

Accommodation of Utilities on Highway Right of Way

UDOT 08E-02

Effective: April 3, 1987

Revised: April 9, 2013

Purpose

To outline federal regulations, state statutes, and rules for accommodating utilities within highway rights of way for permitted installations and activities, and for the design and construction of Utah Department of Transportation (Department) federal aid and state funded projects.

To assist Department staff in applying the appropriate regulations when accommodating or relocating utilities on highway rights of way.

Policy

The Department permits utility installations on federal-aid and non-federal-aid highway rights of way only to the extent that these facilities can be accommodated without compromising the safety or integrity of the highway facility, and without interfering with normal highway operation and maintenance activities.

FEDERAL REGULATION

23 Code of Federal Regulations, Part 645, Subpart B, Accommodation of Utilities, governs the installation and management of utility facilities in State and Federal Aid Rights of Way.

23 CFR 645 requires each state transportation department to submit a statement to the FHWA on the authority of utilities to use and occupy the right-of-way of state highways; the department's power to regulate such use; and the policies the department employs for accommodating utilities within the right-of-way of Federal-aid highways under its jurisdiction. Furthermore, each department must submit an accommodation plan which addresses how the department will consider applications for longitudinal utility installations within the access control lines of a freeway. This policy together with Administrative Rules R930-7, Utility Accommodation R907-64, Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities, and R907-65 Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities, fulfill this federal requirement.

On Federal-aid highway projects where the Department does not have legal authority to regulate highway use by utilities and private lines, the Department enters into formal agreements with local officials who have such authority. The agreements provide for a degree of protection to the highway at least equal to the protection provided by Rule R930-7, Utility Accommodation.

STATE REGULATION AND RULES

The Department allows utility installations and maintenance of existing utilities on highway right of way in compliance with the current version of:

- Utah Code 72-7-102. Excavations, structures, or objects prohibited within right-of-way except in accordance with law -- Permit and fee requirements -- Rulemaking -- Penalty for violation.
- Utah Code 72-7-104. Installations constructed in violation of rules -- Rights of highway authorities to remove or require removal.
- Administrative Rule R930-7, Utility Accommodation
- Utah Code 72-7-108, Longitudinal Telecommunication Access in the Interstate Highway System
- Administrative Rule R907-64, Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities
- Administrative Rule R907-65, Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities.