

**Procedures for
Utility Relocation/Reimbursement
for
Federally Funded
Local Public Agency Projects**



April 19, 2007

Purpose of Document

This document outlines the basic requirements governing the relocation and reimbursement procedures and practices to be used by a Local Public Agency (LPA) on federally funded local projects.

It was produced by the Project Administration Unit, Right of Way Section, Oregon Department of Transportation (ODOT). These procedures are intended to be used as general guidelines by LPA's in the execution of their projects. For situations not covered, or for other related questions, contact the State Utility Engineer:

State Utility Engineer

(503) 986-3658

Additional copies are available upon request and may be obtained by contacting the State Utility Engineer.

In addition, this document and all of the related forms and examples can be found at the following Web Site:

http://www.oregon.gov/ODOT/HWY/ROW/utility_lpa.shtml

Contents

Introduction

Documentation Requirements

- All Projects
- Projects with conflicting utilities (non-reimbursable)
- Projects with conflicting utilities (reimbursable)

Procedures for Reimbursable Utility Relocations

- LPA / Utility Agreement
- Reimbursement Certification
- Summary of Documentation for Utility Reimbursement
- Utility Billings

Appendix

- Utility Conflict Letter Example (non-reimbursable)
- Utility Conflict Letter Example (reimbursable)
- Reimbursement Information Form
- Federal Funding Request Example
- Utility PE Authorization Letter Example
- Utility Construction Authorization Letter Example
- Timing Requirements Letter Example
- Utility Certification Form
- Reimbursement Certification Form
- Utility Billing Approval Memo
- Estoppel Form
- Prescription Form

Introduction

ODOT is the designated state agency to implement Oregon's federal-aid highway program. Because of this, the Federal Highway Administration also places overall responsibility for county and city federal-aid road projects with ODOT. The local agency program is administered by ODOT through the Regional offices and their Local Liaison.

Federal regulations require the LPA to have an approved program and procedures for utility relocation and accommodation to be eligible for federal funding reimbursement. Lacking a federally approved program, the LPA must follow the ODOT utility relocation/reimbursement procedures.

The ODOT approved policy and procedures for utility relocation and reimbursement are contained in the following two (2) documents:

- Highway/Utility Guide
- Code of Federal Regulations: 23 CFR 645A

The Highway/Utility Guide provides a baseline model of how utilities are to be recognized and incorporated into the project development process. The Code of Federal Regulations describes the policy and procedures for utility reimbursement. Additional guidance and interpretation of 23 CFR 645A are contained in the Federal Highway Administration Program Guide: Utility Relocation and Accommodation on Federal-Aid Highway Projects.

This document along with the above documents can be downloaded from the following web site:

http://www.oregon.gov/ODOT/HWY/ROW/utility_lpa.shtml

The remainder of this document will focus on the minimum documentation requirements and deliverables for all projects and the procedures necessary for reimbursable utility relocations.

[Back to Contents](#)

Documentation Requirements

All Projects

- Utility Certification

At any time during project development, but no later than 2 weeks prior to the contract advertising date, a Utility Certification must be completed before approval can be granted to advertise a project. It is required for all projects, whether utilities are in conflict, or not. It is prepared by the LPA and submitted to the Local Liaison and State Utility Engineer. The following excerpt from the code of federal regulations spells out the requirement for the utility certification.

23 CFR 639.309 Authorization: Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall normally be issued as soon as, but not until, all of the following conditions have been met:

(a) The plans, specifications, and estimates (PS&E) therefore have been approved.

(b) A statement is received from the State, either separately or combined with the information required by §635.309(c), that either all right-of-way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules. Where it is determined that the completion of such work in advance of the highway construction is not feasible or practical due to economy, special operational problems and the like, there shall be appropriate notification provided in the bid proposals identifying the right-of-way clearance, utility, and railroad work which is to be underway concurrently with the highway construction.

Additional Documentation Requirements For

Projects with Conflicting Utilities (non-reimbursable)

- Utility Conflict Letter (no-reimbursement)

The LPA shall prepare and submit a letter, along with highlighted plans, outlining utility conflicts that require removal, relocation or other actions, to the appropriate utilities. The letter will include the following information:

- Preliminary plans highlighting the conflicting utilities
- Tabulated list of utility conflicts

- Timing Requirements Letter

The LPA shall prepare and submit a notification letter to the appropriate utilities, confirming the utility's relocation and /or construction schedule commitments. The letter may also include language describing the consequences if contractor delays are caused by the utility's failure to meet its schedule commitments.

Projects with Conflicting Utilities (reimbursable)

- Utility Conflict Letter (reimbursement)
- Completed Reimbursement Information Form

THEN:

- Authorization letter from ODOT for PE and Relocation
- Notification letter from LPA to Utility to proceed with Relocation

OR:

- Authorization letter from ODOT for PE
- Notification letter from LPA to Utility to proceed with PE
- Relocation plans, estimate, specifications and schedule from Utility
- Authorization letter from ODOT for Construction
- Notification letter from LPA to Utility to proceed with Construction*

AND:

- Reimbursement Certification
- Timing Requirements Letter

*The notification letter from the LPA to Utility to proceed with Construction can include the relocation schedule for the utility work and fulfill the requirement of the Timing Requirements Letter.

The remainder of this document will discuss in more detail the requirements for reimbursable utility relocations.

PROCEDURES FOR REIMBURSABLE UTILITY RELOCATIONS

LPA / Utility Agreement

State law and federal regulation require the Utility and State to reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment (49 CFR 24.306).

No special form of written agreement is prescribed. Therefore, in most all cases, ODOT uses an exchange of correspondence that sets forth all essential terms and conditions, and bears endorsement of both parties. If the Utility relocation involves continuing obligations by the local agency, such as maintenance of irrigation facilities, then a formal agreement is required. The exchange of correspondence that forms the agreement is described below.

1st Part of Agreement (Proposal)

A Utility Conflict Letter, prepared by the LPA, sets out the separate financial responsibilities and the nature of the utility relocation work by outlining the area(s) of conflict. The Reimbursement Information Form (RIF) is included with the Conflict Letter. The Utility must complete the RIF and submit to the LPA for approval prior to beginning any preliminary engineering work. Information on this form declares the methods for accomplishing the engineering and construction, the budget estimates for the work, the method of reimbursement desired (either lump sum or actual cost), whether betterments are included in the relocation, and necessary approvals for the Utility to proceed.

- Reimbursement Information Form

The Utility must complete the Reimbursement Information Form and submit to the LPA for authorization to proceed with preliminary engineering work. ***The LPA must then forward the Reimbursement Information Form to the State Utility Engineer for federal funding approval and authorization to proceed with preliminary engineering, as soon as possible.*** The funding and approval process can take between 1 and 4 weeks after receipt of an acceptable Reimbursement Information Form. After the LPA has received written authorization from the State Utility Engineer, the LPA will then provide the Utility written authorization to proceed with preliminary engineering. ***Preliminary engineering or relocation work by the Utility, prior to authorization from the State Utility Engineer, may not be eligible for federal funding participation. These expenses would then be the sole responsibility of the LPA.***

Prior authorization is not required for preliminary coordination and engineering work needed to determine the extent of conflicts and to complete the Reimbursement Information Form.

[Back to Contents](#)

2nd Part of Agreement (Offer)

The agreement “offer” usually consists of a plan, estimate and specifications, and a letter of transmittal from the Utility that details the work to be done, who is to do the work, and the financial responsibility of the Utility and LPA.

3rd and Final Part of Agreement (Acceptance)

The LPA shall submit a Reimbursement Package to the State Utility Engineer for review and approval prior to the utility starting any relocation work. Once approved, the State Utility Engineer will provide written authorization to the LPA. ***Federal funds may not be eligible for costs incurred by or on behalf of a utility prior to authorization by the State Utility Engineer.*** In extreme cases, verbal authorizations can be granted by the State Utility Engineer for rushed work, provided the estimate has been submitted and appears to be in order.

The LPA will then provide the Utility written authorization to proceed with the actual relocation. The letter from the LPA authorizing the Utility to proceed with the relocation work (occasionally with written stipulations) becomes the “acceptance” of the agreement. This process may involve multiple approvals for contracted work, such as, the method of advertising and concurrence in award to the lowest qualified bidder.

- Reimbursement Package

A reimbursement package shall be submitted to the State Utility Engineer for review and approval prior to the utility starting any relocation work. The reimbursement package should contain the following documents:

- Transmittal letter explaining the relocation work and financial responsibilities
- Conflict Letter and RIF if not submitted earlier
- Utility PS&E
- Reimbursement Certification Form

Reimbursement Certification

Utilities entitled to reimbursement for facility relocation are required to submit legal documents, such as fee title, easements, deeds, or estoppel or prescriptive affidavits, for facilities located on private property. The Utility should provide these documents to the LPA prior to bid let date if possible. If an easement by prescription or estoppel applies to the facility's location, example forms for this documentation can be found in the appendix for use by the Utility. Each form applies to a different set of conditions, so the Utility should use the one that is most appropriate for the situation. After the Utility submits the legal documentation of compensable property interest, the LPA completes the Reimbursement Certification Form and submits to the State Utility Engineer. A copy of the form is included in the appendix. ***The affidavits, if applicable and the LPA’s Certification must be submitted and approved prior to any reimbursement payment to the LPA.***

[Back to Contents](#)

Summary of Documentation for Utility Reimbursement

- LPA / Utility Agreement
 - Conflict Letter
 - Reimbursement Information Form
 - Federal funding approval
 - Reimbursement Package
 - Authorization Letter(s)

- Reimbursement Certification
 - Accompanying property rights documents from Utility

Utility Billings

Review of any reimbursement claim for utility work is primarily the responsibility of the Agency, with technical assistance from the State. In general, the Agency Office reviews the billing so they can certify that the work was completed satisfactorily, in the agreed upon manner. The Agency also reviews the technical aspects of the claim for adherence to the intent of the agreement.

Expenses incurred prior to an authorization date (State/Federal funding authorization date) are not eligible for reimbursement with one exception, preliminary coordination and engineering work needed to determine the extent of conflicts and complete the Reimbursement Information Form. Separate authorization can be requested for advance purchase of materials prior to the relocation authorization as long as the materials are not incorporated into the work prior to the relocation authorization date. This acknowledges that some materials have long delivery times and must be ordered many months (sometimes over a year) in advance of construction.

Upon receipt of a billing submitted by the utility company, the appropriate agency personnel will review each detailed utility contract billing and determine the supportable amount based upon the agreement, agency records, supervision, and knowledge of the utility work. The billing should be checked for arithmetic correctness, the inclusion of the appropriate credits, and should be of similar form and amount of the contract estimate. Acceptable variations from the contract estimate should be explained. Unacceptable variations, such as contested expenditures, etc., should be deleted from the amount of the invoice and explanation provided after reasonable attempts have been made to correct the billing by contact with the Utility.

After the Agency review has determined the billing is correct, the Agency will certify the following in the transmittal letter to the State:

“Based upon my review of the billing, I certify that the costs reflect actual expenditures to date and the work performed and materials incorporated into the project substantially conform to the agreement, contract plans, and estimate.”

An **invoice for a Lump Sum agreement** can be very basic. The scope of work was previously agreed to and the dollar amount was established in the estimate. The invoice should reflect the agreed upon amount, and the appropriate company and project information should be included on the invoice.

An **invoice for an Actual Cost agreement** needs to be more detailed. The billing should contain a statement by the Utility that the billing represents actual charges incurred in the accomplishment of the work agreed to in the estimate. It must also set forth the agency's share or obligation. The invoice submittal needs to contain sufficient detail information to determine that the actual costs incurred are consistent with the intent of the estimate and that

[Back to Contents](#)

the invoiced costs are supported by the utility company's cost bookkeeping system. An invoice for the exact amount of the estimate should be viewed with caution. While it is possible that the actual costs are the same as the estimated costs, history has shown that this is rarely true unless the company uses a materials based cost accounting system. An invoice that just provides the dollar amount and project identification information is insufficient for an Actual Cost agreement. There needs to be supporting documentation explaining how the total actual cost was arrived at. If you receive an invoice for an Actual Cost agreement and there is no cost detail, contact the utility company and request the additional supporting information.

The intent of the procedure is to provide for payment of 100 percent of the billing amount that can reasonably be determined by the Agency to be owed to the utility company under a specific agreement and based upon agency supervision, records, and knowledge of the job. It is expected that the agency review will be able to check engineering items such as material, labor, equipment, salvage, etc., but will not be able to check overhead loading, mileage rates, etc., which are verifiable at the State Office. The larger utilities with which the State has a continuing relationship offer little risk, as any overpayment can be recovered. A very small utility that is rarely encountered, or one that has a limited record keeping system may require additional conferences on its billing before a reasonable amount may be determined.

It is important that the invoices be processed in a timely manner. State Statute, ORS 279C.570 requires payment within 30 days or interest is due. This statute also applies to city contracts for their utility relocations, thus, the 30-day time frame begins when the city contractor submits their bill to the city.

PROCESSING OF A UTILITY BILLING

Agency Office

1. Agency receives the bill from the utility company
2. Agency reviews the bill for accuracy, completeness, and verifies that the work has been done and is in substantial conformance to the agreement. If the estimate was based on a percentage of the total work, the percent used at the time of billing should be the same.
3. Agency prepares cover memo.
4. Agency recommends payment and sends a cover memo and the original bill to the appropriate State Region Office.

[Back to Contents](#)

State Office Utility Unit

1. Receives bill and cover memo from the Agency.
2. Compares bill to agreement.
3. Confirms funding authorization with Highway Finance.
4. Approves bill and forwards to Financial Services for payment.
5. Keeps file copy of billing and backup for audit purposes.

Financial Services

1. Reviews invoice for proper accounting practices.
2. Authorizes payment of bill.
3. Images all invoices and documentation.
4. Sends check (payment) to the utility.

