

## 4. Capital Project Support – Preconstruction Phase

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The regional Utility Sections are responsible for coordinating the relocation of utilities that conflict with the Department of Transportation and Public Facilities (DOT&PF or the Department) construction projects (AS 19.25.020 and 17 AAC 15, Article 3).

This chapter outlines the process, procedures, and responsibilities for integrating utility relocations in the preconstruction phase of project development. Regional variations to these processes may exist.

The procedures outlined in this chapter were designed to comply with the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and the Code of Federal Regulations (CFR) governing utility relocations on federal-aid projects and the HPCM.

### 4.1. Purpose

The preconstruction activities of the regional Utility Sections are directed toward one goal: A certification by the regional utility engineer that all utility related concerns have been addressed.

The certification is the Utility Section's verification that all applicable utility and railroad work has been completed, or all necessary arrangements have been made for it to be undertaken and completed, as required for proper coordination with the physical construction of a DOT&PF project.

### 4.2. General

Guidelines for the programming of a utility phase for federal-aid highway projects are presented in 23 CFR Parts 645 and 646.

Guidelines for the programming of a utility phase for federal-aid Airport Projects are presented in 14 CFR Parts 151 and 152.

The federal Office of Management and Budget, Circular A-102, sets out the basic guidelines for all federal-aid projects.

The utility coordination process applies to both federal-aid and state-funded projects. However, the procedures for project certification differ for federal-aid and state-funded projects (*Alaska Highway Preconstruction Manual* [HPCM], Sec. 470 and 490).

On state-funded projects, utility phase work may be performed as soon as the necessary design data is available to program the work.

In all federally funded projects, a Project Development Authorization (PDA) from the Project Control Section and Authority to Proceed (ATP) to Utility Relocation from FHWA or FAA is required prior to any phase 7 work being initiated.

### 4.3. Responsibilities

The regional Utility Sections will assist the engineering manager, design staff, and/or design consultants in developing a strategy to identify and coordinate the relocation of utilities located within the project limits.

The utility agreement is written by either Utility Section staff or a utility consultant assigned to the project. The utility agreement writer will do the following:

- Provide utility related plans review and comment at each stage of project development;
- Act as the Department's liaison with the utility companies;
- Identify utility conflicts and coordinate either a resolution or mitigation measures;
- Determine a utility company's eligibility for relocation reimbursement;
- Negotiate and secure utility relocation agreements;
- Prepare contract special provisions for the coordination of utility relocation with project construction;
- Attend project meetings and/or site reviews, and;
- Clearly document all phases of the utility relocation process in an organized manner.

The owner of a utility installed within the project limits has an obligation to contribute to the project design and delivery process.

#### 4.4. Coordination in Preconstruction Phase

The flow of utility coordination activities in the preconstruction phase of project development is outlined in Figure 4-1. The intent of the chart is to illustrate:

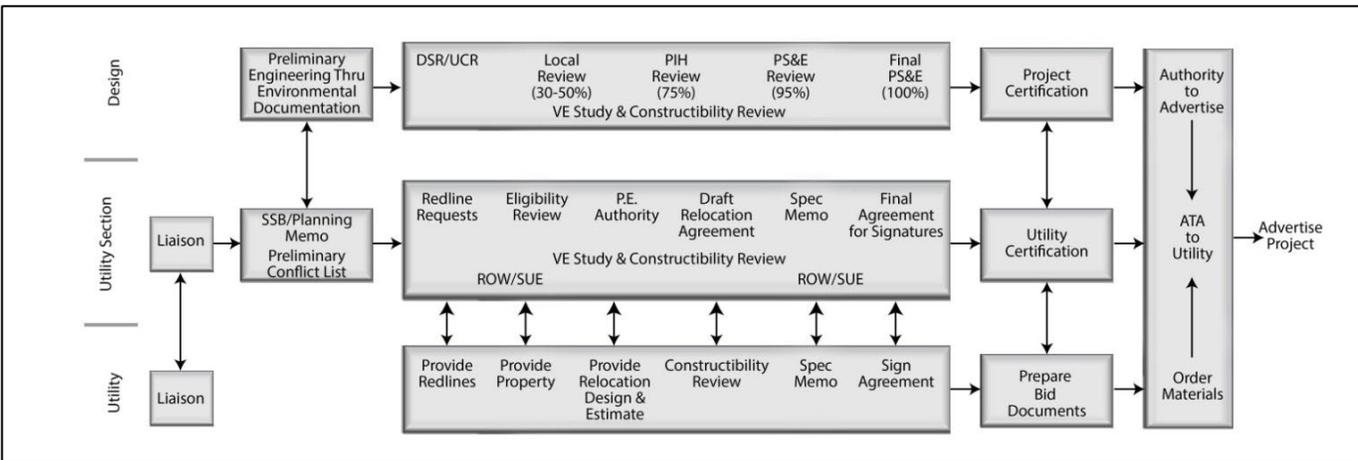
- That the process of coordinating utility relocations runs concurrent with other elements of the project design;
- The importance of early and ongoing coordination with the engineering manager,

- The iterative nature of the utility review/coordination process as the design matures;
- The major design milestones and the associated utility company deliverables.

