result in damage to the bridge or the surrounding area, nor become a hazard to traffic.
   - Conduit shall be rigid.
   - Lag screws may be used to attach brackets to wooden structures. All bolts holes shall meet the requirements of Sections 6-04.3(4) and 6-04.3(5) of the current edition of WSDOT's *Standard Specifications*.

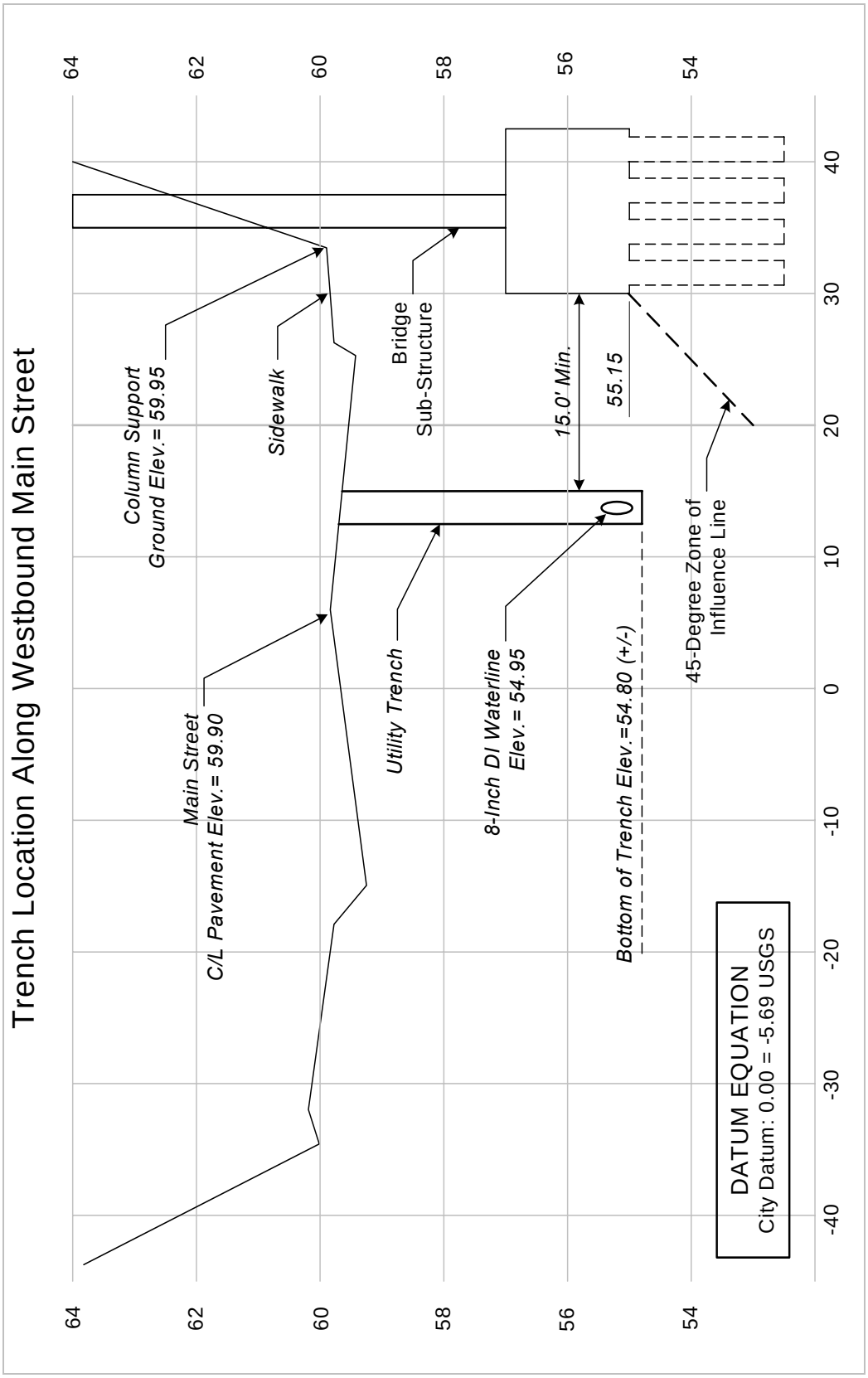


ELEVATION



PLAN
NTS

Zone of Influence
Figure 120-6



Subsurface Bridge Submittal Example
Figure 120-7

- Welding across main members will not be permitted. All welding must be approved.
- Conduits or brackets shall be attached to concrete superstructure members with resin bond anchors. Lag screws shall not be used for attachment to concrete.
- Drilling through concrete reinforcing steel in concrete structures is not permitted. If steel is hit during drilling, the anchor location must be moved and the abandoned hole filled with nonshrink grout conforming to the requirements of Section 6-03.3(36) of the current edition of WSDOT's *Standard Specifications*.
- There shall be a minimum of 3 inches edge distance to the centerline of bolt holes in concrete.
- All utilities and utility supports shall be designed not only to support their dead load but also to resist other forces from the utility, such as surges, wind, or earthquakes. The utility company may be asked to submit one set of calculations to verify utility design forces.
- Drilling into prestressed and post-tensioned concrete members for utility attachments shall not be allowed.
- Water or sewer lines to be placed lower than adjacent bridge footings shall be encased if failure can cause undermining of the footing.
- All steel in utility supports, including fastenings and anchorages, shall be galvanized in accordance with AASHTO M-111 or M-232 (ASTM A-123 or A-153, respectively).
- Rigid conduit shall extend a minimum of 10 feet beyond the end of the bridge and bridge approach slabs.

3. **Location and Placement**

WAC 468-34-270

- Utilities shall not be attached above the bridge deck or to railing or rail posts.
- Utilities shall not extend below the bottom of the superstructure.
- Whenever possible, all utility installations shall be hidden from view.
- Utilities shall be located to minimize bridge maintenance and inspection requirements. Coordinate installation proposals with the region Bridge Maintenance Office.
- Utility positioning on a structure that inhibits access to any structure part for bridge painting, repair, or maintenance should not be allowed.

WAC 468-34-270

4. **Appearance** – All utilities and utility support surfaces, including any galvanized utilities, shall be given a primer coat of state standard formula A-6-86 and two coats of state standard formula C-9-86. The final coat shall match the color of the bridge or structure. Utilities hidden from view, such as those installed within box-girder bridges, are exempt.
   - All painted surfaces damaged during construction shall be cleaned and painted as noted above.
   - Appearance of the utility installation shall be given serious consideration in all cases. Where possible, the utility installation shall be hidden from public view.
   - Any and all paint splatters and overspray shall be removed from the structure to the satisfaction of WSDOT.

(7) Utility Encasement

WAC 468-34-210
WAC 468-34-270

All encasement requirements of the *Utilities Accommodation Policy* shall be met for attachments to structures or for subsurface utilities installed within the Zone of Influence. (See 120.15, Casing, Conduit, Innerduct, and Encasement, for additional guidance.)

WAC 468-34-210

(a) **Piping, Encasement, and Conduit Labeling** – Piping, conduit, and casings for utilities shall be installed with labels. Labeling and label material and installation shall conform to Section 6-01.10 of WSDOT's *Standard Specifications* or the corresponding section of the most current edition.

Labels shall be color-coded based on the type of utility, with corresponding lettering as follows (see Figure 120-8, Utility Marking Convention):

- Label Background Color
- Lettering Utility Color
- Content

Label Background Color/ Lettering Utility Color	Content
RED	Electrical Power
YELLOW	Gas, Oil, Steam, Petroleum, and Other Gaseous Materials
ORANGE	CATV, Telecommunication, Alarm, and Signal
BLUE	Potable Water
GREEN	Sewer and Storm Drain
PINK	Temporary Survey Markings
WHITE	Proposed Excavation
PURPLE	Reclaimed Water, Irrigation, Slurry – Nonpotable water

Utility Marking Convention
Figure 120-8

120.08 Scenic Classification Policy

(1) General

WAC 468-34-330

The Scenic Classification Policy exists to preserve scenic views visible from state highways. In general, this policy establishes when and under what conditions utility facilities must be installed underground when they would otherwise be allowed to be installed as aerial facilities. These scenic classifications are based on various scenic values along the roadway, including roadway appearance, that may be attainable after ultimate improvements within the right of way.

(2) Roadway Scenic Classification Definitions

WAC 468-34-330(3)

Each scenic class represents the view from the roadway ranging from highest to lowest view quality. There are four individual scenic classifications:

(a) **Scenic Class A** – Areas of superior scenic quality consisting of panoramic views from the highway of ocean beaches, scenic valleys, lake frontage, mountains, forests, rivers, and so on. This scenic class may also include unique historical or cultural settings of superior quality that should be protected or preserved by special treatment for future generations.

(b) **Scenic Class B** – Locations of high scenic quality where valuable scenic and environmental amenities exist, that are generally enjoyed by travelers and the public, and that deserve serious consideration for preservation and protective measures.

1. **Scenic Subclass X – Scenic Flexibility** – An alternative to Scenic Classes A and B. This class is for use in areas where utility or highway design alternatives, such as configurations, color, location, or other design features, may allow an aerial facility without significantly changing the landscape quality. Aerial facilities must be acceptable to WSDOT and substantiated by appropriate documentation describing the decision-making and justification processes.
2. **Scenic Subclass X – Provisional Designation** – Route Jurisdiction Transfer (RJT) highways are designated Scenic Class BX(p) on a provisional basis until a Scenic Classification Review Team can be arranged to provide a formal classification designation. Regions should submit a request for formal review of RJT highways to the HQ Utilities Unit.

(c) **Scenic Class C** – Areas of secondary scenic importance. Scenic characteristics are of marginal importance.

(d) **Scenic Class D** – Areas of industrial development or areas heavily urbanized or deteriorated. Areas where the expense for beautification measures may not be appropriate.

(e) **Route Jurisdiction Transfers and New Highways** – New highways or roadways whose ownership is transferred to WSDOT from another agency will receive a provisional scenic classification of BX(p) until a field review of the highway can be conducted by a Scenic Classification Review Team.

(3) New Utility Installations

WAC 468-34-330(1)

(a) **Scenic Classes A and B** – New utility installations shall be installed underground unless otherwise justified by "Special Exceptions," noted in Existing Utility Facilities below. New aerial utility installations proposed within Scenic Classes A and B shall be considered a variance to the Scenic Classification Policy and require reasonable justification. (See 120.14, Variances: Types, Treatment, and Approval, for additional guidance.)

(b) **Scenic Subclasses AX and BX** – Aerial installations may be allowed with justification.

(c) **Scenic Classes C and D** – Aerial installations are allowed.

(4) Existing Utility Facilities

WAC 468-34-330(1)

Existing aerial utilities authorized by franchise within Scenic Class A or B may be renewed for one additional franchise period, as defined 100.02(3), Franchise Consolidation, and 100.02(4), Franchise Renewal. Upon expiration of the Franchise Renewal, the utility must be placed underground unless the utility has gone through the justification process to remain aboveground. In such cases, the following "Special Exceptions" shall be included in the Franchise Renewal:

- Upon expiration of this franchise or permit, the utility shall place the existing aerial facility underground in those locations where the facility exists within Scenic Class A or B.
- The utility shall submit a written request and justification within 180 days of expiration of this franchise petitioning WSDOT to allow the existing aerial facility to remain aboveground.

Best Practice

(a) **Joint-Use Utility Facilities** – Third-party utilities installed upon an existing utility plant within Scenic Class A or B may be installed to the extent that only the existing utility poles may be used. Installation of a new utility pole to accommodate an aerial crossing from an existing utility pole should not be considered. Rather, the utility should make the crossing underground.

(b) **Joint-Use Utility Facilities: Franchise Expiration** – Third-party utilities installed by franchise upon an existing utility plant should have the same expiration date as the existing franchise. Utilities proposing to make such an installation should be informed, in writing, of the status of the existing utility franchise. Such information should include:

- Scenic classification.
- Existing franchise expiration date.
- Undergrounding expectations.
- Warning that the proposed utility may incur additional expense due to the necessity to underground in the near future.
- That such expense is to be expected and may not be considered under "Special Exceptions" in Variance From the Scenic Classification Policy (below).

(5) Aboveground Utility Reconstruction and Maintenance

WAC 468-34-330

(a) **Utility Reconstruction** – Utility reconstruction is defined as the replacement of 25% of any utility poles, towers, or similar aboveground utilities within a mile of a highway. Individual periodic pole or tower replacement is exempt. When such reconstruction is to be done upon an aerial facility within Scenic Class A or B, the facility shall be reconstructed underground as defined by this section.

(b) **Utility Maintenance** – Utility maintenance is defined as regular and routine maintenance of a utility, including individual replacement of any aboveground facility.

(6) Variance From the Scenic Classification Policy

Utilities may be eligible for a variance from the Scenic Classification Policy requirements if one or more of the following "Special Exceptions" is present:

WAC 468-34-330(2)

- Power lines are in excess of 35 Kv.
- Alternative installation locations are unavailable.
- Alternative installation locations are unusually difficult and/or costly.
- Alternative installation locations are more undesirable from a visual quality standpoint.
- Underground installation of utility is not technically feasible.

If a utility wishes to apply for a variance from WSDOT policy, a Scenic Classification Variance Request Justification Questionnaire (see Appendix B) must be submitted and maintained in the accommodation document file.

(7) Scenic Class Reevaluation

Scenic classification designations should be updated periodically as determined by WSDOT. Designations may be disputed by utilities.

(a) **Scenic Classification Disputes** – Utilities have the option of disputing existing scenic classification designations. Utilities wishing to dispute existing designations relative to a proposed utility installation must start the variance process and indicate the desire to dispute the existing scenic classification designation. Upon receiving the variance justification package, the Region Utilities Engineer should review the circumstances

and conditions relative to the dispute and provide a findings and recommendation to the HQ Utilities Engineer for further action.

(b) **Scenic Classification Reevaluation: Department-Initiated** – Regions should conduct reviews of existing roadway scenic classifications periodically to determine which routes to consider for scenic class reevaluation. Include at least the following types of areas:

- Urban growth expansion.
- Business and industrial development.
- New roadway cuts, noise walls, or similar infrastructure features.

(c) **Scenic Classification Review Team** – Forward scenic classification disputes or recommendations for reevaluation to the HQ Utilities Unit. Headquarters will arrange and coordinate a regional or statewide review by a Scenic Classification Review Team consisting of the following:

- HQ Landscape Architect (Permanent Member)
- HQ Utilities Representative (Permanent Member)
- Utility industry representative
- Region Utilities Engineer
- Region Landscape Engineer or other region designee

(d) **Cost Responsibility** – Utility industry representatives will be responsible for their costs. WSDOT will be responsible for its costs.

120.09 Control Zone

WAC 468-34-350

All proposed aboveground utility installations within the operating highway right of way must meet the requirements of the Control Zone Guidelines outlined in Chapter 9. Additionally, WSDOT must manage all existing aboveground utilities within the right of way to ensure compliance with Control Zone requirements as opportunities become available. The Control Zone Guidelines govern the location of utilities within the right of way for:

- New installations or reconstruction.
- Highway projects involving safety improvements.
- Franchise Renewal or Consolidation of existing utility objects.

(1) Utility Maintenance

WSDOT defines utility maintenance as isolated work to damaged or deteriorated facilities. However, work that increases the size or capacity of that utility is treated as a new installation and requires an approved permit or Franchise Amendment from the department. Physical movement, upgrade, or reinforcement of a utility is considered reconstruction and not maintenance.

Work considered to be utility reconstruction includes, but is not limited to:

- Utility pole replacement (see 900.10(2), Existing Utility Reconstruction).
- Any increase in utility quantity, size, or capacity.
- Reinforcement or stabilization of any aboveground utility.

Upon review of the proposed utility work, WSDOT may require relocation of the existing utility.

(2) Utility Reconstruction

Opportunities for safety improvements should be discussed with utility owners when existing utility reconstruction is proposed (see Chapter 9).

(3) Department Coordination

Best Practice

Each region is encouraged to develop and coordinate communication and training with area maintenance forces that define reporting and responsibilities for proposed utility maintenance and utility improvement approvals.

120.10 Joint-Use and Future-Use Utilities

Joint-use utilities are third-party utilities installed upon or within a primary utility's existing infrastructure such as utility poles or conduit. Future-use conduit placement is encouraged when opportunities arise.

(1) Purpose and Need

Maintaining accurate records of ownership of third-party utilities is a critical requirement. Accurate ownership details can reduce or eliminate unnecessary delays and costs associated with the utility relocation efforts necessary on highway improvement projects. WSDOT should work in a positive and cooperative manner with utilities that may be in a position to allow other utility organizations' infrastructure to be installed upon or within their existing facilities. Utilities should be made aware of some of the benefits of a positive working relationship with the department in this regard, including:

- Accurate and up-to-date records.
- Cost recovery.
- Reduced administrative overhead, especially relating to utility relocations where the utility has no compensatory rights.

(2) Conduit for Future Use

The installation of empty conduits for future use during the construction of a highway project's other utility work should be encouraged. This potentially reduces or eliminates future interruption to traffic and offers flexibility to the utility owner and others wishing to lease or purchase the rights to use the conduit.

(a) **Documentation of New Empty Conduit** – The following requirements apply to empty conduit:

- Conduit may only be used by the utility that applied for the initial installation unless there is a lease agreement or formal change of ownership (see 130.05, Utility Transfer of Ownership – Acceptance of Assignment).
- Conduits must be applied for as "Empty Conduit for Future Use." All accommodation requirements apply to the application.

(b) **Vacant Conduit: Lease** – Third-party utilities must apply for an accommodation document when leasing vacant conduit. A copy of the lease agreement must be attached to the application indicating a legal right to make the installation within the primary utility's conduit.

(c) **Vacant Conduit: Purchase** – New utility facilities installed in existing conduits after a fee-simple purchase must first satisfy the requirements of the Acceptance of Assignment process before an accommodation document will be issued.

(d) **Joint-Use Conduit: Franchise Expiration Date** – Franchises for leased conduit or conduit of fee-simple purchase of conduit by a third party located within the same gallery of conduits shall all expire at the same time as the franchise that originally placed the conduit. This allows WSDOT the opportunity to review the status of the entire gallery of conduit at the time of expiration and, if needed, coordinate joint trench relocation or address other needs.

(3) Joint-Use Utility Poles

A third-party utility wishing to attach its facility to existing utility poles must provide a Joint-Use Agreement, or other documentation deemed suitable by WSDOT, indicating that permission has been granted by the utility pole owner. Language should be included in the franchise Special Provisions that makes the primary pole owner responsible for any other utilities that are allowed on the pole by the pole owner. This responsibility will include future relocations required by either the pole owner or department needs.

Similar to joint-use conduits, third-party installations upon a primary utility's poles shall expire on the same date as the existing utility franchise to facilitate Consolidation, Renewal, and relocation issues.

(a) **Joint-Use Utility Poles: Relocation** – In most cases, utilities attached to poles shall relocate together at such time as WSDOT or the originating utility deems relocation necessary. The pole owner is responsible to remove the pole or poles in their entirety.

120.11 Access Control

(1) Access Types

There are two types of access control on highway rights of way that affect utility accommodations. These are non-limited access (managed access) and limited access.

WAC 468-51
WAC 468-52

(a) **Non-Limited Access** – This type of right of way is defined as a conventional highway where access control has not been established by WSDOT. This is also known as managed access control. Label this type of right of way as "None" in the Access Control box of DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B).

WAC 468-54
WAC 468-58

(b) **Limited Access** – Limited access is the type of highway right of way where the right to access is controlled. Any installation requiring an access break requires Headquarters approval; FHWA approval is also required on interstates. Accommodation of utility installations is restrictive within this type of right of way. Limited access is divided into the following types:

WAC 468-34-110(3)(a)-(c)

- Full access control: Generally allows access connections only at selected public roads.
- Partial access control: Generally allows access connections at selected public roads and some crossings and private driveways.
- Modified access control: Generally allows access connections at most approaches and includes existing commercial approaches.

Label this type of right of way as Full, Partial, or Modified in the Access Control box of DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B).

1. **Full Access Control** – Longitudinal utility installations within full control limited access right of way are a variance to WSDOT policy and require justification. (See 120.14, Variances: Types, Treatment, and Approval, for additional guidance.)

   Utility installations other than crossings normal to centerline are discouraged.

For the purpose of processing utility franchises and permits, the term full access control is inclusive of all highway facilities designated as full control limited access by WSDOT.

a. **Interstate** – Access for utility installations within this type of right of way is highly restrictive.

b. **Non-Interstate** – Utility installations within full access control of right of way are restrictive.

Label this type of right of way as "Full" in the Access Control box of DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B).

WAC 468-34-110(3)
WAC 468-34-110(3)(a)
WAC 468-34-110(3)(d)

2. **Partial and Modified Access Control** – For the purpose of processing utility franchises and permits, modified and partial controlled access are treated the same. Justification must be reasonable and satisfactory to WSDOT. (See 120.14, Variances: Types, Treatment, and Approval, for additional guidance.)

Label this type of right of way as "Partial" or "Modified" in the Access Control box of DOT Form 224-697, Utility Facility Description, Exhibit B (see Appendix B).

(2) Signature Authority

Refer to 100.06, Approval Authority, for detailed guidance regarding approval authority for accommodation documents.

120.12 Environmental Considerations

WSDOT accommodation documents require utility applicants to secure all environmental permits for a utility installation. (See DOT Form 224-030, Special Provisions for Permits and Franchises, in Appendix B.) In cases where FHWA approval is needed for a utility design variance or limited access break within interstate right of way, WSDOT must provide additional environmental documentation for National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA) compliance, as described in Section (4) below. For further information on environmental considerations, see WSDOT's *Environmental Procedures Manual*, *Design Manual*, and *Maintenance Manual*.

(1) Utility Environmental Permit Compliance

WSDOT is not a regulatory agency. Thus, when a utility affirms that all of the necessary environmental permits are complete, it is not the department's responsibility to obtain proof of the permit completion. If a hazardous spill or environmental damage occurs, the utility is responsible for corrective action.

(2) WSDOT as Land Owner

The risk to WSDOT as the land owner occurs when the utility owner and/or the utility's contractor are financially small and not able to abate or correct their environmental damage. Theoretically, WSDOT could be required to correct the damage with department funds. WSDOT would then be in the position of attempting to collect expenses from the small utility, the utility's contractor, and its bonding and insurance companies. The utility would have an interest in satisfying the debt if it desired to continue occupying highway right of way. The utility contractor could suffer remedies involving bonding and licensing.

(3) Corrective Action by WSDOT

If a hazardous spill or a deteriorating environmental situation (such as stormwater or air quality) occurs during utility installation or facility operation, the responsible utility representative should be notified of the situation as soon as possible. If any delay in taking the necessary corrective action appears likely, WSDOT has the right and responsibility to take corrective action. WSDOT may mobilize department staff, engage outside assistance to control the situation, or notify the Department of Ecology Spill Response Team as deemed appropriate by the department. The utility representative must be advised that WSDOT will hold the utility financially responsible for all costs incurred for the department's corrective actions. This notification will allow the utility the option to mobilize and assume the abatement actions with utility staff and/or contractors.

(4) Environmental Requirements for FHWA Approvals

FHWA's review and approval of utility design variances and limited access breaks within interstate rights of way constitute a federal nexus that results in the requirement for NEPA, ESA, and NHPA Section 106 compliance.

(a) **NEPA Documentation** – FHWA's approval of utility installations along or across a transportation facility is categorically excluded under NEPA, pursuant to 23 CFR Section 771.117(c)(2); however, FHWA requires WSDOT to provide verification of this categorical exclusion for each installation. At a minimum, the region Environmental Manager must provide written verification to FHWA that 23 CFR Section 771.117(c)(2) is applicable to the proposed installation and that no further NEPA documentation is necessary.

(b) **ESA Documentation** – WSDOT must ensure that utility installations requiring FHWA approval will not have adverse effects on species protected under ESA. If WSDOT verifies that no effects to listed species would result from the proposed installation, WSDOT must issue a "no effect" letter to FHWA for documentation. If, however, an ESA listed species may be present in the vicinity of the installation, further documentation related to the likelihood that the installation would affect the species is required. Contact the region Environmental Office for more information on ESA documentation.

(c) **NHPA Section 106** – WSDOT and FHWA have entered into a statewide programmatic agreement that establishes stipulations for National Historic Preservation Act compliance for WSDOT highway projects. Under Exhibit B, Section B-12, of this agreement, "Trenching or other excavation to install, replace, or repair electrical, water, sewer lines, fiber optics, telephone cable, or other utilities in areas demonstrated to have been previously disturbed by construction, fill, or prior trenching activities" is presumed to have minimal potential to cause effects, pending additional screening, in order to determine that further review or documentation under NHPA is not required.

If utility installations requiring FHWA approval are consistent with B-12, the programmatic agreement requires that the qualified WSDOT cultural resource specialist conduct the additional screening to make and issue such a determination, and issue a statement to FHWA that Section B-12 of the Section 106 programmatic agreement is applicable to the proposed installation, and that no further NHPA documentation is necessary. If, however, the screening indicates that the proposed installation does not meet the conditions of Exhibit B, Section B, further review and documentation may be necessary. Contact the region Environmental Office for more information on NHPA Section 106 documentation.

120.13 Utility Maintenance

WAC 468-34-340(2)(B)

All utilities installed within the highway operating right of way shall be maintained in good condition operationally and visually. Utilities requiring routine maintenance or inspection shall notify WSDOT and receive approval before any work is performed.

(1) Utility Maintenance Requirements

At a minimum, utility maintenance proposals must include:

- Contractor name and contact (if different from utility owner of record).
- Type of maintenance required.
- When work will be performed.
- Location of work (state route and milepost).
- Accommodation document's number authorizing existing facilities.
- Traffic control.

Other items to consider include:

- Plan view drawing and/or cross section.
- Ingress and egress points.
- Number and type of equipment needed for maintenance operations.
- Staging areas for equipment and materials, if applicable.

(2) Notification of Maintenance Operations Within State Right of Way

Utilities shall submit a Notification of Maintenance Operations Within State Right of Way to the region Utilities Office within three (3) working days prior to any maintenance work. Some highway locations may require that specific information be submitted for approval.

Utilities installed within limited access may require that more detailed information be submitted.

WAC 468-34-340(2)(C)

(a) **Emergency Repair** – The need for emergency repair of a utility must be communicated to WSDOT immediately and approval as to the manner of repair secured as soon as possible.

In all cases, the safety and protection of the traveling public is the prime concern of WSDOT and the utility. All traffic control shall conform to the current issue of the *Manual on Uniform Traffic Control Devices* (MUTCD).

120.14 Variances: Types, Treatment, and Approval

A variance is a proposed utility installation that is contrary to the *Utilities Accommodation Policy* established by WSDOT. All variations from department policy require written justification from the utility for review and appropriate approval. WSDOT shall avoid approving variance proposals that are insufficiently justified.

By definition, variances have the potential to negatively affect the continued operation of the highway. Therefore, review in detail variance proposals and their impact on highway facilities both during construction and in the future.

(1) Variance Documentation

Best Practice

The variance approval process must be thoroughly documented in the application file. This documentation may be required at a future date to illustrate the variance approval decision process in the event of a tort claim or other litigation involving the utility installation. (See 100.05, Accommodation Documents: Management and Administration, for detailed guidance on file maintenance best practices.)

(2) Types of Variances

Items considered a variance to WSDOT's *Utilities Accommodation Policy* include:

- Open cuts of state roadway.
- Open trenches within areas defined as Category 1.
- Shallow depth installations that do not meet the requirements of WAC 468-34-200.
- Longitudinal installations inside limited access control right of way.
- Longitudinal installations within any median.
- Aerial installations within Scenic Class A or B.
- Uncased crossings that do not meet the requirements of WAC 468-34-210.
- Control Zone Location I and II aboveground objects.

A single utility installation may include more than one of the variances listed. Regardless of the number of variances proposed for a single utility installation, document each variance completely, as described in this section.

(3) Justification Requirements: General

The approval of any variance installation proposal must meet four criteria. The utility owner or its representative must provide sufficient information to prove that the proposed variance is:

- Reasonable
- Valid
- Verifiable
- Justified

The proposal must be **reasonable** and within the bounds of normal industry standards. There must be a **valid** reason the variance is necessary, and it should not place the convenience of the utility ahead of the needs or goals of WSDOT. Issues or circumstances cited as reasons for the variance must be able to be **verified** by documentation. The proposed variance must also be **justifiable** as the only available means of installing the proposed utility based on all other alternatives considered but rejected.

To begin the variance approval process, utilities must complete a variance justification package for review by WSDOT. It is the responsibility of the utility to provide proof sufficient for approval by the department.

In addition to the general application requirements listed below, include the following specific information for each type of variance proposal:

- Engineering plans, profiles, and details for the chosen route.
- Roadway cross section of the entire right of way width at regular intervals (maximum 50 feet) where the open trench encroaches upon the roadway prism. Show details relating to width of travel lanes; turn lanes; shoulders and widened areas; and location of existing utilities.
- Open trench cross section showing pipe and casing, if applicable; trench width; pipe zone bedding and material; backfill material; and existing and replacement surfacing material, width, depth, and specifications.
- Utility Maintenance Plan, if necessary.
- Cost estimate, if cost is the reason for the rejection of alternatives.
- Additional supporting information.

WAC 468-34-190(4)

(a) **Open Cuts of State Roadways** – Open cutting the paved surface of a highway allows intrusion by weather, settling due to poor material or compactive efforts, and other factors that lead to premature roadway deterioration. These and other causes can result in an overall increase in roadway maintenance, snow-removal difficulties, and other cost-prohibitive challenges for WSDOT. It is for these reasons the department considers **any** open cutting of the paved roadway a variance from policy and requires extensive justification for approval of any open cut proposal.

All applications proposing to open cut the paved roadway shall include:

- Open Cut Variance Request Justification Questionnaire (see Appendix B).
- Plan showing all alternative routes considered.

WAC 468-34-190(3)

(b) **Open Trench Within Limits of Category 1** – Open trenching includes both longitudinal trenching for utility installation and trenching related to work such as a bore pit. Similar to open cutting, open trenches near the edge of pavement reduce the life span of the roadway structure, can cause undermining of the paved roadway and lead to settling, and have other negative impacts. Because of such issues, these conditions are a variance from policy and require justification for approval of any open trench proposal.

All applications proposing open trenching within the limits of Category 1 must include:

- Roadway Prism Open Trench Variance Request Justification Questionnaire (see Appendix B).
- Plan showing all alternative routes considered.

WAC 468-34-200

(c) **Shallow Depth Installation** – Utilities must be installed at depths noted in Figure 120-3, Minimum Cover Detail, to protect the utility from damage to superimposed highway loads and maintenance operations and to avoid impacts to the utility by minor highway improvement projects.

Shallow installation proposals shall include suitable reinforcement to protect the utility from loading and highway operations. (See 120.15, Casing, Conduit, Innerduct, and Encasement, for additional guidance on pipeline protection and reinforcement.)

All proposed shallow depth utility installation variance proposals must include:

- Shallow Depth Installation Variance Request Justification Questionnaire (see Appendix B).
- Reinforcement detail showing the type of protective measures proposed and construction methods.

WAC 468-34-190(3)

(d) **Longitudinal Installations Within Any Median** – All longitudinal median installations are a variance from WSDOT policy and must be justified. Median installations present construction challenges for the utility; hazards for the traveling public from construction equipment and materials; safety issues for construction workers; highway improvement relocation issues for the utility; and potential for construction delays on department highway improvement projects.

All applications proposing a utility installation in a median must include:

- Longitudinal Median Installation Variance Request Justification Questionnaire (see Appendix B).

See AASHTO's "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way"

(e) **Longitudinal Installations Within a Limited Access Controlled Highway** – WSDOT and the FHWA purchase access rights to some highway rights of way in order to limit access to the facility. Full access control facilities access transportation facilities only from interchanges.

- Access to worksites from interchange ramps or to areas outside the designated main line traveled way is also restricted.
- Any access from outside the right of way or to locations beyond interchange ramps or main line traveled lanes must be justified.

To determine the limited access level of specific rights of way, refer to the Access Control Tracking System managed by the Access and Hearings Section of the HQ Design Office.

All applications proposing an installation anywhere within limited access or that require access to or from limited access right of way must include:

- Limited Access/Encroachment Variance Request Justification Questionnaire (see Appendix B).

(f) **Aerial Installation Within Scenic Class A or B** – The Scenic Classification Policy exists to preserve scenic vistas along or over state highways, and it applies to any aerial or surface utility. Scenic classification does not apply to subsurface utilities.

Generally, installations proposing to install aerial facilities within Scenic Class A or B are a variance to WSDOT policy and require reasonable justification. At its option, the department may allow aerial facilities proposed within Scenic Class AX or BX if acceptable mitigation measures are applied. (See 120.08, Scenic Classification Policy, for guidance on scenic classes.)

All applications proposing an aerial facility within Scenic Class A or B must include:

- Scenic Classification Variance Request Justification Questionnaire (see Appendix B).

(g) **Control Zone Location I and II Utility Objects** – Locate all utility objects outside the Control Zone in order to maintain a highway free from objects that may be struck by errant vehicles. Installations that are proposed to be installed inside the Control Zone (Location I or II) must be supported by sufficient justification for variance consideration. (See Chapter 9, Control Zone, for detailed information on Control Zone requirements.)

All applications proposing the installation of a Location I or II aboveground utility object must include:

- Control Zone Location I and II Variance Request Justification Questionnaire (see Appendix B).
- Utility Object Relocation Record (see Appendix B).

(4) Variance Justification Review

Justification packages are sent to be reviewed and approved by the appropriate region and Headquarters specialty groups. Conditions and situations vary from installation to installation. Specialty groups that may need to be involved in variance reviews include, but are not limited to, the following:

Best Practice

- Area maintenance personnel
- Region Environmental Office
- Region Traffic Office
- Region project offices
- Region Development Services
- HQ or region Materials Lab
- HQ or region Hydraulics Office
- HQ Bridge and Structures Office
- HQ Geotechnical Division
- HQ Access and Hearings Section
- FHWA
- Survey Support Unit

(5) Variance Approval

Certain variances are delegated to the Regional Administrators for approval; others require the approval of the HQ Utilities, Railroad, and Agreements Manager after concurrence by FHWA. (See 100.06, Approval Authority, for a specific list of delegated approvals, and Figure 100-8 for general guidance and a flowchart outlining the process.)

Each region should develop a system for the processing of region-delegated variance approvals.

(a) **Headquarters Approval Transmittals** – Variance approval requests should be prepared for signature and forwarded to the HQ Utilities Unit. Contact Headquarters early in the approval process. A preliminary submittal is recommended for review, comments, and any additional information needed. As such, all Variance Request packages must contain a completed Justification Questionnaire.

1. **Application Package** – All variance approval requests transmitted for Headquarters approval must contain:
   - An Application for Utility Permit or Franchise form with the utility's signature.
   - Special Provisions for permits and franchises.
   - Utility Facility Description.
   - Appropriate permit or franchise exhibits.
   - Approved Traffic Control Plan, if required.
   - Approved TESC Plans, if required.
   - Approved Dewatering Plan, if required.
2. **Variance Request Package** – A memorandum providing the following information must be attached as a cover to the Variance Request Package.
   - Description of the variance with a reference to the appropriate part of the *Utilities Accommodation Policy* for which a variance is being requested.
   - Highway classification.
   - Region review effort, comments, and support.
   - Justification Questionnaire.
   - Access type.
   - Scenic classification.
   - ADTs.
   - Method of construction and maintenance access.
   - Maintenance Plan (if appropriate).
   - Bridge data (if appropriate).
   - Other pertinent information that may have a bearing on approving authority's signature.

