

ODOT is about to enact a permit process to recover expenses from utilities occupying ODOT's operating right of way. ODOT expects to collect about \$2 million of "new revenue" per year from utilities. Many of you probably remember that this stems from the recent Attorney General's Letter of Counsel that gas tax funds cannot subsidize utilities. The legislature amended Oregon law effective July 1, 2001 to permit ODOT to recover its cost through the utility permit process. ODOT is tentatively scheduled to begin charging a permit fee beginning January 1st.

ODOT can only recover actual costs in dealing with utilities in State highway right of way. Thus, we need a mechanism to determine and track these costs. The solution was to create a new "UTL" sub-job for all projects that require utility coordination and/or relocation on State highways. **Starting November 1st, the "UTL" sub-job should be used whenever dealing with utility issues located within State highway right of way.** (For example, PEXXX-UTL-XXX or CONXXXX-UTL-XXX.) It is important we capture the appropriate costs from the start. Project costs will be captured using the "UTL" sub-job and analyzed periodically to determine appropriate permit fees to recover these costs. Permit fees may be adjusted on a yearly basis depending on how the fees relate to actual costs. So please, use the "UTL" sub-job, and use it appropriately.

Financial Services is aggressively facilitating our need to capture these costs in short order and because of this push for implementation, some EA's may not be set up with the "UTL" subjob. This will create your project charges to "kickout". When they do, you will need to call either Tom Hoots at (503) 986-3534 for PE, or Bob Fowler (503) 986-3882 for CE, to set up the "UTL" sub-job.

The following list is a guideline for appropriate use of the "UTL" sub-job. This is not intended to be a complete list. Please contact your Region Utility Specialist for further questions on appropriate use of the sub-job.

Please forward this information to folks on your crews who may be affected by this.

November 1, 2001 Start Date for "UTL" Sub-Job

USE "UTL" SUB-JOB ON STATE HIGHWAY RIGHTS OF WAY NON-MANAGEMENT ONLY

Survey Crews:

- Tying utilities located only on state highway right of way
- Time to provide utilities with reference points or markers

Drafters/Designers:

- Drafting time for mapping utilities
- Review time for determining utility conflicts with design elements
- Design time to consider design options to accommodate utilities
- Coordination with utilities and Region Utility Specialist
- Reproducing maps, charts, full-size plans, and other project graphics per special request from utilities

Region Utility Specialists:

- All coordination work on non-reimbursable utilities
- Attending project team meetings as utility liaison
- Writing project specifications that address utility relocation work and timing

Project Construction:

- Utility pre-construction meetings
- Coordination with utilities for relocation purposes
- Time devoted to utility coordination or inspection
- Composing and delivering project correspondence to involved utilities
- Reviewing and approving utility proposed relocation plans

Common Questions

Who uses the "UTL" subjob?

Non-management staff or consultants, who are directly expending resources due to the presence of one or more utilities located within public right-of-way.

Do I use the "UTL" subjob when involved with utilities on private property?

No. The "UTL" subjob shall not be used when involved with utility facilities classified as "reimbursable". Utilities located within private property or city facilities within city street right-of-way are reimbursable items. Contact your Region Utility Specialist when not clear as to which facilities are reimbursable items.

Do I require my consultants working on project development, to split out their effort when following these guidelines?

Yes. To comply with our need to separate out effort involving utilities on the project, consultant work shall track and subtotal its billing documents to show those costs. The Contract Administrator shall use the "UTL" subjob accordingly when coding the payment. The consultant's progress report narrative, which accompanies its billing, shall separately and specifically identify activities performed during the billing period that clearly follow these guidelines, which support the subtotal "utility involvement effort".

Suggested wording to include with the work order or contract is:

"A recent Attorney General's Letter of Counsel has been issued that gas tax funds cannot subsidize utilities. The legislature has amended the law to permit ODOT to recover its cost through the utility permit process. In order to determine actual cost, we need to determine how much we are spending for surveying utility facilities for each utility found on ODOT's Right of Way. Here are several items where we can recover cost: Survey crews tying utilities, drafting and design time for mapping utilities, coordination time with utilities, etc.

The contractor shall provide a detailed list of these cost for each utility."

What if ODOT does not start on January 1st, do I still need to track my charges?

Yes, it is important for ODOT to track our costs for this work, regardless of when we actually start charging for permits.