Not all projects will follow the same process. For example, the engineering manager may elect to combine the Local and Plans-in-Hand and PS&E Review reviews depending on the scope of work and level of environmental analysis required.

Additionally, emergency repair projects, or a project in response to a natural disaster, may require an alternate or expedited process.

Similarly, the process leading to the development of agreements for utility relocations will vary depending



other Department functional groups, and utility companies;

on the project’s schedule, complexity, and location.

**Figure 4-1: Utility Coordination in Preconstruction Phase**

##### 4.4.1. Planning Through Environmental Document Approval

Project development begins with the preconstruction engineer’s approval of a PDA or Reconnaissance Engineering Study. Both the PDA and Reconnaissance Engineering Study records the project’s “purpose and need.” The project’s purpose and need is included in the ATP and provides a basis for the Department’s functional groups to prepare an initial scope, schedule, and budget. (See: HPCM Chapter 4 for more.)

The engineering manager requests that the Utility Section provide a planning- or reconnaissance-level estimate of potential utility impacts and costs

associated with relocation and/or adjustment. The request is typically accompanied by a description of the project, the alignment(s) under consideration, and a typical section.

The utility agreement writer notes the following when developing the initial review:

- The location of the project and the underlying property owner(s) and stakeholders, e.g., DOT&PF, a local public agency, the Alaska Railroad Corporation, etc.
- The project funding source;

- The nature of the work shown in the initial project scope and the potential for impact to utility facilities.
- The source and extent of existing survey information available for plan development.  
Ensure that the survey includes, at a minimum, all above ground utility features and utility locates so that underground utility locations are included in the base mapping.
- Additional survey data needed about existing utilities in the project area.
- Whether a consultant or in-house design squad will develop the project design.

The utility agreement writer identifies the utility companies with facilities within the project limits. The writer also identifies the size, type, and approximate locations of the facilities. This information is found from a variety of sources, including:

- Utility system maps and/or record drawings - if not on file or current, the agreement writer may request them from the utility;
- Utility permit files, which often contain location information or details not included in the system maps, permit correspondence, and/or inspection reports;
- Project as-built files or previous utility agreements;
- Right-of-way mapping;
- On-site reconnaissance;
- Web-based aerial mapping.

The utility agreement writer will evaluate the extent of utility adjustment/relocation required for each alternative and develop preliminary cost estimates. Estimating factors for utility relocations are typically derived from the records of previous projects, such as:

- Utility unit bid tabulations;
- The Department’s unit bid tabulations;
- Utility company relocation billings; Inspector’s Daily Reports (IDR);

- Consultation with utility companies, keeping in mind that they have not yet been authorized to proceed with preliminary engineering.

The estimate(s) should be itemized by project phase.

The utility agreement writer provides a memorandum to the engineering manager outlining the potential utility conflicts and estimate of relocation costs. The memorandum will also specifically address:

- Utility facilities within the project limits that will influence the environmental document, the project design, overall project costs, or schedules;
- Utility relocations potentially requiring right-of-way or easement acquisition;
- The extent and level of subsurface utility engineering (SUE) recommended; and
- The writer’s assumptions used in developing the estimate(s).

In general, the coordination with potentially affected utility companies and the level of effort and detail of analysis required by the writer should be commensurate to the scope of the project and level of environmental analysis required. The environmental impact of utility relocation may need to be considered during the environmental analysis. The early consideration of impacts may benefit project development.

Examples of scoping memorandums are included in the appendix.

#### **4.4.2. Preliminary Engineering through Final PS&E**

The Preliminary Engineering through Final Plans, Specifications, and Estimate (PS&E) phase begins after the preconstruction engineer approves the environmental document and receives the ATP for Preliminary Engineering through Final PS&E.

The utility agreement writer transmits the plans to the utility companies with a “request for redlines” letter, accompanied by the “Utility Adjustment Questionnaire.” The redline request is typically the first formal correspondence to utility companies.