120.15 Casing, Conduit, Innerduct, and Encasement

(1) General Requirements and Considerations

WAC 468-34-210

Encasement or casing of utilities within the roadway prism is necessary for a variety of reasons, including constructibility, code requirements, or other situations. When considering utility installations within the right of way, WSDOT's review should not focus strictly on the immediate construction impacts of the installation, such as with open cuts. Attention should also be paid to the preservation of the roadway and the long-term effects the proposed utility may have upon continued operation, maintenance, and improvement of the highway. Issues to consider include:

WAC 468-34-210

- Pressurized pipe rupture or leaking.
- Leaking of hazardous, caustic, or combustible materials.
- Utility maintenance or improvements that may require removal or replacement of carrier pipe or conduit.
- Utility relocation.

WAC 468-34-210
WAC 468-34-210(3)(a) and (b)

All pipeline installations shall meet the requirements outlined in this section. Any application for utility accommodation proposing to install a utility without casing as defined under Required Casing Conditions (below) is a variance to WSDOT policy. (See Section 120.14, Variances: Types, Treatment, and Approval, for detailed guidance on justification procedures.)

(2) Required Casing Conditions

WAC 468-34-210
WAC 468-34-210(1)(a)
AASHTO
WAC 468-34-210(1)(b)
WAC 468-34-210(1)(c)
WAC 468-34-210(1)(d)
WAC 468-34-210(2)(a)
WAC 468-34-210(2)(b)
WAC 468-34-210(2)(c)
WAC 468-34-210(2)(d)

Casing of utilities is required for the following situations and conditions:

- Utilities installed under completed limited access highways or freeways. Casing shall extend from right of way line to right of way line on all access controlled rights of way.
- Utility crossings where casing is required by appropriate industry code or special conditions.
- Pressurized carrier pipe installed within the roadway prism, including pipe installed longitudinally under the roadway.
- Pipelines carrying transmittants that are flammable, corrosive, expansive, energized, or unstable.
- Utility installations where local features, embankment materials, construction methods, or other conditions indicate any possibility of damage to the protective coating of carrier pipe during installation. It is the responsibility of the utility to provide evidence that the pipe coating will not be damaged during installation.
- Installations at locations such as freeways or other high-volume or controlled access highways where the current or future insertion, removal, replacement, or maintenance of utilities would avoid open trench construction.
- Protection of the utility from external loads or shocks both during and/or after construction.
- As a method of conveying leaking fluids or gasses away from the area directly under the roadway to a point of release at or near the right of way line or to an established highway drainage containment facility.

WAC 468-34-100
WAC 468-34-210(3)
WAC 468-34-210(3)(a)

(a) **Exceptions to Required Casing Conditions** – Casing is required for all conditions defined by this section. Except as outlined below, no exceptions to casing requirements should be allowed for utility installations that might otherwise be installed using open trench construction methods or in advance of highway construction. All utility installations that require encasement but are proposed to be installed without encasement must be justified as defined by this manual. (See 120.14, Variances: Types, Treatment, and Approval, for additional guidance regarding variance justification.)

WAC 468-34-210(3)(c)
WAC 468-34-210(3)(b)

The exceptions to casing are as follows:

- Uncased crossings for local service connections of 1-inch-diameter or less carrying natural or other gas across two-lane highways may be installed without casing.
- Pipelines conveying natural or other gas that meet the design, installation, and cathodic protection provisions of the Minimum Federal Safety Standards, 49 CFR, Part 192, and WAC 480-93, Gas companies – safety.

(3) Longitudinal Casing Installation

WAC 468-34-190

Longitudinal installations are typically not subject to casing requirements. In all cases, WSDOT should work with the utility to find alternative installation locations within the right of way that will avoid the need for longitudinal installations.

(4) Encasement Requirements: Materials and Construction

WAC 468-34-210(4)

(a) **Crossing Length** – Casing shall extend a minimum of 6 feet beyond the edge of the roadway prism or back of curb (see Figure 120-9, Rural Casing Installation, and Figure 120-10, Urban Casing Installation).

WAC 468-34-210(5)
WAC 468-34-250(3)(c)

(b) **Seals and Annular Fill** – Casings shall be sealed at both ends. Casings over 12 inches in diameter shall have the annular spaces between carrier pipe and the casings filled with pressurized grout or blown sand unless otherwise authorized by WSDOT.

WAC 468-34-220(1)

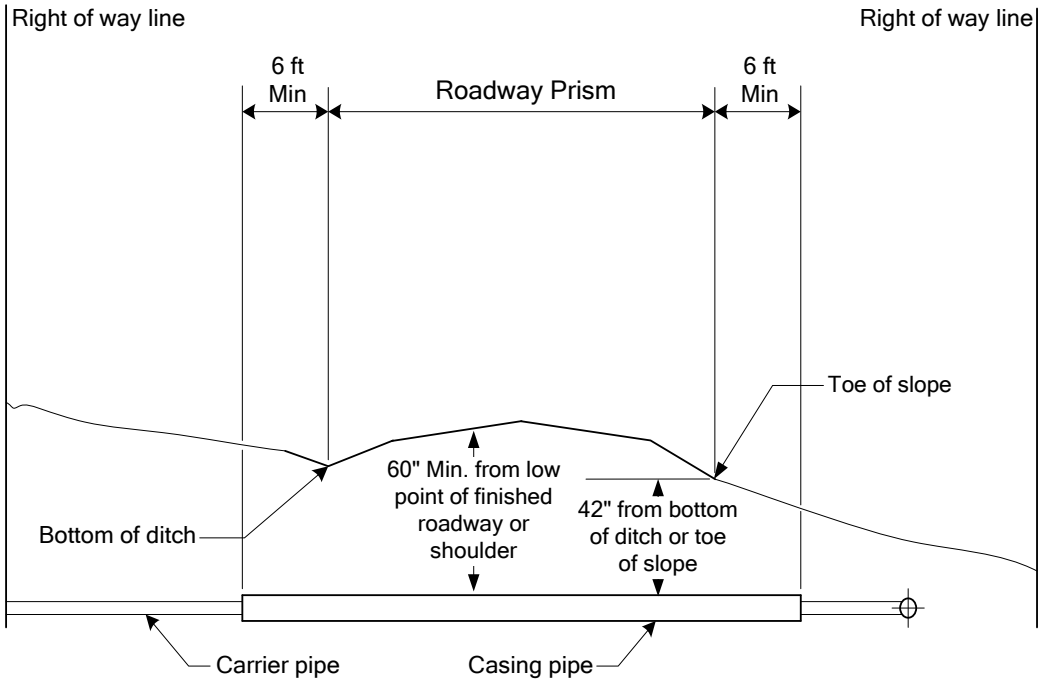
(c) **Vents** – Vents are required for all casings holding carrier pipe transmitting fuel where required by 49 CFR, Part 192, Minimum Federal Safety Standards. Vents shall be located as close to the right of way line as possible and free from vegetated cover.

WAC 468-34-220(2)

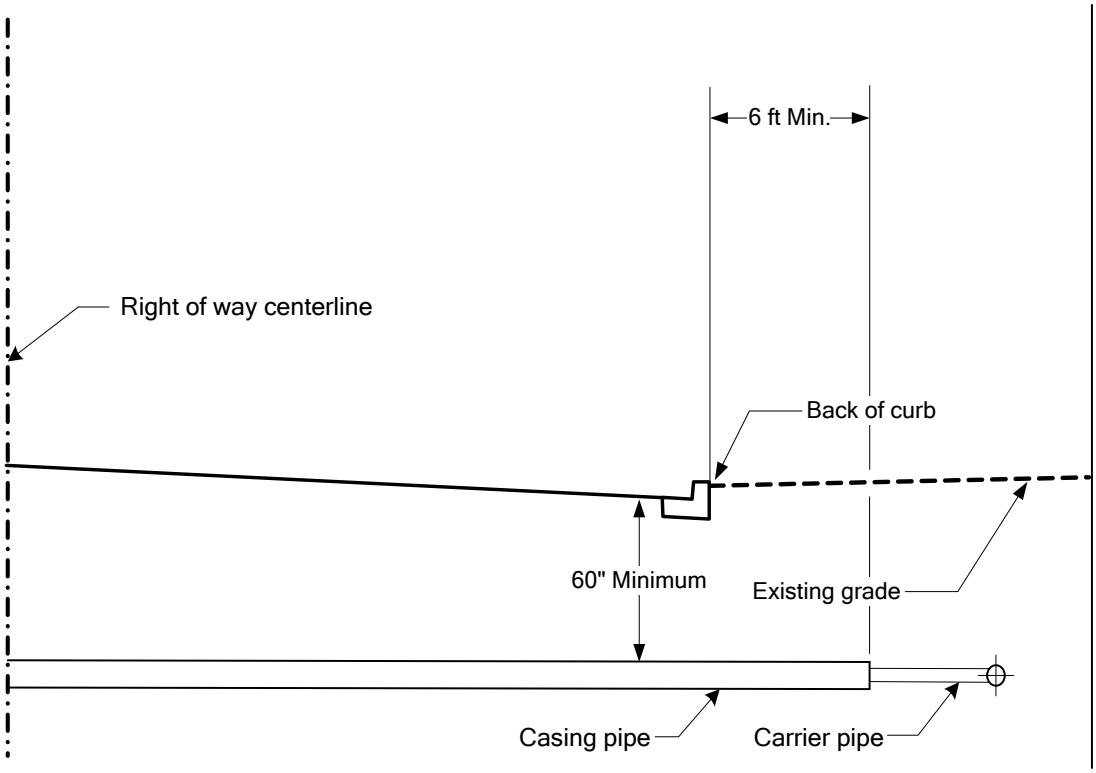
(d) **Drains** – Drains are required for all casings holding carrier pipes that contain liquid, liquid gas, heavy gas, or other petroleum products. Drains should outfall to locations approved by WSDOT and where, if a rupture in the carrier pipe were to occur, it would not cause harm or damage to environmentally sensitive areas. Under no circumstances shall the drain or drain outfall be used as a wasteway for purging the carrier pipe unless specifically authorized by WSDOT.