[Back to Contents](#)

APPENDIX

Utility Conflict Letter Example (non-reimbursable)
Utility Conflict Letter Example (reimbursable)
Reimbursement Information Form
Federal Funding Request Example
Utility PE Authorization Letter Example
Utility Construction Authorization Letter Example
Timing Requirements Letter Example
Utility Certification Form
Reimbursement Certification Form
Utility Billing Approval Memo
Estoppel Form
Prescription Form

[Back to Contents](#)

(Date)

(Utility Address)

Subject: **Conflict Letter with No-Reimbursable Work**
(Project Name)
(Highway)
(County)
Key No.: (#####)

Attention: (Utility Contact)

Bids will be received for the above named project on (*insert let date*). Facilities owned by your company conflict with the construction of the project and should be relocated or adjusted before construction begins. The conflicting facilities are located on public right-of-way, therefore, your facilities are not eligible for reimbursement.

Please refer to the enclosed preliminary plan sheet(s) that note and highlight the conflicting facilities. Facilities noted as “Potential Conflict” are assumed to be in conflict and are required to be relocated within the schedule listed below until further investigation by your company can positively rule out the conflict. We ask your cooperation to further investigate any “Potential Conflicts” by having your company pothole the sites to determine the exact depth and horizontal location as soon as possible.

The enclosed plans represent the complete mapping of your facilities, both locatable and un-locatable underground facilities, as provided by your company in accordance with OAR 952-01-80. You must review the mapping of your facilities on the enclosed plans for completeness and accuracy and contact me immediately for corrections to errors or omissions. If errors or omissions are discovered during construction, your company may be held responsible for delay claims that are caused by your company’s failure to notify ODOT of errors or omissions. Timely communication and coordination is critical to keeping the project on schedule so your assistance and cooperation is greatly appreciated.

The conflicting facilities must be completely relocated or adjusted by (*enter let date or other acceptable date*), so as not to delay the construction of the project. ***If your company can not comply with the above completion date, you must contact me immediately and obtain written agreement on a revised relocation schedule. No changes can be made to the relocation schedule after (enter date).*** The relocation schedule will be specified in the project contract documents and your company will be responsible to meet the schedule. Your company may be

Utility

Key: #####

Date

held responsible for delay claims that are caused by your company's failure to meet the specified relocation schedule(s).

You are requested to submit a sketch on the preliminary plan sheets showing your proposed relocation, and include your schedule for starting and completing the relocations, to (*utility specialist*) at (*address*), and telephone (*phone no.*). Your prompt attention is necessary to avoid delaying construction of this project. All correspondence and plans must be identified with the project name and key number as shown above.

For questions regarding this notification and its requirements, please call me at: (###) ###-####.

Sincerely,

Utility Specialist

Attachment Plans Sheet(s) ##.

(Date)

(Utility Address)

Subject: **Conflict Letter with Reimbursable Work**
(Project Name)
(Highway)
(County)
Key No.: (#####)

Attention: (Utility Contact)

Bids will be received for the above named project on *(insert let date)*. Facilities owned by your company conflict with the construction of the project and should be relocated or adjusted before construction begins. Please refer to the enclosed preliminary plan sheet(s) that note and highlight the conflicting facilities. Facilities noted as “Potential Conflict” are assumed to be in conflict and are required to be relocated within the schedule listed below until further investigation can positively rule out the conflict. We ask your cooperation to further investigate any “Potential Conflicts” by having your company pothole the sites to determine the exact depth and horizontal location as soon as possible.

(choose one of the following paragraphs)

The conflicting facilities are located on private property, therefore, your company will be reimbursed for the cost of relocating those facilities shown to have a compensable property right. Your company must provide written evidence, such as fee title, easements, and prescription or estoppel affidavits, to verify eligibility for reimbursement. Reimbursement will be in accordance with the provisions of 23 CFR 645A (Code of Federal Regulations), which can be viewed at the following web site: www.fhwa.dot.gov/reports/utilguid/

The conflicting facilities are located on both public right of way and private property. Your company will be reimbursed for the cost of relocating those facilities shown to have a compensable property right, or prior rights. Your company must provide evidence, such as easements, fee title, “X”-Permit, service agreement, prescription or estoppel affidavits, etc., to verify the your company’s eligibility for reimbursement. Reimbursement will be in accordance with the provisions of 23 CFR 645A (Code of Federal Regulations), which can be viewed at the following web site: www.fhwa.dot.gov/reports/utilguid/

Utility
Key: #####
Date

The list of conflicts may not be complete. Your company should review the project plans for completeness and accuracy and contact me immediately with errors or omissions. Timely communication and coordination is critical to keeping the project on schedule so your assistance and cooperation is greatly appreciated.

