



1.1 Purpose

This guide was written to provide the designer with step by step guidance on utility coordination during the development of a highway improvement project. This guidance is in addition to [Chapter 18](#), Utility Coordination, of the WisDOT Facilities Development Manual (FDM). The designer should be aware of the guidance in Chapter 18 of the FDM in addition to what is written in this guide. This guide expands upon what is written in the FDM.

This guide does not address coordination with railroads. The designer is directed to the Region Railroad Coordinator for information regarding railroad coordination.

1.2 Reasons For Requiring Utility Coordination

The 1979 Edition of the Random House Dictionary of the English Language defines transportation as "the business of conveying people, goods, etc." WisDOT is charged with providing an efficient, safe, and economical transportation system for the people and goods in the state of Wisconsin. The funding for our work comes largely from State and Federal taxes, which are paid by the general public. A utility company's primary source of revenue is the rates paid by the consumers, which are, in effect, the general public. In order to reduce the total cost to the general public, the designer must plan the proposed work so that the cost of relocating utility facilities, and the cost of the highway project are minimized. This provides a facility with the lowest overall transportation cost.

Wis. Stat. s. 86.16 [Attachment 1.2.1](#) and Wis. Stat. s. 182.01 [Attachment 1.2.2](#) give utilities the opportunity to occupy highway right of way, subject to the Utility Accommodation Policy and the permitting process. When utility facilities are located on public highway right of way, even if the city, village, town or county owns that right of way, the utility use is considered to be permitted and subservient to highway use and therefore is generally considered to be non-compensable. See Wis. Stat. s. 66.0831 [Attachment 1.2.3](#).

Wis Stat.s,182.0175 [Attachment 1.2.4](#) requires the designer to prepare plans that will avoid, as much as possible, any interference with utility transmission facilities. Accordingly, the designer is expected to avoid utilities when feasible by making suitable adjustments to the horizontal alignment and the vertical profile early in the design process.

To designers involved with highway and bridge improvement projects, utility coordination may seem like a minor task. However, since practically all of our improvement projects have some involvement with utilities, utility coordination is a very important part of the design process. Poor coordination can result in lettings being delayed by up to one year, or in missed completion deadlines caused by delays encountered during construction operations.

Bridge and highway construction inevitably causes an inconvenience for people living near the construction site. We should always strive to keep this inconvenience to a minimum. Utility conflicts that were not detected during the design process can unnecessarily prolong this inconvenience.

Utility companies have to program budgets, order materials, and schedule work activities like any other company. This all takes time and planning. Emergency repairs also affect utility company schedules. Severe storms, natural disasters, equipment failures, and facilities damaged by careless contractors, can all disrupt work schedules, and delay planned utility relocations.

Utilities must also look at relocations from a systems point of view. For example, the relocation of a one-mile segment of a transmission line for a highway project may result in a five-mile replacement project for the utility.

Utilities do keep stockpiles of some materials for repairs. However, in an effort to keep down overhead costs in this age of "just-in-time" deliveries, most materials are not stockpiled. Many materials have to be ordered six months to a year in advance of the delivery date. The materials can't be ordered until after there is an approved work order (and approved utility agreement where applicable), which is about six months after the highway plans are sent to the utility company.

Good utility coordination minimizes the impact on utilities, provides sufficient time for the utilities to plan their work, and eliminates conflicts during construction.

Wis. Stat. s. 84.09 [Attachment 1.2.5](#), is the state statute regarding the acquisition of lands and interests. This statute comes into play when discussing the reimbursement of utility relocation costs. This is discussed further

in Chapters [8](#), [11](#) and [17](#). The statute is included in this chapter in an effort to have all utility related statutes in one place.

1.3 Utility Coordination Meetings

One of the most important and effective tools for utility coordination on a highway improvement project is the utility coordination meeting. This is a meeting dedicated to discussing the highway improvement project and its impact on utility facilities. All of the utilities with facilities on the project are invited to the meeting. Typically, the meeting would start out with a project overview given by the project designer. This is followed by comments regarding any environmentally sensitive areas, the status of real estate acquisitions (if appropriate), any concerns regarding erosion control, and the project timeline that affects utility companies (when will additional materials be sent to them; when do work plans, agreements, etc. have to be submitted; proposed letting date; start of construction).

After the information has been presented to the utility companies, have them comment on how the project will affect them. Early in the design process it may be difficult for them to answer where they have potential conflicts or what they will do, but they can tell you if they have facilities that are difficult or extremely expensive to move. It may be best to design the project to avoid conflict with these types of facilities. Remember s. 182.0175(2)(a) requires the designer "to avoid to the extent possible interference with" utility facilities. It is more efficient to make the decision to avoid utility facilities early in the design process rather than later.

When a utility coordination meeting is held later in the design process after the utility companies have had time to study the plans and develop their relocation plans the meeting can be used to coordinate the plans of the various companies involved. Joint trenching or joint pole occupation may save time and money for several companies. Also, hearing the plans of one utility may affect the proposed location of another company. For example gas may locate on one side of the roadway and water may decide to locate on the other side to minimize the potential conflicts between them and to meet industry clearance standards.

The number of utility coordination meetings you should have for a project depends on the type of project and the complexity of the utility conflicts. For a fairly straightforward project with little excavation required, one coordination meeting may be sufficient. For most urban projects, or on projects with a fair amount of excavation, at least two coordination meetings are recommended. One meeting should be held early in design, possibly in conjunction with the Operational Planning Meeting, and the other meeting should be held later in the design process, after the utility companies have had time to study the highway plans and prepare their relocation plans. The latter meeting should be held prior to writing the special provisions. For complex projects or on projects with multiple lettings several utility coordination meetings should be held. On these types of projects good communication is critical to the success of the project. Meetings at various stages of project development can be very helpful in keeping the project on track and minimizing delays during construction.

On projects with environmentally sensitive areas, or erosion susceptible soils it is a good idea to invite the Department of Natural Resources (DNR) Region WisDOT Liaison to the meeting. The DNR can then present their expectations and answer questions regarding environmental regulations or requirements.

On projects with right of way plats where the acquisition is contracted out to non-WisDOT staff, it may be necessary to have a utility coordination meeting prior to the execution of the real estate acquisition contract to discuss which parcels are needed in order for the utilities to complete their relocation work. These parcels can then be listed as a priority in the contract for real estate acquisition. This will help assure that these parcels are acquired in time to meet the utility relocation schedules.

1.4 TRANS 220 – UTILITY FACILITIES RELOCATION

1.4.1 General

Ch Trans 220, Wis. Adm. Code (Trans 220) [Attachment 1.4.1](#) is the administrative rule that implements Wis. Stat. s. 84.063 Utility Facilities Relocation [Attachment 1.4.2](#). Trans 220 sets the framework for the utility coordination that must occur during the design process. See [Attachment 1.4.3](#) for a list of Trans 220 actions steps.

Trans 220 applies to all state trunk highway improvement projects that have utility facilities on them and are let to contract. See [Attachment 1.4.4](#) for additional discussion. [Attachment 1.4.5](#) gives the legal definition of "highway improvement" as stated in the statutes. Refer to this if you think that Trans 220 may not apply to the type of work involved on your project. Trans 220 does apply to signal projects, as noted in a memo from 1994, which is reproduced in [Attachment 1.4.6](#).

The objective of the law and rule is to prevent delays to the highway contractor caused by utility relocation activities. It prescribes the method by which WisDOT or its agent will notify utility companies of proposed highway improvements as well as the method by which utility companies will advise WisDOT of facilities located in the area of the improvement project. After the WisDOT furnishes its improvement plans to the utility companies, the utility companies develop work plans for altering or relocating their facilities and send copies of the plan to WisDOT. WisDOT reviews and approves the work plan for utility facility relocation or alteration. Thus, a defined process and schedule is established to deal with utility conflicts and arrange for their resolution.

If the designer follows the suggestions in this guide, he or she will be in compliance with the administrative rule and the law. The complete text of ch. Trans 220 Wis. Adm. Code and Wis. Stat. s. 84.063 are included as [Attachment 1.4.1](#) and [Attachment 1.4.2](#) at the end of this chapter. The designer may refer to them should there be any questions regarding the actual language of the law or the administrative rule. A flow chart of the Trans 220 process is shown in [Attachment 1.4.7](#).

[Attachment 1.4.8](#) is a sample "Trans 220 Log," [Form DT1079](#), which can be used to track the dates of the various activities in the Trans 220 process.

1.4.2 Timeline

Trans 220 imposes specific timeframes for various activities in the utility coordination process. Early in the design process the utilities must be notified of a proposed highway improvement. The utility then has 60 days to send information regarding their facilities in the project area. This usually is done by providing the designer with system maps showing the approximate location of utility facilities.

After the designer receives the system maps from the utility, several months or years go by as the designer works on the highway plans. The next Trans 220 step is to send completed plans to the utilities for them to use in determining conflicts and designing utility relocation plans. The utility has 60, 90, 120 or 150 days, depending on the type of project, to review the plans and develop a work plan.

WisDOT has changed the nomenclature used to identify different project types since Trans 220 was written. The following timeframes are to be used:

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|--------------------------------|----------|
| Resurfacing | 60 days |
| Pavement Replacement | 90 days |
| Reconditioning | 120 days |
| Reconstruction | 120 days |
| Expansion | 120 days |
| Major Project | 120 days |
| Stand-alone Bridge Replacement | 90 days |

An additional 30 days will be added if coordination is required with other utility facility owners, or if the work is compensable. See Ch. Trans 220.05(4) Wis. Adm. Code in [Attachment 1.4.1](#). NOTE: All days are calendar days.

The designer then reviews the work plans and either accepts or rejects the work plan. If the work plan is rejected, the utility has 30 days to redo the plan and resubmit it.

After the utility work plan (and signed agreement, where applicable) is approved and returned to the utility, the utility may proceed with its work plan by obtaining the necessary permits, ordering materials, purchasing easements and scheduling work crews. It is important to note that approving a work plan does not remove the requirement to obtain a utility permit from the WisDOT Region. A utility permit, "Application/Permit To Construct, Operate and Maintain Utility Facilities On Highway Right-of-Way," Form [DT1553](#), is still needed. See the "[Utility Accommodation Policy](#)," to obtain more information on permit requirements.

Utility companies must be notified of any changes made to the highway plans that were sent to them. The changes must be highlighted so that they can tell what changes were made. The utility company then has 60 days to redesign its relocation plan if necessary. Trans 220 requires WisDOT to pay for any additional work to a utility facility due to plan changes after the facility has been relocated or adjusted in accordance with an approved work plan. Therefore it is important that the plans sent to utility companies be as complete as possible.

1.4.3 Proposed Highway Improvement Notice, Form DT1077

The "Proposed Highway Improvement Notice," [Form DT1077](#), is used to notify utility companies of upcoming highway projects. This would be the first correspondence sent to the utility regarding a project, and is the first step of the Trans 220 coordination process.

A sample of Form DT1077 is shown in [Attachment 1.4.9](#). Additional information regarding form DT1077 and its cover letter can be found in [Chapter 3](#), Utility Identification & Notification.

1.4.4 Project Plan Transmittal, Form DT1078

The "Project Plan Transmittal," [Form DT1078](#), is used to send completed plans to the utility companies. The plans don't have to be the PS&E submittal, but they do have to be complete enough that the utility has enough information to determine any conflicts with their facilities and to design their relocation plan. The designer must, by law, inform the utility of any changes to the plans that may have an impact on the existing or proposed utility facility. WisDOT must pay for any changes that affect work the utility has already done in preparation for the highway project. It is important that the plans sent to the utility companies are as complete as possible and that any changes to the plans be made with consideration of the impact on utility facilities.

A sample of Form DT1078 is shown in [Attachment 1.4.10](#). Additional information regarding Form DT1078 and its cover letter can be found in [Chapter 10](#), Sending Plans To Utilities.

1.4.5 Utility Work Plans

Trans 220 requires a utility to provide WisDOT with a plan for how they will accomplish the relocation of their facilities that are in conflict with a proposed highway plan. The work plan must include a schedule, narrative description of what work will be done, whether the work will be done prior to highway construction or concurrent, any coordination required with other companies or contractors, any real estate parcels that need to be acquired before the utility can do its work, and any necessary approvals required.

The designer must review the work plan to ensure compatibility with permit requirements, highway improvement plans and construction schedule, and the reasonableness of the relocation scheme. If the work plan is not reasonable or compatible, the utility must be notified and given 30 days to revise the plan. [Attachment 1.4.11](#) is a sample of a work plan denial letter.

In addition to the designer, it is recommended that the Environmental Unit look at the work plan to determine if any "sensitive" areas might be affected, the Real Estate Unit should be made aware of any acquisitions that must take place prior to the scheduled utility relocations, and the Utility Permit Coordinator should review the work plan to make sure that it complies with the "Utility Accommodation Policy." It is a good idea to have the Region Erosion Control Specialist take a look at any work plans that go through environmentally sensitive areas or require extensive erosion control measures.

Once the appropriate people have reviewed the utility work plan, a work plan approval letter must be sent to the utility company. The Region Utility Coordinator or the consultant must send this letter to the utility so that the utility knows it can proceed to order materials and to schedule the work. Ch. Trans 220.05(7), Wis. Adm. Code requires that "When the work plan is compatible and reasonable, WisDOT shall advise the owner by mail of its approval." [Attachment 1.4.12](#) and [Attachment 1.4.13](#) are sample work plan approval letters.

The information in the work plan can be used to write the appropriate section of the "Utility" portion of the Special Provisions.

A suggested form to send to utilities along with the Project Plan Transmittal, Form DT1078, is shown in Chapter 10 [Attachment 10.2.3](#), "Utility Worksheet," [Form DT2236](#). The use of this form is recommended. It is provided to assist the utility company in providing the required information.

Sometimes a utility may miss the work plan due date. It is extremely important to obtain a work plan from each utility company, or a letter from the utility company stating that they have no conflicts. The designer should make every effort to prod the utility company to provide a work plan. Follow-up phone calls or letters may be necessary to obtain the work plan. Be sure to document all attempts to obtain the overdue work plan by writing a note to the file, making a diary entry, or some other similar method. [Attachment 1.4.14](#) and [Attachment 1.4.15](#) are samples of letters for requesting a work plan after the utility has missed the due date. [Attachment 1.4.15](#) is a stronger more formal version of the letter and is titled "Trans 220 Non-compliance Notice."

If a utility should fail to follow their work plan it would be in violation of Trans 220. Once this is discovered the utility should be contacted to try to bring it into compliance with its work plan as soon as possible. If the work is to be done prior to construction there may still be time to accomplish work plan compliance, if the violation is discovered soon enough. The goal of the project manager and the utility coordinator is to avoid utility-related construction delays. Any efforts aimed at achieving this goal are deemed to be worthwhile. Phone calls and letters to the utility company will hopefully lead to the work getting done as quickly as possible with little or no delay to the highway contractor. [Attachment 1.4.16](#) is a sample Trans 220 violation notice.

1.4.6 Project Utility Coordination Meetings

At any time during the design process the designer may call a utility coordination meeting. Attendance at these meetings is mandatory according to Trans 220. This fact should be mentioned in the letter announcing the meeting. The purpose of the utility coordination meetings is to share information regarding the relocation of utility facilities.

Often companies can work together to be more efficient and to save construction costs. It also provides an opportunity for the designer to explain the timing and construction details of the proposed highway improvement project.

Designers may call for the meeting for their own reasons, or at the request of a utility company. Trans 220 requires that the designer hold a utility coordination meeting if one of the utilities involved requests such a meeting.

See “Utility Coordination Meetings” in this chapter for additional discussion on utility coordination meetings.

1.4.7 Notifications

After the work plans have been reviewed and approved, the designer sends an approval letter to the utility as noted above in the section on Utility Work Plans. However, there are several other notifications that are required by Trans 220.