In addition to informing the utility companies of the project schedule and providing an opportunity for comment, the redline request requires each utility company to:

- Confirm the location, size, and type of utility facilities shown on the plans, and;
- Notify DOT&PF of any existing facilities not shown on the plans, or that were installed subsequent to the Department’s survey.

- Informs the utility that the relocation must comply with the Buy America requirements as set forth in 23 USC 313 and 23 CFR Part 635.410 for all federal-aid projects.

By filling out the Utility Adjustment Questionnaire the utility informs the Department:

- The name and title of the utility representative for the project;
- If the utility intends to seek reimbursement under AS 19.25.020(c);
- The utility’s property interest;
- Whether the utility will provide relocation designs and estimates using its staff or a consultant;
- The method of relocation and/or adjustment if applicable (Utility forces, contract to lowest bidder, continuing contract, or as a bid item(s) in the DOT&PF contract).

The letter should include the utility conflict list, identifying the conflict, location, recommended action, and permit number or other property interest. Enclose the latest plans, right-of-way drawings, and cross sections in either hard copy or digital format, as appropriate.

Request the utility company specifically evaluate additional or replacement right-of-way needs to maintain the Department’s Right-of-Way Section appraisal and acquisition schedule as required.

Identify a lead utility to assist the Department in subsurface utility engineering efforts.

Request preliminary engineering through conceptual “One Line” design, on the more complex projects;

- Where more than one relocation alternative may exist,
- When the utility has indicated it wishes to include system improvements in the relocation design, or
- When more than one utility company is relocating along the same alignment.

The writer reviews the plan set, utility redlines, and Utility Adjustment Questionnaire and update the utility conflict list, as well as providing comments and recommendations to the engineering manager.

This will allow DOT&PF and the utility to reach agreement in concept on any proposed non-reimbursable or betterment work. It also allows for evaluating cost saving measures such multiple utility facilities in joint trenches, bores and/or pole line attachments.

Evaluate whether additional survey or subsurface utility engineering work is necessary to identify and/or mitigate utility conflicts. Also, determine what the Department’s right-of-way appraisal and acquisition schedule requires, and evaluate the available relocation options.

The regional utility engineer may authorize by formal letter (PE letter) the utility companies to begin preliminary engineering activities at this time.

If utility companies contract for design consultants or other professional services, DOT&PF must review and approve that contract. Consider the utility company’s work order accounting system to ensure that the relocation costs can be accurately captured.

The PE letter is issued to each utility affected by the project. The letter:

- Provides affected utility companies with an official order to relocate per AS 19.25.020(a);
- Authorize the utility to proceed with preliminary engineering activities for a replacement-in-kind relocation;
- Advise the utility of its eligibility for relocation reimbursement, and;

#### **4.4.3. Design Study Report**

The engineering manager oversees the Design Study Report (DSR), which documents the basis for the preferred design alternative. (See HPCM Chapter 4 for more.)

A Utility Conflict Report (UCR) may accompany the DSR for projects being developed by a design consultant.

The assigned agreement writer will compare the DSR and UCR to the original utility scoping memorandum, and update the list of potential utility impacts, and preliminary relocation estimate, as appropriate.

Consider whether UCR cost estimates are comparable to previous estimates, whether local ordinances affecting relocations are addressed, and if items such as railroad flag protection have been considered.

**Table 4-1  
Utility Work Phases**

Phase 2	Preliminary Engineering (Design)	Includes utility company engineering forces, utility consultants, and other professional services, such as surveying and subsurface utility engineering (SUE) efforts. Also includes the Utility Section’s estimated costs.
Phase 3	Right-of-Way	Acquisition cost only of the easement or other property interest by the utility.
Phase 4	Construction	Includes utility relocation work that is included in the Department’s contract on behalf of the utility.
Phase 7	Utility Relocation	Includes: <ul style="list-style-type: none"> <li>• Relocation/adjustment of facilities by the utility company, either through a contract administered by the utility, or by in-house utility forces.</li> <li>• Electric/Telecommunication service to the Department’s facilities, such as highway signals, lighting, traffic recorders, etc.</li> <li>• Work by a railroad in support of the project, such as crossings, signals, or flag protection.</li> <li>• Utility supplied materials</li> <li>• Utility review of materials certification submittals during construction</li> <li>• Utility inspection/testing of contractor constructed facilities</li> </ul>

**4.4.4. Local Review**

A Local Review may be held when the design is 30 to 50 percent complete. At this time the existing and proposed line, grade, typical section, and slope limits should be available. The plans should also show the locations of existing utilities. (See HPCM Chapter 4 for more).

**4.4.5. Plans-in-Hand Review**

The Plans-in-Hand (PIH) Review consists of an office review of the 75 percent complete PS&E of costs and a field review of the proposed project site. This review ensures conformity with the project scope and design standards, verifies environmental commitments, reviews design details, and coordinates technical recommendations. (See HPCM Chapter 4 for more.)

Elements of the project design will become clearer at the PIH level. The plans will include storm drainage, structures such as retaining walls or bridges, and/or lighting/signal designs. Right-of-way base mapping and cross sections should also be available.

While all of the design details are not finalized, the PIH assembly is typically sufficient for the agreement writer to:

- Update the utility conflict list;
- Meet with the engineering manager to review the conflicts and determine whether they can be mitigated by changes to the design or that the utility must relocate, and;
- Complete the eligibility for relocation reimbursement review for each utility.

The utility agreement writer reviews the utility relocation designs and estimates to ensure they meet all the design requirements and objectives of the project. Specifically, the utility proposal:

- Must be itemized and of sufficient detail to show all the necessary work, the schedule or sequence of work, and construction methods required

- Must accurately detail the placement of new facilities in the right-of-way and/or in relation to the Department’s facility
- Must identify any system improvements not attributed to the project that are solely for the benefit of the utility; and
- Must be the most economic method of relocation

The utility agreement writer must consider many things when developing a relocation agreement. Ongoing coordination is required with the engineering manager and utility company representatives to resolve items of work that can affect both the DOT&PF contract and the utility agreement. Such items may include:

- Erosion and sediment control
- Surveying
- Clearing and grubbing
- Relocation in advance of the Department’s contract
- Traffic control
- Utility work included as an item in the Department’s contract
- Other agency permitting

The utility agreement writer will develop a utility coordination memorandum detailing the coordination and cooperation required between the Department’s contractor and the utility companies during project construction. The engineering manager incorporates the elements of the memorandum into the contract Standard Modifications and Special Provisions. The agreement writer includes utility related Standard Modifications and Special Provisions in the utility agreement as an exhibit.

The utility coordination specifications:

- Lists the utilities present within the project area and their contact information
- Informs the Department’s contractor of the utility relocation work performed by others or required of the contractor;
- Provides the date or calendar days required by the utility to complete the relocation, and;

- Addresses the contractor’s responsibility for any items of work required to support the utility’s relocation.

The memorandum should include any attachments, such a utility’s “Excavation and Clearance Guidelines,” or the ARRC “Specifications for Work on Railroad Property,” for inclusion in the Department’s contract as an appendix, as appropriate.

Submit the utility coordination memorandum, attachments, and utility-specific special provisions to the engineering manager for inclusion in the PS&E Review.

#### **4.4.6. Plans, Specifications, and Estimate Review**

The PS&E Review is the final review of the completed contract assembly. (See HPCM Chapter 4 for more.) The utility agreement writer participates in the review and provides utility-related comments as appropriate. The writer also submits utility company comments for adjudication.

The agreement writer makes any modifications required to the draft utility relocation and/or line extension agreements as a result of the PS&E Review and submits it for internal review. The internal review is to ensure that all necessary relocation plans, estimates, and exhibits are accurate and complete.

Once the Utility Section’s internal review is complete, transmit the agreements to the utility companies for review and signature.

#### **4.4.7. Final Plans, Specifications, and Estimates**

A completed Final PS&E ends the preconstruction phase of project development. (See HPCM Chapter 4 for more.)

The regional utility engineer signs the Project Certification form once the signed utility agreements are in place. Project Control submits the certification and ATP through Construction for approval. When ATP through Construction is approved, the preconstruction engineer can execute the agreements.

### **4.5. Alternative Processes**

Although the PS&E process is the standard utilized by the Department, other alternatives exist where circumstances either require an innovative design or accelerated schedule or where projects are designed through other agencies.

#### **4.5.1. Design/Build Projects**

The D/B process is utilized where an innovative design may be brought forward or an accelerated schedule is needed to complete a project. The Department process for utility relocations in a D/B project is outlined below.

