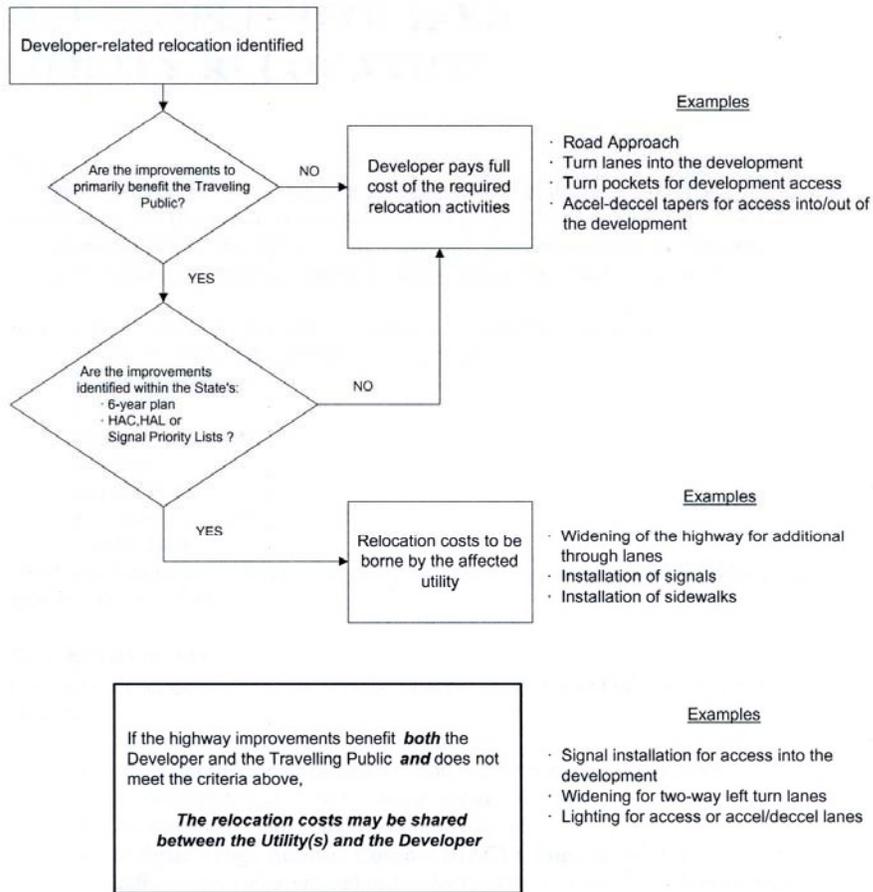


# Guideline for Determining Responsibility for Developer-Required Utility Relocation

## Appendix 31

### Guidelines for Determining Responsibility for Developer-Required Utility Relocation

#### Decision Diagram



1/30/98

## **COST GUIDELINE FOR DEVELOPER REQUIRED UTILITY RELOCATION**

### ***Purpose***

Differences in law and policy have created a great deal of misunderstanding and delay in coordinating utility relocations over the last few years. This guideline provides a renewed understanding of how the utility and transportation agencies will handle these essential utility relocations and highway improvements when necessitated by private development.

This guideline has been developed in cooperation with representatives from:

WSDOT, Northwest and Olympic Regions

Puget Sound Energy

GTE

Snohomish County

US West

King County

Cascade Natural Gas

Master Builders

These agencies intend to follow this guideline and encourage all utilities, developers and agencies to also follow it.

### ***BACKGROUND***

The agencies development requires altering adjacent roadways and relocating utilities in order to:

- Provide access into the development
- Make improvements to adjacent and nearby impacted roadways to accommodate traffic into or out of the development.
- Accommodate future highway improvements.
- Mitigate a High Accident Corridor (HAC) or High Accident Location (HAL) deficiency on adjacent and/or nearby roadways to which the development traffic contributes.
- Mitigate a Level of Services (LOS) deficiency on adjacent and/or nearby roadways to which the development traffic contributes.

## State Highways

### Status

Utilities are allowed in the state highway right of way under a franchise or permit that requires the utility to relocate their facility “when necessary for the construction, alteration, repair or improvement of the highway and at the expense of the franchise holder” (RCW 47144). The franchise holder is generally required to relocate utilities that are in the way of highway improvements in a timely manner, whether the project is being constructed by the state or by a developer. (*Exception:* driveways and other improvements that are solely or the advantage of the development.) Utilities continue to question if it is reasonable for them to bear the entire cost of relocation for highway improvements that have only small benefit to the overall state route.

### Proposed Guidelines

The following guidelines generally have been agreed to by all parties. They are *not* intended to change any law, regulation, agreement and partnership necessary for all to manage the growth of development and infrastructure in a timely manner.

Utility relocation costs would be paid by the **developer** on highway improvement that:

- Primarily benefits the development.

Examples include: Road approaches, turn lanes into the development, turn pockets for development access, accel-decel tapers for access into and out of the development.

Utility relocation costs would be born by the **utility** if:

- Developer improvement provides a benefit to the traveling public and
- Developer improvement is included in the State or Local Agencies six year plan or
- Developer improvement is included in the State or Local Agencies list of High Accident Corridor (HAC), High Accident Location (HAL) or signal priority list and is expected to be funded for improvement within six years.

Examples include: widening of the highway for additional through lanes, installation of signals, sidewalks.

#### Utility Relocation Costs may be shared if:

- Improvements benefits both the development and the traveling public and,
- Does not meet the above criteria for costs to be paid by the developer or the utility.

Examples may include: signal installation for access into the development, widening for two-way left turn lanes, lighting for access or accel-decel lanes.

If the parties disagree on who should pay for utility relocation all parties have agreed to meet and cooperatively work to solve the issue of cost or any problems that may have come up.

In all cases, to speed the utility relocation process, it is important for the developer to include all probable environmental impacts of utility relocation in their environmental documentation and permits.

The Developer needs to provide evidence to WSDOT that coordination with all utilities has occurred.

**Status**

Cities and counties also franchise and/or permit utilities on their road rights of way. The language in their franchises or permits often is more specific than the state's, and usually requires the utility to be burdened with the cost for the city or county projects. However, developer improvements are sometimes required to carry the cost of all utility relocation, whether to the benefit of the roadway or the development.

**Proposed Guidelines**

Although the principles used for State Highways could be applied here as well, franchise situations vary from city to city and county to county. Because of the differences in franchise language throughout the region, it is probably impossible to set uniform guidelines.

Individual agreements will have to be followed in each case. This can be complicated when utility relocation involves both local roads and a state highway. All parties must cooperatively determine how to share the costs for utility relocation. Because the city or county is the permitting agency, negotiate a solution with the city or county permit/planning staff.