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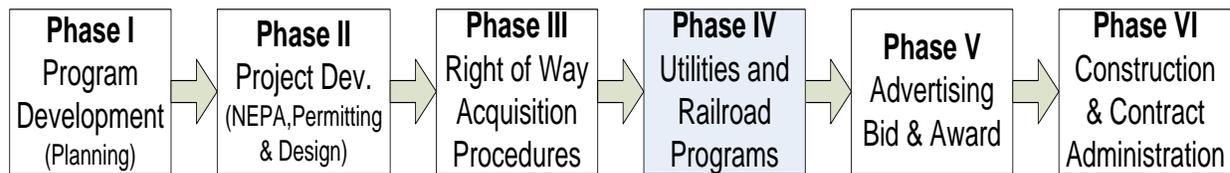
NON-CERTIFIED AGENCY

Chapter 13

Utility and Railroad Programs

This chapter provides information related to [utilities and railroad crossings](#) in federal-aid project delivery for non-certified local public agencies (LPAs).

In the sequence of project development, address utility and railroad issues early in the process, after development of the project prospectus and coinciding with project development.



A. OVERVIEW

1. Utilities

Most transportation improvement projects involve utilities in some fashion. Depending on the project, utility involvement could be relatively minor, such as requiring utilities to mark their facility locations that are in the project area. Alternatively, utilities might be required to relocate their facilities due to conflicts with the project. To find further guidance on utilities, please consult ODOT's [Utility Relocation Program Resources](#) website and Chapter 10 (Railroad and Utility) of the [Right of Way Manual](#).

2. Railroads

ODOT's Rail and Public Transit Division is responsible for the [Railway-Highway Grade Crossing Safety Program](#). For details regarding the Railway-Highway Grade Crossing Safety Program, see the appropriate fact sheet in Chapter 3, in Section A of this *LAG manual*.

B. UTILITY PROGRAM

1. Relocation

Relocation of affected utilities is either non-reimbursable or reimbursable. Typically, if the utility has a compensable property interest in its present location, it would be entitled to reimbursement. If the utility is located on public right of way by permit or franchise agreement, the relocation would

generally be non-reimbursable. The LPA's utility permit or franchise agreement should explicitly define these parameters. If there is a reimbursable utility, the State Utility Liaison must be contacted to complete all necessary agreements.

NOTE: For reimbursable utility relocations on LPA projects that are receiving federal funds, the relocation will be accomplished in accordance with the utility's plans and schedule approved by ODOT.

2. Relocation Policy

Utility relocations, adjustments and reimbursement policy requirements are defined in the Code of Federal Regulations (CFR), [Title 23, Part 645A](#). The LPA shall follow these regulations on projects receiving federal-aid or State funding.

ODOT's [Chapter 10 of the Right of Way Manual \(Railroad and Utility\)](#) outlines the basic requirements governing the relocation and reimbursement procedures and practices to be used by a LPA on state and federally funded local projects. ODOT's Right of Way Section produced Chapter 10 with oversight and final approval by FHWA. The procedures are intended to be used as general guidelines by LPAs in the execution of their projects.

The following documents are required to be submitted to the State Utility Liaison prior to PS&E either as the documents are generated or as a packet with the PS&E electronically:

- Copies of all [Conflict Letters](#)
- Copies of all [Project Notification Letters](#)
- Copies of all [Time Requirement Letters](#)
- [Utility Certification Form](#)

If reimbursable utility project, then submit the following original signed forms:

- The [Reimbursable Information Form \(RIF\)](#)
- The [Reimbursement Certification Form](#).

For situations not covered here, or for other related questions, contact the ODOT's [Regional Local Agency Liaison](#) who will coordinate with ODOT's State Utility Liaison.

C. RAILROAD PROGRAM

ODOT's Rail and Public Transit Division, [Rail Section](#), is responsible for the Railway-Highway Grade Crossing safety program. If a highway project or related project work and equipment are within 500 feet of a railroad, the LPA must notify the [Regional Local Agency Liaison](#) who will coordinate communication with ODOT's Rail and Public Transit Division and the State Railroad

Liaison. ODOT's Rail and Public Transit Division and the State Railroad Liaison must be notified as early as possible in the project scoping phase.

In order to advance projects involving railroad facilities, the LPA needs to coordinate project development with each affected railroad. Any agreement required by the affected railroad is necessary to set forth the essential terms and conditions to be adhered to in the modification or relocation of railroad facilities and encroachments into railroad right of way. Negotiations with railroads can be lengthy and intricate so it is important to begin discussions with railroads at an early stage of project development. However, since design revisions can complicate the timing of these negotiations, a project should be well thought out before the railroad negotiations become too specific.

The Code of Federal Regulations [23 CFR 646](#) governs the development of highway projects involving railroads, including the requirements of an agreement. The LPA shall follow these regulations on projects receiving federal-aid.

Examples of railroad agreements, standard contract specifications, ODOT railroad procedures, state law and federal regulations can be found on the ODOT's [website](#).

For situations not covered here, or for other related questions, contact the appropriate ODOT [Regional Local Agency Liaison](#) who will coordinate with ODOT's State Railroad Liaison.