Ch. Trans 220.05(9), Wis. Adm. Code states WisDOT shall notify the utility by mail not less than 30 calendar days before the owner is required to begin the work provided for in the approved work plan. WisDOT may include a receipt of mailing form, which the owner shall complete and return within 7 calendar days of receipt. This “start work” notice must be sent in order for WisDOT to be in compliance with Trans 220.

Ch. Trans 220.05(10), Wis. Adm. Code requires the contractor to provide a 14 to 16 calendar day notice to the utility for any utility work that is contingent on highway construction operations being completed prior to the utility relocation work being done. Also, the contractor shall follow up with a confirmation notice to WisDOT and the utility not less than 3 working days before the work will be ready for the owner to begin its work.

Ch. Trans 220.05(11), Wis. Adm. Code requires the utility to notify WisDOT when they begin their work and after they have completed their work.

1.5 Utility Correspondence/Activities

All utility-related correspondence should be routed through the Region Utility Unit. The Utility Unit should also be informed of all meetings or other activities, such as field reviews with utility personnel. When appropriate, a representative of the Utility Unit will attend these meetings.

On consultant-designed plans, copies of all correspondence with utilities must be sent to, or routed by, the Utility Unit. The correspondence will be reviewed by the Region Utility Coordinator or their designee prior to the signing of the Utility Status Report.

A Utility Diary, [Attachment 1.5.1](#) Form DT2241, can be used to document the various utility coordination contacts and activities on a project.

The designer is urged to contact the Utility Unit any time there is a question regarding the interpretations or procedures that may affect timely completion of project utility coordination.

1.6 Region Utility Units

Each WisDOT Region office has a Utility Unit, which deals with utility coordination. There are differences in how coordination activities are done in each region. The goal of each region is to have no highway construction delays caused by unexpected utility conflicts. How each region accomplishes this goal varies.

The utility coordinator serves as a liaison between the utility industry, the highway designer, and the highway contractor. The utility coordinator must understand and represent the interests of all three groups. They should strive to facilitate solutions that result in the best overall improvement project. A utility coordinator needs to have good problem-solving skills, they need to be proactive in order to prevent problems, and they need to be good at dealing with different types of people in various (and sometimes stressful) situations. See [Attachment 1.6.1](#) for more thoughts on the role of a utility coordinator.

The Utility Unit is located in the Technical Services Section of each region. The following link provides a list of people who deal with utility coordination:

<http://wisconsindot.gov/dtsdManuals/utility/dtsd-utilcoord.pdf>

Wis. Stat. s. 86.16 Utility lines on highways; place of poles; penalty.

(1) Any person, firm or corporation, including any foreign corporation authorized to transact business in this state may, subject to ss. 30.44 (3m), 30.45 and 196.491 (3) (d) 3m., with the written consent of WisDOT with respect to state trunk highways, and with the written consent of local authorities with respect to highways under their jurisdiction, including connecting highways, construct and operate telegraph, telephone or electric lines, or pipes or pipelines for the purpose of transmitting messages, water, heat, light or power along, across or within the limits of the highway.

(2) All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public, nor with the use of the adjoining land by the owner thereof; and all pole lines shall hereafter be constructed so as to meet the requirements of the provisions of the state electrical code promulgated by the public service commission.

(3) No tree shall be cut, trimmed or the branches thereof cut or broken in the construction or maintenance of any such line without the consent of the owner of the tree.

(4) Any person erecting any telephone, telegraph, electric light or other pole or stringing any telephone, telegraph, electric light or other wire, or constructing any pipes or pipe lines in violation of the provisions of this section shall forfeit a sum not less than \$10 nor more than \$50.

(5) Any person, firm or corporation whose written application for permission to construct such lines within the limits of a highway has been refused, or has been on file with WisDOT or local authority for 20 days and no action has been taken thereon, may file with WisDOT or local authority a notice of appeal to the division of hearings and appeals. WisDOT or local authority shall thereupon return all of the papers and action of WisDOT or local authority to the division of hearings and appeals, and the division of hearings and appeals shall hear and try and determine the appeal on 10 days' notice to WisDOT or local authority, and the applicant. The order entered by the division of hearings and appeals shall be final.

History: 1977 c. 29 s. 1654 (8) (d), (e); 1979 c. 34; 1981 c. 347 s. 80 (2); 1989 a. 31; 1993 a. 16, 490; 1997 a. 204; 2007 a. 63.

Cross-reference: See also s. Trans 200.05, Wis. adm. code.

Pipelines to transport water under sub. (1) include wastewater as well as freshwater pipelines. Review of a town's refusal to grant permission to a city to construct a sewer line was within the scope of DHA's authority under sub. (5). *Town of Barton v. Division of Hearings & Appeals*, 2002 WI App 169, 256 Wis. 2d 628, 649 N.W.2d 293, 011209.

Wis. Stat. s. 182.017 Transmission lines; privileges; damages.

(1g) Definitions. In this section:

(a) "Commission" means the public service commission.

(b) "Company" means any of the following:

1. A corporation, limited liability company, partnership, or other business entity organized to furnish telegraph or telecommunications service or transmit heat, power, or electric current to the public or for public purposes.
2. An independent system operator, as defined in s. 196.485 (1) (d).
3. An independent transmission owner, as defined in s. 196.485 (1) (dm).
4. A cooperative association organized under ch. 185 or 193 to furnish telegraph or telecommunications service.
5. A cooperative association organized under ch. 185 to transmit heat, power, or electric current to its members.
6. An interim cable operator, as defined in s. 66.0420 (2) (n).
7. A video service provider, as defined in s. 66.0420 (2) (zg).

(bm) "Municipal regulation" means any contract, ordinance, resolution, order, or other regulation entered into, enacted, or issued by a municipality before, on, or after July 2, 2013.

(c) "Municipality" means a city, village, or town.

(cq) "Telecommunications service" means the offering for sale of the conveyance of voice, data, or other information, including the sale of service for collection, storage, forwarding, switching, and delivery incidental to such communication regardless of the technology or mode used to make such offering.

(ct) "Urban rail transit system" means a system, either publicly or privately owned, which provides transportation by rail in a municipality to the public on a regular and continuing basis and which begins service on or after July 2, 2013.

(d) "Video service network" has the meaning given in s. 66.0420 (2) (zb).

(1r) Right of way for. Any company may, subject to ss. 30.44 (3m), 30.45, 86.16, and 196.491 (3) (d) 3m. and to reasonable regulations made by any municipality through which its transmission lines or systems may pass, construct and maintain such lines or systems with all necessary appurtenances in, across or beneath any public highway or bridge or any stream or body of water, or upon any lands of any owner consenting thereto, and for such purpose may acquire lands or the necessary easements; and may connect and operate its lines or system with other lines or systems devoted to like business, within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power, or electric light.

(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.

(3) Abandoned lines removed. The commission after a public hearing as provided in s. 196.26, and subject to the right of review as provided in ch. 227, may declare any line to have been abandoned or discontinued, if the facts warrant such finding. Whenever such a finding shall have been made the company shall remove such line, and on failure for 3 months after such finding of abandonment or discontinuance, any person owning land over, through or upon which such line shall pass, may remove the same, or the supervisors of any town within which said lines may be situated, may remove the said lines from the limits of its highways, and such person or supervisors shall be entitled to recover from the company owning the lines the expense for labor involved in removing the property.

(4) Location of poles. In case of dispute as to the location of poles, pipes or conduits, the commissioners appointed in condemnation proceedings under ch. 32 may determine the location. In no case, except where the owner consents, shall poles be set in front of or upon any residence property, or in front of a building occupied for business purposes, unless the commissioners find that the same is necessary and the court may review the finding.

(5) Tree trimming. Any company which shall in any manner destroy, trim or injure any shade or ornamental trees along any such lines or systems, or, in the course of tree trimming or removal, cause any damage to

buildings, fences, crops, livestock or other property, except by the consent of the owner, or after the right so to do has been acquired, shall be liable to the person aggrieved in 3 times the actual damage sustained, besides costs.