##### **Pre-Request for Proposal Phase**

The Department will define the parameters of the project and develop a set of conceptual plans which will be utilized in the project's Request for Proposal (RFP). Once this information is available the regional utility engineer will work with the Project engineering manager to develop draft Memorandums of Understanding (MOUs) (ref. Appendix page 7-65) with the appropriate utility companies based on potential conflicts. The regional utility engineer will provide a PE Authorization Letter (ref. Appendix page A-7-63) to the utility which provides the following:

- An established date by which the Department will reimburse PE charges;
- The official Order to Relocate per AS 19.25.029(a);
- A copy of the draft MOU for review;
- Request for a "One Line" design and cost estimate;
- Determine area's where additional right-of-way may be necessary to accommodate the proposed relocation.

The PE authorization will cover charges by the utility until a D/B contractor is selected.

##### **Final MOU**

The Department will work with the utility to develop a final MOU which is acceptable to both parties. The final MOU outlines who is responsible for PE charges through the RFP process and those after the D/B team is selected. It addresses the D/B contractor's reimbursement requirements to the utility. It addresses the D/B contractor's requirements for assuring the proposed relocation meets the Department's accommodation policy so that a utility permit can be issued.

The final MOUs for the appropriate utility companies will be included in the RFP on which the D/B contract teams base their proposals.

##### **RFP Preparation**

Include the following items in the RFP relating to the utility relocations:

- The final MOU.
- The utility's conceptual "One Line" design and cost estimate accepted by the Department.
- A determination of eligibility specific to each utility addressing facilities the Department has determined are eligible for relocation reimbursement.

##### **RFP Phase**

During the RFP phase the Department will meet with the utility companies and D/B contract teams as requested. The utility companies may be asked to develop additional one-line designs and estimates based on the design of the D/B team. The charges by the utility companies during this phase are covered under the PE authorization.

##### **Post RFP Phase**

Once the Department has selected a D/B contractor the regional utility engineer will issue a letter to the appropriate utility companies terminating P.E. The D/B contractor becomes responsible for all subsequent costs from that point forward. The contractor is responsible for negotiating utility agreements with the utility company, to which the Department is a signatory. The D/B contractor ensures that the relocation work negotiated with the utility under the utility agreements meets the requirements of AAC Title 17. DOT&PF makes the final determination that the relocations are acceptable. A DOT&PF utility permit will be issued based on the as-built locations and will stipulate the appropriate conditions concerning maintenance and operation of the facility.

#### **4.5.2. Local Public Agency Process**

DOT&PF has a process for relocating utilities when a project involves a Local Public Agency (LPA). An LPA project is constructed in rights-of-way owned by the LPA. There are no DOT&PF utility permits covering these facilities. Determining reimbursement eligibility for these utilities is based on the following criteria:

- Adjustments are necessary for the proposed roadway construction;
- The utility is in conflict with the proposed improvements;

- The utility has a property right or permit for its present location;
- The utility is located according to the permit or is otherwise eligible for relocation reimbursement.

In order for the LPA to proceed with the utility relocations they must meet the following criteria:

- The utility relocation work and the project construction, as appropriate, are included in the Statewide Transportation Improvement Program (STIP) and FHWA or the state has issued the phase authority to proceed;
- Environmental evaluation has been approved and includes the utility relocations;
- The Department has reviewed and approved the plans, estimates and proposed or executed utility agreements;
- The Department has approved the LPA’s accommodation policy, and;
- As appropriate, the LPA has provided the Department the required documentation.

A utility agreement may be prepared by department staff, consultant services, and/or local agency staff.

#### Utility Permit Transfer

Where the Department is transferring title, the Department will:

- Forward to the LPA an inventory of all third party utility permits.
- Notify the permit holders of the transfer. The notification will contain the address of the new manager and a statement that the rights and responsibilities of the permit holder remain unchanged.

Utility permits are conveyed at the time of transfer of title.

#### Property Management

Federal utility policies, as detailed in 23 CFR 645, apply to all projects receiving federal-aid regardless of the funding source for the installation, adjustment, or relocation of utilities.

The LPA must have a DOT&PF-approved utility accommodation policy or adopt the Department’s

policy under 17 AAC. The utility relocation policy shall provide the following:

- The authority of the utilities to use and occupy the right-of-way
- The LPA’s authority to regulate such use
- The policies the LPA proposes for accommodating utilities within the right-of-way

Where utility facilities occupy the right-of-way, the LPA and the utility agree in writing to the terms of occupancy and the manner in which the utilities will be accommodated.

If utilities already occupy the right-of-way at the time the agreement is executed, the LPA will demonstrate that all permits or authorizations allowing occupancy in the right-of-way contain terms and conditions equivalent to the state policy on accommodation. The utility must certify that it has a right of occupancy in its existing location.