WAC 468-34-210

(e) **Installations on Highway Structures** – Encasements within, upon, or near any highway structure require the advance review and approval of the region Bridge Maintenance Office, HQ Bridge Preservation, or HQ Bridge and Structures Office. (See 120.07, Bridges and Structures, for detailed guidance on structure attachments.)



Rural Casing Installation
Figure 120-9



Urban Casing Installation
Figure 120-10

130 Post-Approval Administration

130.01 Addenda to Approved Accommodation Documents

An addendum is any document or plan that revises, modifies, or supplements a previously approved utility accommodation document, becoming part of the approved utility installation.

Minor changes to previously approved utility accommodation documents often make resubmitting the entire permit or franchise application costly and impractical. An addendum allows the focused review of a minor change or addition to the approved permit or franchise and could avert the need to submit an entirely new application.

Note: Addenda should be used only prior to or during construction. Minor post-construction changes should be noted on as-builts.

(1) When to Use an Addendum

Addenda should be used when a revision to an approved permit or franchise is necessary, but submitting a complete new application is not practical. Examples of when an addendum may be an alternative to resubmitting the entire utility installation proposal for another review include:

- Revision to a Special Provision, such as a change in WSDOT's contact person, addition or modification to a provision, or correction of an error or omission.
- Changes in the location or scope of work that do not change the details of the overall approved installation.
- Changes in size, capacity, or quantity of the utility being installed.
- Changes, additions, or revisions to an exhibit such as the Traffic Control Plan (TCP), Temporary Erosion and Sediment Control (TESC) Plan, or other preapproved exhibit.
- Change in construction method(s).

Circumstances may warrant the use of a method other than an addendum to remedy a given situation. Consider each addendum separately based on the risk of the proposed change. Documentation may range from a simple letter approval or red-line correction for a low-risk revision, to complete addenda documentation. A new application may be the best solution for a higher level of risk. Check with the approving authority for guidance.

(2) When Not to Use an Addendum

Significant changes in the originally approved application will usually require submitting an entirely new application for complete review approval. Some examples where an addendum may not be appropriate include, but are not limited to:

- Impacts occur to a highway structure.
- Changes where a new approval process must be completed.
- Changes impact the access level of the highway where the utility is being installed.
- Changes impact a highway project.
- Due to the proposed addendum, the approval level authority changes to a higher approval authority from that of the originally approved accommodation document.
- Producing the addendum will require more work or expense to approve than submitting a new application.

(3) Approval

An addendum or other change to the originally approved accommodation document should be approved by the original approving authority. (See 100.06, Approval Authority, for additional guidance.)

(4) Components of an Addendum

It is important to maintain a record of addendum approvals. Records of addenda may consist of an e-mail or a simple addendum approval letter, to a complete set of formal addendum documents (see sample in Figure 130-1). Under no circumstances should verbal authorizations be considered an appropriate method of revising an approved accommodation document.

(a) **Formal Addendum Documentation** – A complete set of formal addendum documents should consist of:

- A cover letter with instructions to the permit or franchise holder explaining the addendum procedure.
- Addendum documentation (see sample in Figure 130-1).
- Addendum receipt (see sample in Figure 130-2).

(5) Confirmation Receipt

A confirmation receipt may be required for revisions or changes to approved documents. The receipt should include language that legally confirms or endorses the change. The need for a receipt should be considered depending on the significance of the change. The approving authority is the decision maker regarding the need for a confirmation receipt. (See Figure 130-2 for a sample receipt.)

(6) Procedure

The recommended procedure for processing changes or revisions to an approved accommodation document is as follows:

- Identify the item or issue that requires a revision or addition. Verify that an addendum to the original document is the appropriate method of amending the issue.
- If appropriate, initiate any necessary reviews.
- Process changes to permit or franchise documentation as needed.
- Obtain approval for the revisions or additions from the approving authority.
- Forward the addendum package to the utility owner with receipt confirmation, if needed.
- Once addendum receipt confirmation is received, forward a copy of the signed addendum to the region Utilities Inspector. File the original addendum documentation in the accommodation document file.
- Forward a copy of any revisions, additions, or new approved applications to the original accommodation document recipients.
- File the original addenda documentation in the region accommodation file.

Department of Transportation
Olympic Region Utilities Office, Olympia, WA 98504

UTILITY FRANCHISE AMENDMENT NO. 6123, Amendment 12
SR 88, Milepost 35.56 to Milepost 41.02

ADDENDUM NO. 1

The General Provisions, Special Provisions, and Exhibits for this utility permit or franchise are amended as follows:

General Provisions

The following is added to item 16:

Costs incurred by the Department shall be billed to existing Jx Account No. 1234. Any and all costs and impacts incurred by the State to restore the project site to State contract 4321 specifications due to work performed under this franchise will be the responsibility of the utility.

Special Provisions

Exhibit A

On page 1, the following Department representative is revised to read:

John Engineer, P.E.
5720 Capitol Blvd.
Tumwater, WA 98504
(360) 555-1212
E-mail: enginej@wsdot.wa.gov

On page 1 the following is added:

Item 9 is hereby added as an applicable provision.

On page 3 the following is added:

42. As agreed in the August 14, 2008 field meeting between the Department and the Utility, the Utility shall coordinate its work with the Department representative noted in Special Provision 1. It was agreed that the Utility will use the Department's contractor to reestablish any disturbed vegetation, landscaping, or planting previously completed by the Department and its contractors or subcontractors.

Page 1 of 1

SAMPLE

Addendum Document
Figure 130-1

Washington State Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

ADDENDUM RECEIPT

UTILITY FRANCHISE NO. 10028 C AM 5
SR 123, Milepost 5.76 to Milepost 5.78

Addendum No. 1

By my signature, I hereby acknowledge that I am authorized by my company or organization to approve the above utility permit or franchise addendum and concur with the revisions contained therein.

SAMPLE

Signed and dated this _____ day of _____, 20 ____.

_____
Sign name

_____
Print or type name

_____
Print or type title

_____
Print or type company name

_____
Print or type company address

_____
Print or type City, State, Zip Code

Addendum documentation must accompany other utility permit or franchise documentation on the jobsite and is not effective until received by the Department. Please sign and return this page by mail, e-mail, or return fax.

Addendum Receipt
Figure 130-2

130.02 Extension of Installation Time

WSDOT Policy

By signing the Application for Utility Permit or Franchise form, applicants agree to begin construction within one year from the date of approval of their application. Utility accommodation documents will be considered invalid if construction does not begin within the time frame indicated on the application. When this occurs, or if construction cannot be started within the one-year time frame, the utility must either apply for an Extension of Installation Time or reapply for a new accommodation document.

(1) Purpose

The primary purpose of this time constraint is to ensure no changes have occurred in the scope of the installation or the method of construction from that originally approved. WSDOT should review the original documents to ensure no changes have occurred.

(2) Requests for Extension of Time

If construction has not begun within the one-year time frame, as determined by the application approval the applicant should (1) submit a written request for an extension of time to begin construction or (2) submit a new application. The request should include justification for the delay in construction start. WSDOT should review the request and make a reasonable effort to verify that no significant changes have been made in the scope or nature of the installation.

(a) **Cost Recovery** – If construction for an approved accommodation document has not occurred, the cost-recovery policies apply to the request for the extension of time. In the event additional reviews are warranted, accommodation cost-recovery policies may be instituted for the review costs necessary to acquire approval of the request.

(b) **Requirements for Extension of Time to Begin Construction** – For applications previously approved, but for which construction has not begun within the one-year period after the approval date, all of the following should be submitted or apply:

- Written justification for the delay in construction start.
- If changes have occurred, new plans for approval, along with application to be treated as a completely new submittal.
- Approval should be by the original permit or franchise signatory or equal.

Additionally, items that should be considered on a case-by-case basis when an Extension of Installation Time request is received include:

- Meeting with applicant and WSDOT support personnel, as appropriate.
- Establishment of a reimbursable account may be necessary for the additional review and/or meetings required, if the applicant does not have an active reimbursable account.
- Reevaluation of existing Traffic Control Plans or new plans, as may be needed for revised installation plans.
- Review and approval by appropriate support groups.

130.03 As-Builts: Record Drawings

As-builts (or Record Drawings) are plans showing the actual installation location of the utility after necessary field adjustments.

Whenever there is an approved field change to the accommodation document, an As-Built shall be submitted to WSDOT within 90 days after the completion of the installation.

As-Built documents shall be submitted by the utility owner or its authorized agent, unless the WSDOT inspector documents the changes. These changes should be noted in the original accommodation document and in the Utility Franchise and Permit (UFP) database.

Changes to the proposed installation shall be submitted on new plan sheets or on existing plan sheets, with *additional* installations in red and *deleted* items in green.

Upon receipt of as-builts, make the appropriate changes in the UFP and the original accommodation document. New copies of the changes shall be sent to the original recipients.

130.04 Penalties

RCW 47.44.060

All persons, firms, or corporations that construct, operate, or maintain a utility or similar facility must first have, and have at all times and in full force and effect, a utility franchise or permit in the manner provided by law. Those found in violation of the law are guilty of a misdemeanor and may be liable for a civil penalty of $100 per calendar day from the date notice is given.

Accommodation issues that need to be considered for penalties include, but are not limited to:

- Expired franchises.
- Utilities inherited by a Route Jurisdiction Transfer.
- Issues resulting from impacts from a highway improvement project.
- A breach of the terms of the approved utility permit or franchise.

(1) Notification and Department Action

Prior to attempting to formally collect any penalties, a three-step notification process must be followed:

(a) **Step 1** – Make every effort to work in an informal, cooperative manner with utility owners to resolve issues for which penalties may be under consideration. Document all formal and informal contact with the utility while attempting to resolve the penalty issue.

(b) **Step 2** – Send a certified letter to the utility per RCW 47.44.060. The notice must inform the utility owner that an Application for Utility Permit or Franchise must be submitted within 45 days or the utility installation must be removed from the right of way. The letter must indicate the location of the utility within the right of way.

(c) **Step 3** – If no application has been received from the utility owner within 45 days, contact the HQ Utilities Unit. The HQ Utilities Unit will meet with the Attorney General's Office to discuss the next step that may need to be taken.

The utility owner has 45 calendar days from the date of receipt of the certified letter to apply for an accommodation document and comply with WSDOT's *Utilities Accommodation Policy*.

130.05 Utility Transfer of Ownership – Acceptance of Assignment

WAC 468-34-020(1)

One of the key objectives of the utility accommodation process is to maintain accurate records of the type, capacity, location, and ownership of each utility located in the operating highway right of way. The Utility Transfer of Ownership process was created to document the ownership changes of existing utilities. Ownership changes have an effect on sureties, Franchise Renewals, and data management and administration. These areas should be taken into account when utility ownership transfers occur.

(1) Benefits of Documenting Ownership Transfer

Accurate records benefit WSDOT by allowing the Region Utilities Engineers to contact utility owners in the event utility relocation is necessary to accommodate a highway improvement project.

(2) Transfer Requirements

The Utility Transfer of Ownership process is required whenever an existing utility:

- Transfers ownership
- Changes its name
- Makes a change in corporate structure

(3) Coordination and Responsibility

The lead for the Utility Transfer of Ownership process varies depending on the utility and the circumstances.

(a) **Region-Only Transfers** – Region Utilities offices should maintain a recordkeeping system that tracks individual accommodation document assignments for utilities that are restricted to within region boundaries, where the change in ownership will not affect other regions' business needs.

(b) **Statewide Transfers** – Utility Transfers of Ownership for utilities that cross region boundaries should be coordinated by the HQ Utilities Unit. This ensures statewide involvement in the transfer process and allows for coordination and communication of ownership and blanket surety issues.

(4) Effect on Accommodation Documents

There are secondary effects to accommodation documents when there is an ownership transfer. Those effects depend on the type of accommodation document, its status, and the location of the utility. (See 100.05, Accommodation Documents: Management and Administration, and 100.02, Types of Utility Accommodation Documents, for additional guidance on accommodation documents.)

(a) **Current Utility Franchises** – The ownership transfer process should not have an immediate effect upon current unexpired utility franchises. However, when franchises are involved in utility transfers of ownership, several issues must be confirmed and, if necessary, communicated to the new utility owner to ensure full disclosure of pending issues that will affect the utility.

1. **Utility Franchise Expiration Date** – Utility franchise expiration dates carry over to the new utility owner in the Utility Transfer of Ownership process. There is no change or adjustment in the franchise expiration date. It is important that WSDOT advise the company assuming utility ownership responsibility of any pending franchise expiration issues that will require Franchise Renewal.

2. **Transfer of Aerial Franchises in Scenic Class A or B** – Similar to notification of pending or currently expired franchises, it is critical to disclose to the company assuming utility ownership any existing or pending franchise expirations that will require an aerial facility to be removed and installed underground on highways within Scenic Class A or B. (See 120.08, Scenic Classification Policy, for additional guidance on scenic classification issues.)

(b) **Transfer of Expired Franchises** – Expired franchises are not legal documents; they have expired and are therefore not eligible for transfer from one entity to another. Before any transfer can legally take place, the original owner must renew the franchise, or the new owner must apply for a new utility accommodation application or Consolidation.

(c) **Utility Permits** – Utility permits are by nature perpetual documents. There should be little administrative effect to utility permits due to an ownership transfer. Surety issues and database name changes must be addressed.

(5) Effect(s) on Surety

Blanket sureties held by WSDOT insuring the previous utility owner should not be released until the ownership transfer process is complete. If the previous utility has installations pending release of surety, a new surety must be obtained by the new utility until the utility installations are eligible for release from surety. If the new utility plans to make additional applications for utility installations, the utility should be encouraged to obtain a blanket surety. However, the new utility also has the option of obtaining individual sureties for new utility installations. (See 110.04, Sureties, for additional guidance.)

Utility Transfers of Ownership for companies holding a blanket surety must be coordinated with the HQ Utilities Unit to ensure the existing blanket surety for the outgoing utility owner is released and replaced by an appropriate surety for the new utility owner.

(6) Document Administration

Use of a single Utility Transfer of Ownership form with an attached list of affected accommodation documents may be used to document the ownership transfer. A single form for each document being transferred is also acceptable. Regardless of the method, the Utility Transfer of Ownership form must list each accommodation document affected by the transfer. Regions should ensure each permit or franchise involved in the transfer has a copy of the Utility Transfer of Ownership form placed in each accommodation document file.

(a) **Utilities Database** – Updates to the UFP database relating to transfer of ownership are the responsibility of the HQ Utilities Unit. Contact Headquarters when changes need to be made to the database holder table, whether the transfer is region-specific or being done statewide.

(b) **Filing: Regio**n – Regional transfers of ownership should be maintained at the region Utilities Office. An appropriate file or data system should be maintained to track the changes in ownership of various utilities within the region.

(c) **Filing: Statewide** – The HQ Utilities Unit maintains a file or data system of statewide transfers of ownership as well as a database that tracks the historical changes in ownership of various utilities across the state.

(7) Utility Transfer of Ownership Form

Use a Utility Transfer of Ownership (Acceptance of Assignment 224-051 EF) form when transferring ownership of utilities between entities.

130.06 Abandoned, Deactivated, or Disconnected Utilities

Discovery of abandoned, deactivated, or disconnected utilities often results in project delays during highway improvement projects or maintenance activities. There is also a safety issue when locating underground utilities near other active utility lines. Whenever possible, the first goal should be to completely remove any utility facility no longer required by the utility owner, at the owner's expense.

When utility removal is infeasible, take appropriate steps to document and secure the abandoned, deactivated, or disconnected utility's status and ownership. Maintain an accommodation document on file to document the location, ownership, and status of abandoned, deactivated, or disconnected in-place utilities. (See 120.04, Pipelines, for guidance on abandoning pipes and casings.)

Certain utilities (such as pipes or casings) that are abandoned, deactivated, or disconnected but are not removed may offer opportunities for future utility installations without the need to install additional ducting or casings. Consideration should be given to the safety of the public, the condition of the existing utility, compliance with current standards, and other issues that may be evident.

If feasible, completely remove direct buried utility company facilities such as telecommunication lines, unless the facility lies under an existing roadway or environmentally or culturally sensitive land. If WSDOT has a need for such facilities and would benefit from acquiring ownership of such, then there may be a purpose for keeping the facilities in place.

(1) Removal of Hazardous Materials

Utility facilities that may have transported hazardous materials, or any utilities composed of hazardous materials, must be considered for removal, at the owner's expense, at the time of abandonment. Removal may also be delayed until some future time, as approved by WSDOT. Avoid placing the department in a position where it may need to pay for the future cost of removal and disposal of hazardous materials or contaminants.

(2) Options

Utilities that wish to abandon, deactivate, or disconnect utilities in place and avoid removal costs may do so, but only under specific circumstances. Facilities that are abandoned, deactivated, or disconnected in place remain the property and responsibility of the utility owner unless the owner wishes to transfer ownership to WSDOT and the department agrees.

(a) **Ownership Maintained by Utility** – Utilities that wish to keep ownership of deactivated or disconnected facilities that have been left within the operating highway right of way must maintain an accommodation document listing the facility as deactivated or disconnected.