(6) Municipal franchise required. No lighting or heating corporation or lighting or heating cooperative association shall have any right hereunder in any municipality until it has obtained a franchise or written consent for the erection or installation of its lines from such municipality.

(7) High-voltage transmission lines. Any easement for rights-of-way for high-voltage transmission lines as defined under s. 196.491 (1) (f) shall be subject to the conditions and limitations specified in this subsection.

(a) The conveyance under ch. 706 and, if applicable, the petition under s. 32.06 (7), shall describe the interest transferred by specifying, in addition to the length and width of the right of way, the number, type and maximum height of all structures to be erected thereon, the minimum height of the transmission lines above the landscape, and the number and maximum voltage of the lines to be constructed and operated thereon.

(b) In determining just compensation for the interest under s. 32.09, damages shall include losses caused by placement of the line and associated facilities near fences or natural barriers such that lands not taken are rendered less readily accessible to vehicles, agricultural implements and aircraft used in crop work, as well as damages resulting from ozone effects and other physical phenomena associated with such lines, including but not limited to interference with telephone, television and radio communication.

(c) In constructing and maintaining high-voltage transmission lines on the property covered by the easement the utility shall:

1. If excavation is necessary, ensure that the top soil is stripped, piled and replaced upon completion of the operation.
2. Restore to its original condition any slope, terrace, or waterway which is disturbed by the construction or maintenance.
3. Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.
4. Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.
5. Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.
6. Repair any drainage tile line within the easement damaged by such construction or maintenance.
7. Pay for any crop damage caused by such construction or maintenance.
8. Supply and install any necessary grounding of a landowner's fences, machinery or buildings.

(d) The utility shall control weeds and brush around the transmission line facilities. No herbicidal chemicals may be used for weed and brush control without the express written consent of the landowner. If weed and brush control is undertaken by the landowner under an agreement with the utility, the landowner shall receive from the utility a reasonable amount for such services.

(e) The landowner shall be afforded a reasonable time prior to commencement of construction to harvest any trees located within the easement boundaries, and if the landowner fails to do so, the landowner shall nevertheless retain title to all trees cut by the utility.

(f) The landowner shall not be responsible for any injury to persons or property caused by the design, construction or upkeep of the high-voltage transmission lines or towers.

(g) The utility shall employ all reasonable measures to ensure that the landowner's television and radio reception is not adversely affected by the high-voltage transmission lines.

(h) The utility may not use any lands beyond the boundaries of the easement for any purpose, including ingress to and egress from the right of way, without the written consent of the landowner.

(i) The rights conferred under pars. (c) to (h) may be specifically waived by the landowner in an easement conveyance which contains such paragraphs verbatim.

(8) Commission review.

(a) Upon complaint by a company that a regulation by a municipality under sub. (1r) is unreasonable, the commission shall set a hearing and, if the commission finds that the regulation is unreasonable, the regulation shall be void. Subject to pars. (am) to (c), if the commission determines that a municipal regulation that was in effect on January 1, 2007, and immediately prior to January 9, 2008, or that a community standard, as demonstrated through consistent practice and custom in the municipality, that was in effect on January 1, 2007, and immediately prior to January 9, 2008, is substantially the same as the municipal regulation complained of, there is a rebuttable presumption that the latter regulation is reasonable.

(am) A municipal regulation is unreasonable if it has the effect of creating a moratorium on the placement of company lines or systems under sub. (1r) or on the entrance into the municipality of a video service provider, as defined in s. 66.0420 (2) (zg), or is inconsistent with the purposes of s. 66.0420.

(as) Notwithstanding sub. (2), a municipal regulation is unreasonable if it requires a company to pay any part of the cost to modify or relocate the company's facilities to accommodate an urban rail transit system.

(b) A municipal regulation is unreasonable if it requires a company to pay more than the actual cost of functions undertaken by the municipality to manage company access to and use of municipal rights-of-way. These management functions include all of the following:

1. Registering companies, including the gathering and recording of information necessary to conduct business with a company.
2. Except as provided in provided in par. (c), issuing, processing, and verifying excavation or other company permit applications, including supplemental applications.
3. Inspecting company job sites and restoration projects.
4. Maintaining, supporting, protecting, or moving company equipment during work in municipal rights-of-way.
5. Undertaking restoration work inadequately performed by a company after providing notice and the opportunity to correct the work.
6. Revoking company permits.
7. Maintenance of databases.
8. Scheduling and coordinating highway, street, and right of way work relevant to a company permit.

(c) A municipal regulation is unreasonable if it requires a company to be responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a municipality as a member of the one-call system under s. 182.0175.

(d) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under par. (b) 1., 2., 3., and 7. through a preexcavation permit fee.

(e) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under par. (b) 4., 5., and 6. only from the company that is responsible for causing the municipality to incur the costs.

(9) Time limit for permits. If a municipality establishes a permit process under sub. (1r), the municipality shall approve or deny a permit application no later than 60 days after receipt of the application, and, if the municipality fails to do so, the municipality shall be considered to have approved the application and granted the permit. If a municipality denies a permit application, the municipality shall provide the applicant a written explanation of the reasons for the denial at the time that the municipality denies the application.

History: 1971 c. 40; 1975 c. 68, 199; 1979 c. 34, 323; 1985 a. 297 s. 76; 1989 a. 31; 1993 a. 213, 246, 371; 1997 a. 204; 2005 a. 441; 2007 a. 42; 2011 a. 22; 2013 a. 20 s. 1564m, 1978d to 1978t.

Sub. (2) is a safety statute, the violation of which constitutes negligence per se. An allegation that a power pole located within 4 feet of the traveled portion of a roadway violated this provision stated a cause of action. *Weiss v. Holman*, 58 Wis. 2d 608, 207 N.W.2d 660 (1973).

Sub. (5) is limited to damages arising from the construction, maintenance, or abandonment of facilities within a right of way. *Vogel v. Grant-Lafayette Electric Cooperative*, 195 Wis. 2d 198, 536 N.W.2d 140 (Ct. App. 1995), 94-0822.

Sub. (7) (a) governs what must be specified in a conveyance of an easement. Because the easements here were conveyed prior to the enactment of the statute, the conveyances were not subject to the statute's requirements. The circuit court's conclusion that the utility was required to obtain new easements complying with sub. (7) (a) was premised on its erroneous conclusion that the utility's easement rights were limited by the easements' current use. *Wisconsin Public Service Corporation v. Andrews*, 2009 WI App 30, 316 Wis. 2d 734, 766 N.W.2d 232, 07-2673

Wis. Stat. s. 66.0831 Interference with public service structure.

A contractor with a contract for work upon, over, along or under a public street or highway may not interfere with, destroy or disturb the structures of a public utility, including a telecommunications carrier as defined in s. 196.01 (8m), encountered in the performance of the work in a manner that interrupts, impairs or affects the public service for which the structures may be used, without first obtaining written authority from the commissioner of public works or other appropriate authority. A public utility, if given reasonable notice by the contractor of the need for temporary protection of, or a temporary change in, the utility's structures, determined by the commissioner of public works or other appropriate authority to be reasonably necessary to enable the work, shall temporarily protect or change its structures located upon, over, along or under the surface of a public street or highway. The contractor shall pay or assure to the public utility the reasonable cost of the temporary structure or change, unless the public utility is otherwise liable. If work is done by or for the state or by or for any county, city, village, town sanitary district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65 or town, the cost of the temporary protection or temporary change shall be borne by the public utility.

History: 1973 c. 277; 1983 a. 296, 538; 1993 a. 496; 1999 a. 150 s. 116; Stats. 1999 s. 66.0831.
Cross-reference: See also ss. PSC 165.066, 165.067, and 185.16, Wis. adm. code.

Interference without written authority is prohibited only if the parties cannot agree that requested changes are reasonably necessary. A town sanitary district is not a town under the cost provision of this section. *Wisconsin Gas Co. v. Lawrenz & Associates*, 72 Wis. 2d 389, 241 N.W.2d 384 (1976).

Wis. Stat. s. 182.0175 Damage to transmission facilities.