The conflicting facilities must be completely relocated or adjusted by (*enter let date or other acceptable date*), so as not to delay the construction of the project. ***If your company can not comply with the above completion date, you must contact me immediately and obtain written agreement on a revised relocation schedule. No changes can be made to the relocation schedule after (enter date).*** The relocation schedule will be specified in the project contract documents and your company will be responsible to meet the schedule. Your company may be held responsible for delay claims that are caused by your company's failure to meet the specified relocation schedule(s).

PRELIMINARY ENGINEERING AND/OR CONSTRUCTION WORK CANNOT BE STARTED UNTIL YOU RECEIVE WRITTEN AUTHORIZATION TO PROCEED.

Your company is required to complete the attached ***Reimbursement Information Form (RIF)*** as a part of the agreement process for reimbursement. ***The form must be approved prior to starting any preliminary engineering work.*** You will receive a written "Notice to Proceed" only after the RIF has been approved. The RIF is needed to establish a budget and obtain funding, and to understand the necessary approvals and processes for accomplishing the work based on the methods declared by your company. When completing the RIF, it should be understood that the budget estimate is not an engineering estimate, but only a "ball-park" guess that should cover the worst case cost for the relocation. Prior approval is not required for preliminary coordination and engineering work needed to determine the full extent of conflicts, or to complete the Reimbursement Information Form.

The completed Reimbursement Information Form should be sent to (*utility specialist*) at (*address*), and telephone (*phone no.*). The RIF can also be sent electronically to: (*email address*) or by Fax: (*###*) *###-####*.

For questions regarding this notification and its requirements, please call me at: (*###*) *###-####*.

Sincerely,

Attachment Plans Sheet(s) ##.

**REIMBURSEMENT INFORMATION FORM
TO BE COMPLETE PRIOR TO PE WORK BY UTILITY**

Utility Company: _____
Project Key No.: _____

1. Preliminary Engineering, in a "budgeted" estimate of \$_____ will be accomplished by:

- Company Forces (obtain Agency authorization prior to proceeding with design work)
- Engineering Consultant through: (agreement with consultant must be approved by AGENCY prior to starting PE work. As a minimum: rate schedule and work scope required for <\$10,000, detailed scope of work and estimate required >\$10,000)
 - New Engineering Contract
 - Continuing Agreement
- AGENCY (Utility to prepare written request and obtain acceptance by AGENCY)

2. Construction, in a "budgeted" estimate of \$_____ will be accomplished by:

- Force Account (by company forces) (written approval must be obtained before starting work)
- Low Bid Contractor (written approval of PS&E must be obtained prior to advertisement of project. Approval of selection of low bidder is required prior to award of contract)
- AGENCY Contractor (Utility supplies PS&E docs and request to add work. Agreement required if non-reimbursable work is included)
- Contractor with Continuing Agreement (agreement with contractor must be approved by AGENCY prior to starting construction)

3. Betterment:

This work (**will**) (**will not**) result in a betterment to the company's system. Betterments are upgrades or increases in functional capacity not attributable to the highway construction project. If a betterment will result, a detailed cost split must be shown in the estimate.

4. Accrued Depreciation (Expired Service Life):

This work (**does**) (**does not**) affect a complete and independent unit of our system, such as a building, plant, station, etc. If so, a calculation for the credit needs to be shown in the estimate. To calculate the Expired Service Life use the following equation.

$$\frac{\text{Expired Service Life of the Replaced Facility}}{\text{Estimated Service Life of Replaced Facility}} \times (\text{Original Cost}) = \text{Amount of Credit}$$

5. Billing for Force Account work will be based on:

- Actual Cost Basis** in accordance with 23 CFR 645.117
- Lump Sum Basis** in accordance with 23 645.113(f)

Lump Sum: If the total cost of the reimbursable portion is less than \$100,000, the utility may request a Lump Sum Basis agreement. A detailed estimate is required for approval of the Lump Sum method. Once the estimate is approved, payment will be made in the agreed upon lump sum amount upon completion of the project and submission of a statement of cost showing beginning and completion dates of the work. This method requires no supporting records, no itemized billing, and no audit. It is recommended for small jobs and where keeping records is a problem.

Construction administration and/or inspection costs must be based on actual costs unless agreed upon otherwise. Cost based on a percentage of construction is allowable only for purposes of estimating. All costs, which are reimbursable, will be kept in separate work order files. All such records will be retained by the utility for a period of not less than three (3) years from the date of final payment and will be subject to audit by representatives of the Agency and Federal Government.

By signing below I understand and acknowledge that: All reimbursable utility relocation work must have written AGENCY authorization prior to starting work. Estimates and bills must conform with, and are limited by, 23CFR 645A (Code of Federal Regulations), agency law, administrative rules, regulations and agency relocation policy. In accordance with 23CFR 645A, final billings will be submitted within one-year following completion of the utility relocation work, or run the risk of not being paid unless other arrangements are made.