Until abandoned, deactivated, or disconnected utilities are either removed or ownership is transferred to another organization, the utility facility remains the responsibility of the utility owner of record.

(b) **Ownership Transferred to WSDOT** – Utilities that wish to transfer ownership of abandoned facilities to WSDOT may do so, provided the department agrees to the transfer.

Requirements for such transfers are as follows:

- WSDOT must have a clear and present need for the facility.
- The utility agrees to release all future claims to the facility.
- The transfer must be at no cost to WSDOT, as the transfer is for the convenience of the utility.

Contact the HQ Utilities Unit if transfer of ownership is being contemplated by a utility.

(3) Documentation

Ownership of abandoned, deactivated, or disconnected utilities should be documented using a new and/or existing utility accommodation document. A file should be maintained in the region as described in 100.05, Accommodation Documents: Management and Administration. A database record should also be maintained listing the utility as "Inactive."

130.07 Undocumented Utility Installations

RCW 47.44

One of the primary goals of the WSDOT *Utilities Accommodation Policy* is to document location and ownership of utilities. Therefore, it is important to work in a cooperative manner with utility owners to record existing utility installations not already documented by WSDOT. When undocumented utilities are discovered, every effort should be made to work with the utility owner to properly document the existing installation. (See 130.04, Penalties, for repeated unauthorized installations.)

(1) Level of Notification

When informing a utility of an undocumented utility installation, it should be assumed that the utility owner desires to comply with the WSDOT *Utilities Accommodation Policy*. Generally a phone call to the utility is sufficient to begin the documentation process and remedy an undocumented installation. Occasionally, additional and more formal notification may be necessary.

(a) **Initial Notification** – Initial notification to a utility owner should start informally with a phone call or an e-mail. Approach the utility with a collaborative attitude, as formal documentation of utility location and ownership benefits both WSDOT and the utility.

Document all contact, including date, time, contact name, and outcome of the communication with the utility.

(b) **Additional Notification** – Additional contacts with undocumented utility owners should be progressive in nature, working toward more formal communications as time and level of cooperation from the utility dictates. This may involve additional informal communication or more formal methods (such as return receipt letters) as circumstances dictate, with the end goal of receiving formal application from the utility and subsequent utility location and ownership documentation by WSDOT.

Document all communication with the utility as discussed under Initial Notification above.

(c) **Final Notification** – After exhausting all reasonable efforts to obtain compliance from the utility owner, WSDOT shall give final notice by Certified Mail that a franchise or permit is required or the facility must be removed. (See 130.04, Penalties, for additional guidance.)

(2) Existing Utilities Installed Contrary to WSDOT Policy

Existing utilities are not exempt from the *Utilities Accommodation Policy*. Documenting existing utilities should include language explaining the circumstances surrounding the installation, such as Route Jurisdiction Transfers.

(a) **Route Jurisdiction Transfers** – Highways transferred to WSDOT from a local agency will normally include existing utilities. A reasonable effort should be made to document noncompliant utilities, safety issues, and other situations that do not meet current department standards. Future utility or WSDOT projects should correct noncompliant utilities as needed or as defined elsewhere in this manual.

(b) **Non-Route Jurisdiction Transfers** – Existing utilities installed without prior approval that do not meet department policy should be treated on a case-by-case basis. Undocumented utilities that have been in place for a long period should be documented and, if noncompliant and there is no history of problems, reinstalled or corrected when an opportunity arises, such as during a highway or utility project.

Recently installed undocumented utilities should be handled on a case-by-case basis as well, but with greater scrutiny. If the utility meets WSDOT standards, it may be appropriate to document the installation. Utilities installed that do not meet department standards should be removed and installed correctly, or a variance should be obtained. (See 130.04, Penalties, for additional guidance.)

(c) **Factors to Consider** – Various elements of the *Utilities Accommodation Policy* must be considered when reviewing how the undocumented utility was installed. For example, utilities must meet Control Zone requirements. If they do not, the facility must be corrected to meet the Control Zone Guidelines.

Subsurface installations must meet depth requirements. For example, if a buried cable installed within a ditch line is shallow enough to be impacted by highway maintenance operations, the utility may be instructed to bury the cable at the required minimum depth or relocate. However, if a buried cable installed near the edge of right of way does not meet depth requirements, the utility may be allowed to remain if determined reasonable by WSDOT. In all cases, document the reasoning and justification for the approval as with any variance justification.

Use individual judgment to determine the best course of action for each situation based on the contents of this manual and its references.

(3) Fees and Cost Recovery

All fees and cost recovery efforts apply to the documentation of existing undocumented utility installations.

WAC 468-34-020(1)

130.08 Turnback Areas and Construction Permits

The types of utility accommodation conditions that require coordination with local agencies are:

- Construction permits
- Turnback areas

Each of these types of construction conditions involves similar coordination efforts with local agencies to ensure the local agency will accept ownership of the utility installation after completion of construction. Because of ownership issues, both types of utility accommodation situations must be treated differently.

(1) Construction Permits

Construction permits are used when a highway project will affect existing local agency right of way. The permit is a temporary right of entry to construct highway improvements. WSDOT has no property rights or utility accommodation approval authority within construction permit areas.

(2) Turnback Areas

Turnback areas are new or existing rights of way belonging to WSDOT that are planned to be transferred to a local agency once highway construction is complete. The department, as fee title owner, has utility accommodation approval and oversight authority for these areas until title to the area is transferred to the local agency. However, to help ensure acceptance of turnback areas after highway construction, any utility installations within the area should be coordinated with the local agency.

Utility accommodation applications located within turnback areas or construction permit areas should be treated differently than utility accommodations within other areas of highway operating right of way, as defined in this section.

(a) **Coordination With Local Agency** – In all cases, the local agency has an interest in the location and installation of utilities within turnback areas or construction permit areas that are temporarily managed by WSDOT. Approval of all utility accommodation applications within these areas should be coordinated with the local agency, as well as the project construction office administering the project, to avoid construction conflicts between the utility installation and highway construction efforts.

(3) Turnback Process

To ensure turnback areas involving utility accommodation or relocations are accepted by local agencies at the end of the process, every effort should be made to include them in utility accommodation. Refer to the *Agreements Manual* for detailed information on the turnback process.

(a) **Initial Meeting** – An initial meeting should be held to discuss turnback issues.

WSDOT functional areas should include Maintenance, Local Programs, Utilities, Traffic, and others as warranted. Utility owners should also be included in the meetings.

Utility accommodation items that should be considered for discussion in the meeting include:

- Inform the local agency of any utilities that will be turned back to them after the project is complete.
- Discuss local agency utility accommodation standards and ensure utilities are installed or relocated accordingly.
- Review any terms the local agency may want to have included in the accommodation document, such as any Special Provisions, termination clauses, or other language.
- Manage documentation transfer (hard copy or electronic information).

This process will help ensure the local agency will accept any turnback areas that include utilities.

(b) **Turnback Agreement Language** – Ensure any project Turnback Agreements include a discussion of utilities to be turned over to the local agency.

(c) **Approval** – WSDOT approval of accommodation documents within turnback areas should not be granted until the local agency has provided written concurrence of the installation.

(d) **Turnback Area: Transfer to Local Agency** – Approved accommodation documents for utility installations within turnback areas must be sent to the local agency after transfer of ownership. Prior to transfer, the local agency may ask for informational copies of approved accommodation documents. These should be provided if requested.

The region should consider maintaining informational copies of transferred accommodation documents after the transfer is completed. Informational copies may be necessary in the future because of claims issues, future highway projects, or other situations.

(4) Construction Permit Areas

(a) **Construction Permit Area: Utility Accommodation Jurisdiction** – The local agency retains jurisdiction for the processing and approval of accommodation documents within construction permit areas. Approval of proposed utility installations within construction permit areas is the responsibility of the local agency.

(b) **Construction Coordination** – Because of construction coordination issues, WSDOT has a vested interest in reviewing and concurring with the proposed utility installation if it affects the department's construction project. The region Utilities Office should work with the local agency to ensure the proposed utility installation is coordinated with the highway project.

(c) **Postconstruction** – For postconstruction installations where roadway construction is substantially complete but the construction permit remains in effect, the requesting utility should be referred to the local agency for processing and approval of the proposed installation.

(d) **Approval** – Approval is provided by the local agency.

130.09 Compliance Reviews

In order to reasonably ensure regions are administering the *Utilities Accommodation Policy* consistently statewide and within the guidance provided in this manual, Compliance Reviews will be conducted. The HQ Utilities Unit will review each region's utility permit and franchise approval process at least biannually. The review will involve a representative sample of the regions' approved permits and franchises, as determined by the HQ Utilities Unit.

(1) Compliance Review Areas

The following accommodation areas will be reviewed for compliance with this manual and the *Utilities Accommodation Policy*:

- Approval authority
- Application requirements
- Variances from WSDOT policy
- Justification procedures for variances

(2) Compliance Review Findings

Findings of inconsistent or procedural deficiencies will be discussed with the region. The HQ Utilities Unit and the Region Utilities Engineer will develop a cooperative solution to the findings of the Compliance Review. Any identified improvements relative to processes or standards will be shared with other regions for consideration and possible revision to policy or guidance.