(1) Definitions. In this section:

(am) "Emergency" means a condition that poses a clear and immediate danger to life or health, or a significant loss of property.

(b) "Excavation" means any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing and driving and means any operation by which a structure or mass of material is wrecked, razed, rended, moved or removed.

(bm) "Excavator" means a person who engages in excavation.

(bt) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(bu) "Pavement" means asphalt or concrete pavement.

(bv) "Private transmission facilities" means transmission facilities that are owned by a person, other than a governmental unit, and that are located on private property owned or leased by that person and that do not cross a public right of way.

(c) "Transmission facilities" includes all pipes, pipelines, wires, cables, ducts, wirelines and associated facilities, whether underground or aboveground, regardless of the nature of their transmittants or of their in-service application. The term includes, but is not restricted to, utility facilities, government-owned facilities, facilities transporting hazardous materials, communications and data facilities, drainage and water facilities and sewer systems. The term does not include culverts.

(d) "Working days" means days other than Saturday, Sunday and legal holidays.

(1m) One-call system.

(a) Statewide system. Owners of transmission facilities, other than private transmission facilities, shall establish or designate a nonprofit organization governed by a board of directors as the operator of a one-call system and shall be members of the system. The one-call system shall be a statewide communication system in which a single operational center receives excavation notices and transmits notice information to affected-member transmission facilities owners. Owners of private transmission facilities may be members.

(bm) Membership fees. A member may be assessed an initial start-up fee equal to the system's costs in adding the member to the one-call system, except that any initial start-up fee may not exceed \$100 for a member whose transmission facilities serve less than 5,000 customers. For purposes of assessing the initial start-up fee, affiliated transmission facilities owners shall be considered a single member. Under this paragraph, a transmission facilities owner is affiliated with another transmission facilities owner if the transmission facilities owner, directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the other transmission facilities owner. Members shall also be assessed a fee per notice of intended excavation activity. Membership in the one-call system ceases if a fee assessed under this paragraph is more than 90 days past due. A transmission facilities owner may be reinstated as a member upon payment of the amount past due.

(c) Liability. Any transmission facilities owner who is required to be a member of the one-call system and has not complied with the membership requirement is liable for all damages to the owner's transmission facilities and for any other damages that occur as a result of a properly noticed excavation to the one-call system.

(d) System functions. The one-call system shall do all of the following:

1. Publicize the availability and use of the one-call system.

2. Provide toll-free communication to the one-call system.

3. Accept notices of intended excavation activity.

4. Accept notices of intended emergency location or emergency excavation activity 24 hours a day.

4m. Disclose to persons providing notice that the one-call system does not include private transmission facilities as required under par. (e) 1.

5. Inform the person providing notice of the names of affected-member transmission facilities owners who will receive the notice information.

6. Promptly transmit notice information to affected-member transmission facilities owners.

7. Retain records of notices for a period of not less than 6 years.

(e) Information system.

1. The operator of the one-call system shall ensure, through information distributed to the public by phone, Internet, or printed materials, that a person providing notice on intended excavation activity is informed that private transmission facilities are not subject to the one-call system and that the person providing notice is referred to other entities to be contacted by the person for determining the location of private transmission facilities. In providing this information, the operator shall specifically use the term "propane" in describing the type of private transmission facilities that are not subject to the one-call system.

2. WisDOT of safety and professional services may promulgate a rule that requires retail suppliers, as defined in s. 101.16 (1) (d), of propane to inform their customers each year of the obligation of owners of transmission facilities under this section.

(2) Excavator and planner responsibilities.

(a) Planning. Every person who is responsible for the preparation of plans and specifications for nonemergency excavation and every excavator shall do all of the following:

1. Take reasonable action to learn the location of any transmission facilities in and near the area where the excavation is to be conducted.
2. Plan the excavation to avoid to the extent possible interference with transmission facilities in and near the excavation area.

(am) Excavation notice. An excavator shall do all of the following:

1. Provide advance notice not less than 3 working days before the start of nonemergency excavation to the one-call system.
2. In an emergency, take all reasonable precautions to avoid to the extent possible interference with existing transmission facilities in and near the excavation area and notify as promptly as possible the owners of transmission facilities which may be affected by the emergency excavation.
3. Maintain an estimated minimum clearance of 18 inches between a marking for an unexposed underground transmission facility that is marked under sub. (2m) and the cutting edge or point of any power-operated excavating or earth moving equipment, except as is necessary at the beginning of the excavation process to penetrate and remove the surface layer of pavement. When the underground transmission facility becomes exposed or if the transmission facility is already exposed, the excavator may reduce the clearance to 2 times the known limit of control of the cutting edge or point of the equipment or 12 inches, whichever is greater.
4. Provide a repeat notice to the one-call system if marks are destroyed or covered by excavation site activities, if the excavation does not start within 10 days of the scheduled start date or if excavation is interrupted for more than 10 days.
5. Provide support for existing transmission facilities in and near the excavation area that may be reasonably necessary or that is specified by the transmission facility owner for the protection of the facilities, unless protection is required of the owner of the transmission facility under s. 66.0831.
6. Before backfilling, inspect all transmission facilities exposed during excavation to ascertain if the transmission facilities have been or may have been struck, damaged, dislocated or disrupted.
 - 6m. Refrain from backfilling an excavation until an inspection is conducted and any necessary repairs have been made by the owner of the transmission facility.
7. Immediately notify the owner of a transmission facility if an inspection reveals that the transmission facility has been or may have been struck, damaged, dislocated or disrupted.
8. Backfill an excavation as specified by the owner of the existing transmission facilities or in a manner and with materials that may be reasonably necessary for the protection of, and to provide reliable support during backfilling and following backfilling for, existing transmission facilities in and near the excavation area.

(bm)Notice. An excavation notice shall include all of the following information:

1. The name of the person providing notice.
2. The name, address and telephone number of the excavator.
3. The specific location and description of the excavation area, including the county, place, street address, nearest intersecting road, distance and direction from the nearest intersection and marking instructions.
4. A description of the intended excavation activity.
5. The intended starting date of the excavation.

(2m) Transmission facilities owner requirements.

(a)Responsibilities. A transmission facilities owner shall do all of the following:

1. Respond to a planning notice within 10 days after receipt of the notice by conducting field markings, providing records and taking other appropriate responses.
2. Respond to an excavation notice within 3 working days by marking the location of transmission facilities and, if applicable, laterals as provided under par. (b) in the area described in the excavation notice.
3. Provide emergency locater service within 24 hours after receiving a request for that service.

(b)Facilities marking. A person owning transmission facilities, upon receipt of an excavation notice, shall mark in a reasonable manner the locations of transmission facilities at the area described in the notice to enable the excavator to locate the transmission facilities without endangering the security of the facilities or the public. Except as provided in par. (bm), if the person is a local governmental unit and if the excavation notice relates to sewer or water facilities owned by the local governmental unit, the local governmental unit shall also mark the locations within the public right of way of all laterals connected to the sewer or water facilities at the area described in the notice. The marking of facilities shall be completed within 3 working days after receipt of the notice, or if notice is given more than 10 days before excavation is scheduled to begin, marking shall be completed at least 3 working days before excavation is scheduled to begin. If the approximate location of a transmission facility is marked with paint, flags, stakes or other physical means, the following color coding of lines, cables or conduits shall comply with the uniform color code adopted by the American National Standards Institute:

1. Electric power: red.
2. Gas, oil, steam, petroleum or gaseous materials: yellow.
3. Communications, cable television or alarm or signal systems: orange.
4. Water, irrigation or slurry systems: blue.
5. Sewer or drain systems: green.
6. Temporary survey markings: pink.
7. Proposed excavation: white.

(bm)Local governmental units. A local governmental unit is considered to have satisfied the requirement under par. (b) to mark the locations within the public right of way of all laterals connected to sewer or water facilities if the local governmental unit makes available to an excavator, for inspection and making copies, information on the location of such laterals as shown on maps, drawings, diagrams, or other records, that are readily available. If a local governmental unit has no such readily available information regarding such laterals and the local governmental unit provides the excavator with a written notice that the local governmental unit has no such readily available information, the local governmental unit is considered to have satisfied the requirement under par. (b) to mark the locations within the public right of way of all laterals connected to the sewer or water facilities.

(br)Private transmission facilities.Paragraphs (a) to (bm) do not apply to owners of private transmission facilities.

(c)Facilities inspection and repair. Every person owning transmission facilities who receives a notice of possible damage shall inspect the facilities for damage within 6 hours after receipt of the notice if there is risk

of personal injury or loss of life or within 24 hours after receipt of the notice if there is not a risk of personal injury or loss of life and shall repair any damage found as soon as practicable. Unless the owner of any transmission facility is notified or has knowledge of damage to transmission facilities by an excavator, the owner is not responsible for or required to make an inspection of its transmission facilities, nor shall the owner, in the absence of notification or knowledge, be responsible for supervising in any manner the excavation.

(2r) Facilities installed after December 31, 2006. Any person who, after December 31, 2006, installs a nonconductive water or sewer lateral shall also install a locating wire or other equally effective means for marking the location of the lateral. The requirement shall not apply to minor repairs to, or partial replacements of, laterals installed before January 1, 2007.

(3) Penalties.

(a) Forfeitures. Any person who willfully and knowingly violates this section may be required to forfeit \$2,000 for each offense. Each day of continued violation constitutes a separate offense.

(b) Misdemeanor. Whoever intentionally removes, moves or obliterates a transmission facilities marking placed by the transmission facilities owner may be fined not more than \$500 or imprisoned for not more than 30 days or both. This paragraph does not apply to an excavator who removes or obliterates markings during an excavation.

(4) Right of action. This section shall not affect any right of action or penalty which this state or any person may have.

(5) Right to injunction. If any person engages in or is likely to engage in excavation inconsistent with this section and which results or is likely to result in damage to transmission facilities, the person who owns or operates the facilities may seek injunctive relief in the circuit court for the county in which the transmission facilities are located. If the transmission facilities are owned or operated by a public utility as defined in s. 196.01 (5), including a telecommunications carrier, as defined in s. 196.01 (8m), and the public utility does not seek injunctive relief, the attorney general, upon request of the public service commission, shall seek injunctive relief in the circuit court for the county in which the transmission facilities are located.

History: 1973 c. 277; 1977 c. 350; 1977 c. 449 s. 497; 1983 a. 189; 1985 a. 297 s. 76; 1993 a. 482, 496; 1995 a. 135; 1999 a. 150 s. 672; 2005 a. 425; 2007 a. 96 s. 110; 2007 a. 203; 2011 a. 32.

Wis. Stat. s. 84.09 Acquisition of lands and interests therein.

- (1) WisDOT may acquire by gift, devise, purchase or condemnation any lands for establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving and maintaining highways and other transportation related facilities, or interests in lands in and about and along and leading to any or all of the same; and after establishment, layout and completion of such improvements, WisDOT may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), convey such lands thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such lands so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works. Whenever WisDOT deems it necessary to acquire any such lands or interests therein for any transportation related purpose, it shall so order and in such order or on a map or plat show the old and new locations and the lands and interests required, and shall file a copy of the order and map with the county clerk and county highway committee of each county in which such lands or interests are required or, in lieu of filing a copy of the order and map, may file or record a plat in accordance with s. 84.095. For the purposes of this section WisDOT may acquire private or public lands or interests in such lands. When so provided in WisDOT's order, such land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), WisDOT shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, deemed reasonable by WisDOT. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests therein under this section is excepted and exempt from s. 20.914 (1). WisDOT may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after it has acquired portions of such tracts or parcels by purchase or condemnation for transportation purposes where in the judgment of WisDOT such action would assist in making whole the landowner, a part of whose lands have been taken for transportation purposes and would serve to minimize the overall costs of such taking by the public.
- (2) If any of the needed lands or interests therein cannot be purchased expeditiously for a price deemed reasonable by WisDOT, WisDOT may acquire the same by condemnation under ch. 32.
- (3)(a) WisDOT may order that all or certain parts of the required land or interests therein be acquired by the county highway committee. When so ordered, the committee and WisDOT shall appraise and agree on the maximum price, including damages, considered reasonable for the lands or interests to be so acquired. The committee shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, as directed in WisDOT's order. The instrument of conveyance shall name the county as grantee, shall be subject to approval by WisDOT, and shall be recorded in the office of the register of deeds and filed with WisDOT. If the needed lands or interests therein cannot be purchased expeditiously within the appraised price, the county highway committee may acquire them by condemnation under ch. 32.
- (b) Any property of whatever nature acquired in the name of the county pursuant to this section or any predecessor shall be conveyed to the state without charge by the county highway committee and county clerk in the name of the county when so ordered by WisDOT.
- (c) The county highway committee when so ordered by WisDOT is authorized and empowered to sell and shall sell at public or private sale, subject to such conditions and terms authorized by WisDOT, any and all buildings, structures, or parts thereof, and any other fixtures or personally acquired in the name of the county under this section or any predecessor. Any instrument in the name of the county, transferring title to the property mentioned in the foregoing sentence, shall be executed by the county highway committee and the county clerk. The proceeds from such sale shall be deposited with the state in the appropriate transportation fund and the expense incurred in connection with such sale shall be paid from such fund.
- (d) Section 59.52 (6) (c) shall not apply to any conveyance or transfer made under this section.
- (3m) WisDOT may order that all or certain parts of the required land or interest therein be acquired for WisDOT by a board, commission or department of the city, village or town within whose limits the land is located. The city board or city, village or town commission or department shall be created or selected by the common council, village board or town board subject to the approval of WisDOT. When so ordered, the board, commission or department created or selected and WisDOT shall appraise and agree on the maximum price, including damages, considered reasonable for the lands or interests to be so acquired. The city, village or town board, commission or department shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, as directed in WisDOT's order. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. If the needed

lands or interests therein cannot be purchased expeditiously within the appraised price, the city, village or town board, commission or department may, subject to approval by WisDOT, acquire them by condemnation in the name of the state under ch. 32. The city, village or town attorney may act as counsel in any proceedings brought under authority of this subsection. Special counsel may be employed with the consent of the governor and the secretary. The city, village or town, upon agreement with WisDOT, may pay for the land or interests acquired from city, village or town funds made available for such purpose or not otherwise appropriated, as an advance subject to reimbursement by WisDOT or as part of the city's, village's or town's contribution toward the cost of the improvement.

(Pertinent utility related statute language included here – see statutes for complete language)

History: [1971 c. 40](#); [1973 c. 118 s. 7](#); [1977 c. 29 ss. 936, 1654 \(1\)](#), (8) (a), (b); [1977 c. 272, 418](#); [1979 c. 310](#); [1983 a. 27](#); [1991 a. 39](#); [1993 a. 246](#); [1995 a. 201, 406](#); [1997 a. 27, 35, 282](#); [1999 a. 83, 186](#); [2003 a. 33, 211, 327](#); [2005 a. 25, 392](#); [2007 a. 20](#); [2011 a. 32](#); [2013 a. 20](#).

Note: Generally, WisDOT has determined that the reasonable price for the acquisition of utility easements is the cost of the relocation of those facilities occupying the easement. See Attachment 11.2.2.

Chapter Trans 220

UTILITY FACILITIES RELOCATION

Trans 220.01 Purpose and scope.
Trans 220.02 Applicability.
Trans 220.03 Definitions.

Trans 220.04 Notification.
Trans 220.05 Project and work plans.
Trans 220.06 Responsibilities.

Trans 220.01 Purpose and scope. The purpose of this chapter is:

(1) To establish the administrative procedures for implementing s. 84.063, Stats., and to prevent delays to proposed state trunk highway improvement projects and contractor delay and expense due to uncertain scheduling of utility relocations.

(2) To define a process and scheduling procedure to deal with utility conflicts with state trunk highway construction and arrange for their timely resolution.

(3) To integrate the utility facility relocation process under s. 84.063, Stats., with several pre-existing statutes and regulations, including the following:

(a) The obligations of utilities and highway planners and contractors under s. 182.0175, Stats.;

(b) The obligations of utilities to pay the cost of protection or changes to utility facilities to accommodate highway work under s. 66.0831, Stats.; and

(c) The obligations of utilities to comply with the conditions of permits issued for the location of utilities within highways under s. 86.07 (2), Stats., and 23 CFR part 645 (April 1, 1993).

(4) To comply with federal law regarding utility accommodation when the project is on any right of way of any federal-aid highway and funded in whole or in part with federal funds (23 USC 109 (l) (1993)).

(5) To make it clear that this chapter is not applicable to railroad facility relocations or adjustments.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register March 2012 No. 675.

Trans 220.02 Applicability. (1) This chapter applies to state trunk highway improvement projects which have utility facilities located on them and are let for construction after this chapter has been published and for which the department has mailed the notification and plans prescribed in ss. Trans 220.04 and 220.05.

(2) The department shall begin sending the notification and plans prescribed in ss. Trans 220.04 and 220.05 for all state trunk highway improvement projects for which the design process is initiated after this chapter is published. The department will not be required to resend the notification and plans if it has already done so prior to this chapter being published.

(3) This chapter does not apply to the alteration or relocation of railroad facilities.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94.

Trans 220.03 Definitions. The definition of words and phrases in s. 84.063, Stats., apply to this chapter. In this chapter:

(1) "Business day" means any calendar day of the year exclusive of Saturdays, Sundays and legal holidays.

(2) "Calendar day" means any day of the year; if more than one day, it means any consecutive days of any year or years.

(3) "Compensable work" means utility facility alteration or relocation work for which the department will reimburse the utility facility owner under programs or policies of the department, including s. 84.295 (4m), Stats.

(4) "Contractor" means the person or entity that enters into an improvement project contract with the department under s. 84.06, Stats., and subcontractors or suppliers to the contractor.

(5) "Department" means the department of transportation or its agent.

(6) "Highway" has the meaning given in s. 340.01 (22), Stats.

(7) "Improvement" has the meaning given in s. 84.06 (1), Stats.

(8) "Letting date" means the date the department receives and opens bids for an improvement.

(9) "Mail" means a written transmittal, currently dated and sent to the addressee by regular or certified, return receipt requested United States postal service mail or other means.

(10) "Major reconditioning" means an improvement project which includes pavement resurfacing or minor reconditioning plus shoulder widening, ditch restoration, reduction of curvature or grades and intersection improvements.

(11) "Minor reconditioning" means an improvement project which includes pavement resurfacing, pavement widening, shoulder paving and intersection improvements.

(12) "Noncompensable work" means utility facility alteration or relocation work which the owner must carry out without cost to the department.

(13) "Owner" means the owner of a utility facility.

(14) "Project plan" means a plan for a highway improvement suitable for the design of utility facility alterations or relocations which the department sends to the owner.

(15) "Reconstruction" means an improvement project which rebuilds an existing facility and may include reducing curvature or grades and widening pavement and shoulders.

(16) "Resurfacing" means an improvement project which provides a new roadway surface on an existing pavement and may include minor base patching, intersection paving, shoulder gravel and selective beam guard.

(17) "State trunk highway" means any highway designated as part of the state trunk highway system pursuant to s. 84.02 or 84.29, Stats., exclusive of connecting highways.

(18) "Utility facility" includes cable services.

(19) "Work plan" means a plan of the owner to carry out utility facility alteration or relocation work to accommodate an improvement project of the department.

(20) "Working day" means a business day on which weather and other conditions not under the control of the owner will permit utility facility alteration and relocation work to proceed for at least 8 hours of the day with the normal working force of the owner engaged in performing the controlling item of work in accordance with the owner's approved work plan. In determining the normal working force of the owner, consideration shall be given for any diversion of the owner's working force that is required to respond to an emergency involving restoration of critical utility service.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94.

Trans 220.04 Notification. (1) The department shall make a reasonable effort to determine what utility facilities are located within the right of way of a proposed improvement project

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by researching permit files, reviewing map files maintained by the department, field investigation or contact with one call locating services, and through contacts with local governmental units.

(2) The department shall identify the owner of facilities determined in sub. (1) by name.

(3) The department shall notify the owner of the proposed improvement by mail. The department may include a receipt of mailing form with the notification, in which case the owner shall complete the form and mail it back to the department within 7 calendar days of receipt.

(4) The notification shall include the name or route number, or both, of the highway, the geographical limits of the improvement, general description of the work to be done, desired date for completion of utility coordination and anticipated year of construction of the improvement.

(5) Within 60 calendar days of mailing the notification referred to in sub. (3), the owner shall provide the information specified in s. 84.063 (2) (b), Stats., by mail; that is, a description and the general location of each utility facility in the vicinity of the improvement. The utility shall reply whether or not it has facilities in the vicinity.

Note: Section 84.063 (2) (b), Stats., reads as follows:

(2) (b) Within a specified period after the date the notice is received, the utility facility owner shall provide the department with a description and the general location of each utility facility in the proposed highway improvement right-of-way.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94.

Trans 220.05 Project and work plans. (1) After the owner responds with the information specified in s. 84.063 (2) (b), Stats., the department shall mail the owner at least one set of the available project plan. The project plan shall show all existing utility facilities known to the department that are located in the right of way where they will conflict with the improvement.

(2) The department may include a receipt of mailing form. If a receipt of mailing form is sent, the owner shall complete the form and mail it back to the department within 7 calendar days of receipt.

(3) The project plan need only show those portions of the improvement which give the project location, the owner's existing utility facilities and how those facilities will be affected by the improvement. The department will also provide any additional and duplicate plan information needed by the owner to design and layout the removal, relocation or adjustment of existing utility facilities and the placement of relocated or additional facilities within the project limits.

(4) The owner shall provide the department with a work plan. The work plan shall be furnished within 60 calendar days after the date of mailing of the project plan by the department for resurfacing projects; within 90 calendar days for minor reconditioning projects; and within 120 calendar days for major reconditioning, reconstruction or new construction projects. Upon owner request or its own initiative, when the department determines there is a potential for conflict between work plans, the department will schedule a meeting that the owners are required to attend to coordinate the work. An additional 30 calendar days will be allowed to furnish the work plan if coordination is required with other utility facility owners or if the work is compensable.

(5) For noncompensable work, the work plan shall include, in addition to the information required in s. 84.063 (3) (b), Stats., a narrative description of what work will be done; whether the work is dependent on work by another owner; whether the work will be done prior to highway construction and which work will be necessary to coordinate with the work of the contractor; when the work will be started and the length of time in working days required to complete the work. A listing of approvals required by governmental agencies and the expected time schedule to obtain those approvals shall be provided. The project plan furnished by the department shall be reviewed by the owner to verify that the owner's utility facilities are shown. If the facilities are not shown, the

owner shall mark their location and return the marked up project plan to the department with a dated transmittal. If the utility facilities are shown, the owner shall advise the department by mail and need not return the project plan. For noncompensable work, the owner may also submit a request for a utility alteration or relocation loan pursuant to s. 84.065, Stats., and ch. Trans 30. If the owner's proposed relocated or additional utility facilities will be relocated within the highway right-of-way, a permit application may be submitted at the same time in accordance with "The Policy for the Accommodation of Utilities Within Highway Right-of-Way" of the department.

Note: A copy of this policy may be obtained at no cost upon request to the Division of Highways, Department of Transportation, P.O. Box 7916, Room 651, Madison, WI 53707-7916, telephone (608) 266-0233.

Note: Section 84.063 (3) (b), Stats., reads as follows:

(3) (b) Within a specified period after receiving the project plans, the owner shall provide the department with a work plan. The period of time within which the owner is required to provide the department with a work plan shall reflect whether the utility facility owner is required to coordinate its work plan with another utility facility owner. The work plan provided by the owner shall include all of the following:

1. A copy of the project plans that verifies the location of all of the owner's existing utility facilities specified on the plans by the department and that identifies the owner's proposed location of relocated or additional utility facilities within the right-of-way of the proposed improvement.