Authorized Company Representative:

(Print Name, title, and Phone Number)

Signature of Authorized Company Representative: _____ Date: _____

(Mailing Address)

(City, Agency, Zip) _____ email address: _____

Date:

Oregon Department of Transportation
Attn: *PL name*, ODOT Region # Office
address

Request for Federal Funding Approval – Utility Relocation Reimbursement

(Project Name)

(Utility Name(s))

Key: #####

Enclosed is a copy of the agency's conflict notice and attached plan sheets showing the nature and eligibility of the utility relocation work to be accomplished as a part of the above project. Also enclosed is a signed copy of the Reimbursement Information Form that sets forth the methods and estimated costs for accomplishing the relocation work.

The relocation agreement will consist of the written notification of conflict, the Reimbursement Information Form, estimate and sketch submitted herewith and our letter authorizing the utility to proceed with the work.

Your approval of the **(Lump Sum, Actual Cost)**, cost agreement, as evidenced above, and authorization to proceed with the relocation work under the provisions of 23 CFR 645A, is hereby requested. The estimated cost to the Agency is \$####,###.##

Please send your approval to:

(Agency contact name)

(Address)

(Telephone Number)

Sincerely,

Agency Utility Coordinator

cc: , ODOT Local Liaison

Date:

Utility Company address

Engineering & Consultant Agreement Approval

(Project Name)

(Utility Name(s))

Key: #####

The purpose of this letter is to provide you with formal authorization to proceed with the preliminary engineering work required for the relocation of your facilities as described in the draft engineering agreement between (*insert consultant company name*) and your company. The (*Agency name*) will reimburse the (*insert utility company name*) for the preliminary costs and concurs in the Agreement for Engineering Services with (*insert consultant company name*), received on 1/6/2006. You are now formally authorized to proceed with this work. Please submit a copy of the fully executed agreement for our files.

Please be advised that you are not authorized to proceed with the relocation/construction of your facility. Construction authorization will be issued in a separate notice after receipt, review, and approval of the proposed relocation plans, specifications, and estimate.

Reimbursement for preliminary engineering work in the “not to exceed” amount of \$##,###, will be made on an **Actual Cost Basis** *subject to the provisions* of 23 CFR 645A (Code of Federal Regulations). These rules and regulations can be viewed at the following FHWA Website: <http://www.fhwa.dot.gov/reports/utilguid/>

When invoicing for reimbursable services, your bill can be submitted as monthly progress billings, or as a single and final bill. The bill must be accurately itemized and verifiable. Further, it must also be in sufficient detail to provide a clear picture of the work involved and the cost of the individual items, such as a listing of the staff performing the work, the hours worked, the hourly rates for the staff, and any related expenses claimed for reimbursement.

The final bill must be submitted within one year of the completion of the utility relocation work, or you will risk forfeiture of the reimbursement without further agreement. The final bill must show a detailed compilation of all costs incurred with your utility relocation work. This information must be included in the final bill even with the submittal of monthly progress billings. The beginning and completion dates of the work invoiced for payment, as well as “Key Number 12929”, should be clearly shown on the bill. It should be sent to:

(Insert Name and address)

Please let me know if you have any questions about the authorization to proceed with the engineering work for your utility relocation. I can be reached at (###) ###-####.

Sincerely,

Utility Coordinator

Date:

ABC Power Company
Attn:
1234 S. Grape St.
Powers, OR. 97501

SUBJECT: Notice To Proceed with Relocation
PROJECT:
HIGHWAY:
COUNTY:
Key: #####

The purpose of this letter is to provide you with formal authorization to proceed with the relocation of your overhead transmission and distribution under-build, as shown on your proposed relocation plan and as outlined in your cost estimate. You are now formally authorized to proceed with this work.

Reimbursement, in the estimated amount of \$##,### for Transmission, and \$##,### for distribution under-build, will be made on an **Actual Cost Basis**, as requested on your Reimbursement Information Form.

It is understood that Company forces will perform the actual construction of the relocation, and this is acceptable. Please be advised that both the relocation of these facilities and the process of reimbursing those costs are *subject to the provisions* of 23 CFR 645A (Code of Federal Regulations). 23 CFR 645A can be accessed at the following web site:
<http://www.fhwa.dot.gov/reports/utilguid/>

When invoicing for reimbursable services, your bill can be submitted as monthly progress billings or a single and final bill. The bill must be accurately itemized and verifiable. Further, it must also be in sufficient detail to provide a clear picture of the work involved and the cost of the individual items. Please provide copies of invoices for outsourced work related to your relocation, such as the use of flaggers.

The final bill must be submitted within one year of the completion of the utility relocation work, or you will risk forfeiture of the reimbursement without further agreement. The final bill must show a detailed compilation of all costs incurred with your utility relocation work. This information must be included in the final bill even with the submittal of monthly progress billings. The beginning and completion dates of the work invoiced for payment, as well as the **KEY # NUMBER 13541**, should be clearly shown on the bill. It should be sent to:

Name of Agency or Consultant
Attn: Utility Coordinator

Address

The bill will be reviewed and endorsed for payment then forwarded to the State office for final approval and subsequent payment.

You are advised to contact (*name of Project Manager* (###) ###-####), before entering any new right-of-way prior to the start of your utility relocation work to verify that Agency has legal right of entry.

You are required to contact (*name of permit or franchise coordinator at telephone* (###) ###-###) about any needed permits for the installation of your facility. It is your obligation to apply for the necessary permit in advance of the work to be performed.

Please let me know if you have any questions about the authorization to proceed with the relocation work. I can be reached at (###) ###-####.

Cordially,

Utility Coordinator

Date:

(Utility Address)

Re: Project Name
Key No. #####

Subject: Utility Relocation Timing Requirements

This letter is to advise (*utility company*) that (*insert consultant engineer if used*) is an authorized contractor for the (*Agency name*) and will be performing utility coordination activities for the subject project. In its capacity as authorized contractor, (*insert consultant engineer if used*) will serve as the "Engineer" in performing all notice and compliance requirements for utility removal, relocation, or repair.

You have advised the (*Agency name*), (in writing, verbally), that your relocation/adjustment work will be completed as described below:

Relocation Tasks: (*utility company*) will complete the following tasks:

(Note: all location calls are in the form "Sta. (line) (station)-(offset) (direction) and all offsets are from centerline of existing pavement. Distances are approximate)

1. Remove the aerial line from east side of 4th Place attached to the PUD pole at Sta. L 12+50-20 feet Right and remove the aerial line from L Street between 4th Place and 4th Street attached to the PUD pole at Sta. L 12+50-20 feet Right and PUD pole at Sta. L 13+83-35 feet Right.
2. Relocate underground line from station 12+50, 15 feet right to station 13+83, 15 feet right.

Relocation Schedules: (*suggested language*)

1. Relocation of aerial lines shall be complete within 2 weeks after PUD removes their lines from these poles.
2. Relocation of underground line shall be completed not later that (*insert date*).

You are directed to proceed with relocation work at any time so long as required permits to occupy the roadway right-of-way have been granted by the (*Agency name*).

It is your obligation to apply for the necessary permit(s) in advance of the work to be performed in order to meet the above completion time commitment.

(utility company)Timing Letter

Key:

If you fail to remove/relocate your facilities by the completion date set forth above and such failure results in payment by the *(Agency name)* to its contractor of any claim for extra compensation, *(utility company)* will be liable to the *(Agency name)* for the amount paid to the *(Agency name)* contractor as a direct result of *(utility company)* failure to comply with the time requirements stated above.

If the information summarized above is incorrect or incomplete, please give me a call as soon as possible, so that I may address your concern and make any necessary revision.

Thank you for your cooperation.

Sincerely,

Utility Relocation Coordinator

UTILITY CERTIFICATION

Local Agency

Date:

To:

Local Agency Liaison, ODOT

Project:

Key No:

This is to certify that for this project based on plans dated _____, all utility work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule.

Appropriate notification identifying all utility relocation work together with status of/or schedule for completion for each utility company involved within the limits of this project has been made a part of the special provisions.

The following utilities are in the project limits and will be adjusting, relocating, or installing facilities, before, during, or after, construction. Relocation time requirements for these utilities are attached to this Certification.

-

The following utilities are within the project limits but no conflicts are anticipated.

-

Utility Certification: _____ **Utility Coordinator**
Print Name:

UTILITY EXCEPTIONS

The following Utilities have been appropriately notified of the project and the impacts to their facilities however a schedule for their relocation work has not been verified with the utility. The utilities shown below have been directed to relocate their facilities within a specified time-duration estimated by our staff and included in the contract special provisions. The letters for these utilities are attached to this certification.

-

Utility Certification - Exception: _____, **Local Agency Signature**
Print Name:
Title:

Reimbursement Certification Form

Local Agency

PROJECT NAME:

ODOT KEY NO.:

I, (*name of AGENCY representative*), am the (*position title*), for the (*company name*). I have field inspected the utility facilities to be relocated or adjusted on the above captioned project. From this field inspection, I have determined to the best of my ability, that such utility facilities owned by (*utility company name*), to be relocated or adjusted for which we are requesting reimbursement, are located as follows:

- % on private property
- % on City Street right-of-way
- % on County Road right-of-way
- % on State Highway right-of-way
- % on State Hwy Routed over City Street

Reimbursement is requested on the following basis:

- Private property by right of: easement, prescription, estoppel,
- Other -
- Private property by right of: service agreement
- City facility located on City Street right of way
- City facility located on State Hwy routed over City Street (Per ORS 373.020)
- Second utility relocation due to Agency design change or engineering errors

(Signature) _____
(Printed Name & Title)

(Date)

Date:

To: ODOT Region # Office
Attn:

From:

RE: Utility Billing Approval
(Project Name)
Key: *(ODOT Key Number)*
Utility EA: *(example: U0000016-000)*

Enclosed is an invoice from *(Utility Company Name)* in the *(revised)* amount of: **\$ XX,XXX.XX**
Previous Billings: **\$ XX,XXX.XX**

Total to Date: **\$ XX,XXX.XX**

Funding Authorization for *(Utility Company Name)*: **\$ XX,XXX.XX**

Total UR STIP Authorization **\$**
Total UR STIP Expenditures to date including above invoice **\$**

(Provide explanation, in this space, if the total bill exceeds the amount authorized by 10%. The utility must provide a written explanation for the additional costs.)

This work was accomplished under a *(Lump Sum; Actual Cost)* agreement.

This is a *(final bill; progressive Bill No. ##)*.

RECOMMENDATION FOR PAYMENT

Based upon my review of the billing, I certify that the costs reflect actual expenditures to date and the work performed and materials incorporated into the project substantially conform to the agreement, contract plans, and estimate. Payment is recommended and requested.

Reviewed and recommended for payment by:

By: _____
Agency Representative

Date:

By: _____
State Representative

Date:

Estoppel Form

DATE: _____
SECTION: _____
HIGHWAY: _____
COUNTY: _____
KEY NO.: _____

STATE of OREGON

I, _____, _____, _____
(name) (title) (company)

_____, being first sworn on oath, depose and say the attached list of utility facilities must be relocated or adjusted for the above mentioned project. These facilities were placed on private property _____ with the permission of the fee owner of the property.
(Date)

The said facilities have been observable by, or, if not observable, all subsequent owners of said private property have made no objection. The facilities were installed and have subsequently been operated and maintained as more fully explained in Exhibit "A", attached hereto and by reference made a part hereto. (See attached explanation of information needed.)

Because of the monies expended on the installation of the facilities, the permission of the fee owner at the time of installation, the owner's subsequent consent thereto, and the above facts, my company, _____ claims an estoppel easement of said facilities.
(company)

Utility Representative Signature

Position with Utility

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary's Signature

Notary Public for the State of Oregon
My commission expires: _____

Exhibit "A"

UTILITY: _____
DATE: _____
SECTION: _____
HIGHWAY: _____
COUNTY: _____

Type of Facility covered by exhibit: _____

Provide facts and circumstances surrounding the initial installation. Include size, type and quantity of facilities. Use additional paper if needed.

Why was no written easement acquired or required at the time of installation?

How long have the facilities been there?

Does property owner know of the facility's existence and location?

Did original property owner see the installation?

Do facilities show above ground and are they readily observable on land?

Provide any other facts you may have pertaining to the installation and maintenance of the facilities.

Prescription Form

DATE: _____
SECTION: _____
HIGHWAY: _____
COUNTY: _____
KEY NO.: _____

STATE of OREGON

I, _____, _____, _____
(name) (title) (company)

_____, being first sworn on oath, depose and say the attached list of utility facilities must be relocated or adjusted for the above mentioned project. These facilities are located on private property and a search of the records of _____ does not
(Name or source of records)

disclose any recorded or unrecorded easement for said facilities.

I further depose and say that said facilities are in existence and are located on private property outside of public right-of-way. The said facilities were installed on said private property on _____.
(date)

and maintained on the said private property openly and adversely to the rights of the fee owner. The facilities were installed and have subsequently been operated and maintained as more fully explained in Exhibit "A", attached hereto and by reference made a part hereto. (See attached explanation of information needed.)

_____ having continuously operated and maintained said facilities on
(company)

said private property openly and adversely to the rights of the fee owner for more than 10 years, claims an easement by prescription for the continued operation and maintenance of said facilities as they are now located.

Utility Representative Signature

Position with Utility

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary's Signature

Notary Public for the State of Oregon
My commission expires: _____

Exhibit "A"

UTILITY: _____
DATE: _____
SECTION: _____
HIGHWAY: _____
COUNTY: _____

Type of Facility covered by exhibit: _____

Provide facts and circumstances surrounding the initial installation. Include size, type and quantity of facilities. Use additional paper if needed.

Why was no written easement acquired or required at the time of installation?

How long have the facilities been there?

Does property owner know of the facility's existence and location?

Did original property owner see the installation?

Do facilities show above ground and are they readily observable on land?

Provide any other facts you may have pertaining to the installation and maintenance of the facilities.