#### 4.6. Utility Agreements

A utility agreement is a mutual, written understanding entered into by the State of Alaska, acting through the Department or Local Public Agency, and a utility company or agency, providing for the installation, adjustment, or relocation of utility facilities required by a Department sponsored project (AS 19.25.250 and 17 AAC 15.341).

A utility agreement:

- Establishes the responsibilities for accomplishing the work
- Establishes the parameters for reimbursement
- Provides a basis for federal, state, Local Public Agency, and/or utility participation in the costs, as appropriate
- Designates the method(s) to be used to accomplish the work, such as a competitively bid contract administered by the utility, by the utility’s own forces, or as an item in the Department’s contract, and
- Designates the method the utility proposes for developing relocation costs.

A utility agreement must be prepared in a format approved by DOT&PF, and shall consist of:

- The applicable standard utility agreement (boiler plate) form and signature sheet, and;
- Supporting exhibits: itemized cost estimate, scope of the relocation work to be performed, plans, and specifications.

#### **4.6.1. Agreement Forms**

The boiler plate forms were developed in cooperation with the state Attorney General’s Office.

In addition to providing for the installation, adjustment, or relocation of utility facilities, the boiler plate language establishes the utility’s indemnification of the Department for injuries, damages, or legal liability as a result of the performance of the relocation work.

The regional utility engineer should carefully consider any modification to the boiler plate language. Substantial modifications may be subject to a review by the Attorney General’s Office.

#### **Form 25D-250, 25D-250 FAA Utility Agreement (Work by State or Utility)**

Use Form 25D-250, commonly referred to as the standard utility agreement, when utility relocation/adjustment work is to be accomplished by a contract administered by the utility, the utility’s own forces, or as a bid item under a DOT&PF contract. For work associated with aviation projects use Form 25D-250 FAA.

Form 25D-250 may be amended to include Form 25D-252A, the utility reimbursable services agreement (URSA), when non-reimbursable work is included as a bid item in the Department’s construction contract.

#### **Form 25D-251, 25D-251A, and 25D-251B Line Extension Forms**

Use the appropriate line extension agreement form when it is necessary, or in the public interest, for a utility to install, own, and maintain distribution facilities to serve a Department’s installation or purpose, such as service to an electrical load center for highway signals or lighting, airport lighting, or telecommunications supporting an Intelligent Transportation System (ITS).

The utility will develop the method of installation costs in accordance with the utility’s approved tariff on file with the Regulatory Commission of Alaska (RCA), and provisions of 3 AAC 52.455 and 17 AAC

15.441. Utilities are exempt from DOLWD “Little Davis Bacon” Act requirements on line extensions.

The Department issues a no-cost permit to utilities for facilities installed under a line extension agreement located within DOT&PF rights-of-way.

#### **Form 25D-252 and 25D-252A Utility Reimbursable Services Agreement**

Use Form 25D-252 or 25D-252A for work included as a bid item under the Department’s construction contract that is either:

- At the request of, and for the sole benefit of, the utility (betterment), or
- A relocation required by the project that is not eligible for reimbursement

In both cases the URSA establishes the utility’s participation in the costs of the construction, preliminary and construction engineering, and incidentals, such as shared construction items and indirect cost rate agreement (ICRA).

The URSA requires a separate Department project number established by the Project Control Section for developing the costs to be billed to the utility.

#### **Form 25D-253, 25D-253 FAA Utility Lump Sum Agreement**

Use Form 25D-253 when the Department and utility agree to a final, fixed amount payment, or “lump sum” payment, for utility relocation/adjustment work.

The basis of the lump sum payment is an estimate of costs prior to construction. The lump sum payment method should only be used where the work is clearly defined and can be accurately estimated.

The regional utility engineer will submit a proposal for lump sum payment to the FHWA or FAA for approval on all federal-aid projects.

#### **Form 25D-254 Supplemental Agreement**

Use Form 25D-254 when the Department modifies the scope of a project by extending the project limits or adding work outside the limits. The modification results in additional relocation which is out of scope of the original project utility agreement.

#### **Letter Agreements**

The regional utility engineer may authorize the use of a “Letter of Agreement” in place of the standard utility agreement Form 25D-250 when:

- The eligible adjustment is minor, such as a water valve box or sewer manhole adjustment, the estimated cost of which is less than \$25,000, or
- The Department and utility agree that the work is of such a minor nature that no billings are required, either from the utility to the Department or vice versa.

#### **Form 25D-258 Certificate of Resolution**

Use Form 25D-258 when it is necessary to formally establish the authority of a utility, LPA, or other political subdivision of the state, to sign agreements or contracts.

#### **Form 252D-255 Signature Sheet**

Use signature sheet Form 252D-255 with all utility agreement forms and letters of agreement. The form may be modified to include additional signatures as appropriate.

#### **4.6.2. Agreement Exhibits**

All utility agreements shall include an itemized cost estimate, scope of work, project and utility relocation plans, and specifications that support the agreed upon work.

The standard agreement exhibits are:

- Exhibit “A” Estimate of Costs
- Exhibit “B” Certificate of Finding
- Exhibit “C” Plans
- Exhibit “D” Specifications

The Exhibits must be sufficiently detailed to:

- Provide a clear description of the work;
- Identify and specify the terms and conditions of any contribution, repayment, or credit required by the utility to the Department;
- Provide a visual detail of the work described through appropriate plans, and;
- Provide appropriate detail of the sequence of relocation work and time periods to complete the work based on constructability of the project.

#### **Exhibit “A” Estimate of Costs**

The utility’s relocation cost estimate must be itemized to clearly identify the costs associated with the work.

All costs are summarized on the Exhibit “A” Summary of Estimate for Adjustment of Facilities Required by (Highway)(Aviation) Construction” form. The form provides for the allocation of estimated costs to:

- Each of the project phases (PE = phase 2, ROW Acquisition = phase 3, State Work for the Utility = phase 4, Utility = phase 7), and
- The responsible party for funding the work, such as federal-aid, state/LPA, or the utility.

#### **4.6.3. Exhibit “B” Certificate of Finding**

The Certificate of Finding outlines the scope of work in sufficient detail to back up the costs of the estimate included in Exhibit “A.” The Exhibit “B” shall contain the following information:

- Project number, including both federal and state or agency where applicable;
- Project termini
- Utility type
- Utility company name and address
- Utility contact; and
- Utility work order numbers

Other items include:

**Eligibility:** Include a brief statement defining the basis for reimbursement eligibility, on federal-aid highway projects. This would include 23 CFR 645, on federal-aid aviation projects 14 CFR 151-152, with AS 2.15.102, 19.25.020 and 35.10.210, covering federal-aid and state funded projects. On local agency projects, reference the local ordinance under which the utility would be eligible for relocation reimbursement.

**Land Interests:** Address the utility’s claim for occupancy of the land. Recorded documents should be noted. State whether the facilities relocated are covered by a valid permit or were installed prior to July 1, 1960. Address facilities that are either not permitted or in non-compliance with the permit, defining the reimbursement in Exhibit “A.” Address

facilities located on company owned easements and how those rights are being replaced.

Listing of applicable utility permits should be included.

**Betterments:** If betterment to the existing utility infrastructure is occurring, address existing facilities and the planned betterment to the facility. Include how the betterment is being handled within the estimate, either as a betterment credit or a calculated percentage, per 17 AAC 15.351(g).

**Non-Reimbursable:** Address whether the utility is planning installation of new facilities or whether there are facilities being relocated that are not eligible for reimbursement. Indicate whether the work is handled through a separate work order or through a percentage calculation in the estimate, per 17 AAC 15.351(h)(i).

**Salvage and Scrap:** Indicate how salvage and scrap is being handled within the estimate. The statement should indicate that salvage or scrap returned to company stock will be credited to the Department, per 17 AAC 15.351(e)(f).

**Consultant Construction Engineering:** When consultant engineering is utilized the agreement should address the following:

- Letter from the utility stating that they are not adequately staffed to perform the relocation engineering.
- Letter from the utility and the consultant explaining the scope of work and services provided, including all fees and other arrangements.
- If work is done under an existing continuing contract, the utility must demonstrate that such work is done on a regular basis and that the fees are reasonable.

**Scope of Work Statement:** Include a general section that briefly describes the project's planned improvements.

Other topics that may be included, depending on complexity of the project or relocations are:

**Existing Utility Facilities:** Include a brief description of the utility companies existing facilities within the project, addressing whether the facilities are transmission, distribution, or service, aerial or underground, steel or plastic.

**Relocation Design:** Describe important details of the proposed utility relocation design, including betterments; conversion from overhead to underground (and whether it is considered a betterment or is required by local ordinance), conversion of steel facilities to plastic (and to what extent the relocation is viewed as reimbursable), conversion of copper communication cable to fiber optic cable.

**Utility Coordination:** Identify work which may require joint trenches or overlapping work that may require close coordination during construction.

**Construction Surveying:** Define what the utility's requirements are and what surveying may be supplied under the general contract, such as right-of-way staking or slope staking.

**Easements:** Address easements that were required to accommodate the relocation and any conditions associated with the easements such as permitting and future ownership.

**Change Orders:** Address how change orders to the agreement are to be handled and the appropriate approval process, which will depend on whether the work is being done by the utility or under the general contract and who is responsible for the costs.

**Cleanup Responsibility:** Address responsibility for clearing and debris removal by the utility or under the general contract. Address any general cleanup responsibilities of the company.

**Traffic Control:** Address if the utility is responsible for providing traffic control, if the work is being completed concurrently with project construction, whether the prime contractor will provide traffic control and the utility's responsibilities. If work is advance relocation, address the level of traffic control anticipated, which should be reflected in Exhibit "A."

**Storm Water Pollution Prevention Plan:** Address whether the utility is responsible to provide an approved SWPPP prior to relocation or if the work is concurrent with the Department's construction and what the utility responsibilities are in complying with the general contractor's SWPPP.

**Detailed Scope of Work:** The detailed scope of work statement should address the required relocation, both reimbursable and non-reimbursable, utilizing project stationing where applicable. If stationing is not available, such as off project relocation, then the

description should provide adequate detail utilizing plans attached to the agreement.

If special sequencing is addressed in the special provisions, then the scope of work should follow the sequencing if described by segments or phases to be completed.

Identify the applicable plan sheets of Exhibit “C” or additional exhibits which identify the relocation.

The scope of work should be consistent with materials estimated in Exhibit “A” and shown on the applicable plans.

#### **4.6.4. Exhibit “C” Plans**

The plans in Exhibit “C” should be from the projects latest design plan and profile sheets. Plans not included in the project plan set should be included as a separate exhibit, such as utility design plans not included in the set. Utilizing signed plans on which Authority to Advertise (ATA) is based reduces the amount of changes and potential conflicts arising during construction.

The plans should address existing facilities to remain, new facilities which are reimbursable, betterment facilities, non-reimbursable facilities, facilities to be retired or abandoned, and any temporary facilities based on the approved color coding. Check the color coding for correlation with the detailed scope of work and quantities within the Exhibit “A.”

Work included within the general contract should include plan sheets such as the estimate of quantity sheets with the appropriate items indicated and summary table sheets which apply.

#### **4.6.5. Exhibit “D” - Specifications (as required)**

Any project Special Provisions which are developed to coordinate utility relocation, such as Section 105-1.06 Coordination with Utilities, should be included in Exhibit “D.” The specials should briefly identify the relocation work to be completed utilizing stationing and identifying timeframes required to complete the relocation, generally identified in calendar days. Address such items as joint relocation and sequencing of relocations.

If the relocation work is incorporated into the project plans, then appropriate sections covering the work should be included in Exhibit “D,” for example Section 627 for water relocation. These items should correlate with the estimate of quantity sheets and plan

sheets included in Exhibit “C” as well as quantities in Exhibit “A.”

#### **4.6.6. Other Exhibits**

If the utility company’s design is not included within the project plan set, then those design plans should be included as a separate exhibit in the agreement.

If easement documents or utility company contract specifications are to be included in the agreement, they should also be inserted as a separate exhibit.

#### **4.7. Utility Agreement Number**

The regional utility engineer will assign a coded number to each utility agreement. The agreement number is derived as follows:

- The region number is the first digit: 1 (Central), 2 (Northern) and 3 (Southeast).
- The second part of the agreement number is the state project number as shown on the Alaska Statewide Accounting System (AKSAS).
- The third part of the number is the date as indicated by the last two digits of the year.
- The fourth part of the number is a regional, sequentially assigned two-digit number.

#### **4.8. Agreement Approval and Execution**

Follow these procedures in processing and executing utility agreements:

- Assemble the required signature copies
- The agreement preparer signs the agreement
- The agreement is signed by the regional utility engineer.
- The agreement is sent to the utility for signature.
- For federal-aid projects, the Department will request either approval of funding to allow advance utility relocation or ATA.
- When required approval and authorization is received on federal-aid projects, or when the agreements have been approved and funded by the Department on non federal-aid projects, the preconstruction engineer will execute the agreements; then distribute the

agreements as required. The date of execution shall be after approval and funding is secured.

- All copies are returned to the regional utilities engineer after approval.
- Send a transmittal letter authorizing the utility to proceed (ATP letter) with utility relocation work in accordance with the terms of the utility agreement. Advise the utility to terminate and bill all PE charges and begin construction engineering (CE) charges on the date of execution of the agreement.

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