2. A plan and a schedule of working days necessary to obtain any approval required by a governmental agency and to accomplish any proposed relocation or adjustment required by the proposed improvement.

(6) For compensable work, in addition to the items specified in sub. (5), the work plan shall include an estimate of cost for utility facilities relocation including appropriate credits for betterments, used life and salvage. An executed conveyance of rights or quit-claim deed to the property occupied by the owner's facilities if one is required by the improvement project may be submitted at this time.

(7) The department shall review the work plan to ensure compatibility with permit requirements, the improvement plans and construction schedule, reasonableness of relocation scheme and reasonableness of cost for compensable work. If the work plan submitted by the owner is not compatible or reasonable, the department shall advise the owner by mail as soon as practicable. If sent through regular mail, the department may include a receipt of mailing form. If a receipt of mailing form is sent, the owner shall complete the form and mail it back to the department within 7 calendar days of receipt. The owner shall submit a revised work plan within 30 calendar days of receipt of advice by the department that the work plan is not compatible or reasonable. The department shall review the revised work plan and if the work plan is still not compatible or reasonable, the work plan revision process shall be repeated. When the work plan is compatible and reasonable, the department shall advise the owner by mail of its approval.

(8) The owner shall notify the department by mail within 15 calendar days of receiving all required approvals from government agencies.

(9) The department shall notify the owner by mail not less than 30 calendar days before the owner is required to begin the work provided for in the approved work plan. The department may include a receipt of mailing form which the owner shall complete and return within 7 calendar days of receipt.

(10) If the owner's approved work plan is dependent on work by the contractor, the contractor shall provide the department and the owner a good faith notice 14 to 16 calendar days before the work is expected to be complete and ready for the owner to begin its work. The contractor shall follow up with a confirmation notice to the department and the owner not less than 3 working days before the work will be ready for the owner to begin its work.

(11) The owner shall notify the department when its work has started. The owner shall complete its work within the time frame described in its work plan. The owner shall notify the department when the work is complete. Notices of work start and work completion shall be sent by mail within 15 calendar days of starting and completing the work, respectively.

The Wisconsin Administrative Code on this web site is updated on the 1st day of each month, current as of that date. See also [Are the Codes on this Website Official?](#)

Register March 2012 No. 675

(12) If, prior to the letting date of the highway improvement project, the department's project plan is changed so that additional utility relocation or adjustment work is found necessary, the department shall furnish a revised project plan per subs. (1) to (3), and the owner shall provide the department with a revised work plan per subs. (4) and (5), except that the time allowed for the owner to submit the revised work plan after receipt of the revised project plan shall not exceed 60 calendar days. Revisions to the project plan shall be identified to the owner.

(13) If, after the letting date of the highway improvement project, additional utility relocation or adjustment work is found necessary, the department shall notify the owner. The department and the owner shall agree on a revised work plan.

(14) If additional utility relocation or adjustment work is found necessary after the owner has been notified per sub. (9), refer to s. Trans 220.06.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94.

Trans 220.06 Responsibilities. (1) If the department requires additional work to a utility facility after the facility has been relocated or adjusted in accordance with a work plan approved by the department, the department shall bear the reasonable cost of the additional work.

(2) If the department requires relocation or adjustment of a noncompensable utility facility that was originally determined, per the work plan, to not need relocation or adjustment, the owner shall bear the cost of the relocation or adjustment.

(3) If the department requires relocation or adjustment of a compensable utility facility that was originally determined, per the work plan, to not need relocation or adjustment, the department shall bear the reasonable cost of the relocation or adjustment.

(4) The owner shall bear the cost of additional work to any portion of its facilities after the facilities have been relocated or adjusted in accordance with a work plan approved by the depart-

ment if the additional work is required by the department due to error by the owner in preparation of work plans for, field location of, or construction of the relocation or adjustment of its facilities.

(5) The contractor shall be responsible for compliance with s. 182.0175 (2), Stats., with respect to precautions to be taken to avoid and prevent damage to utility facilities.

(6) (a) The owner shall complete alteration or relocation of its utility facilities in accordance with the work plan approved by the department.

(b) The work shall be completed by the owner within the time frame of the approved work plan.

(7) (a) If the owner has complied with ss. 66.0831, 84.063 and 182.0175, Stats., and this chapter and the utility facilities are damaged by the contractor, the contractor shall be responsible to the owner for damages if the contractor has not complied with s. 182.0175 (2), Stats.

(b) The contractor shall not be responsible for damage to utility facilities if it has complied with ss. 66.0831 and 182.0175 (2), Stats.

(c) If the owner fails to provide a work plan as provided in s. Trans 220.05, or fails to complete the alteration or relocation of its facilities in accordance with the work plan approved by the department as provided in s. Trans 220.05, the owner shall be liable to the contractor for all delay costs and liquidated damages incurred by the contractor which are caused by or which grow out of failure of the owner to carry out and complete its work in accordance with the approved work plan.

(8) If one year or more has passed since the department approved a work plan, the owner may submit a revised work plan that must be considered by the department if it is submitted prior to the letting date and does not affect the letting date.

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94; corrections in (7) (a) and (b) made under s. 13.92 (4) (b) 7., Stats., Register March 2012 No. 675.

Wis. Stat. s. 84.063 Utility facilities relocation.

(1) Definitions. In this section:

- (a) "Highway improvement" means a state trunk highway improvement project.
- (b) "Utility facility" means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure, whether aboveground or underground, used for any of the following:
 - 1. The transmission or distribution of electrical power or light.
 - 2. The transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication services.

(2) Notification.

- (a) If a utility facility is within the right of way of a proposed highway improvement, WisDOT shall identify the owner and notify the owner in writing of the proposed improvement.
- (b) Within a specified period after the date the notice is received, the utility facility owner shall provide WisDOT with a description and the general location of each utility facility in the proposed highway improvement right of way.

(3) Plans.

- (a) If a utility facility owner provides the information required under sub. (2), WisDOT shall send the utility facility owner at least one set of available project plans for the proposed highway improvement, including the location of the owner's existing utility facilities.
- (b) Within a specified period after receiving the project plans, the owner shall provide WisDOT with a work plan. The period of time within which the owner is required to provide WisDOT with a work plan shall reflect whether the utility facility owner is required to coordinate its work plan with another utility facility owner. The work plan provided by the owner shall include all of the following:
 - 1. A copy of the project plans that verifies the location of all of the owner's existing utility facilities specified on the plans by WisDOT and that identifies the owners' proposed location of relocated or additional utility facilities within the right of way of the proposed improvement.
 - 2. A plan and a schedule of working days necessary to obtain any approval required by a governmental agency and to accomplish any proposed relocation or adjustment required by the proposed improvement.
- (c) WisDOT shall review and approve a work plan submitted under par. (b) for compliance with permit requirements and to ensure that the plan is reasonable. Approval of a work plan under this paragraph does not waive any requirement for approval of the work plan by any other governmental agency. The utility facility owner shall notify WisDOT when all required approvals have been obtained. After receiving notification that all approvals have been obtained, WisDOT shall notify the owner of the date on which the owner may proceed with its utility facility relocation work.
- (d) WisDOT shall notify the utility facility owner of any change in the highway improvement that requires additional relocation or adjustment of utility facilities. WisDOT and the owner shall agree on a reasonable time to accomplish the additional work.

(4) Responsibilities.

- (a) If additional utility facility relocation or adjustment work is required under sub. (3) (d), WisDOT shall reimburse the owner for the additional work.
- (b) The project contractor shall be responsible for any damages negligently caused to a utility facility.
- (c) If the utility facility owner fails to comply with sub. (3), WisDOT or its contractor shall not be liable to the owner for damages to a utility facility resulting from the highway improvement if WisDOT or its contractor complies with s. 182.0175 (2), and the owner shall be liable to WisDOT or its contractor for damages resulting from the failure to comply.

(5) Rules. WisDOT shall promulgate rules to implement and administer this section.

History: 1991 a. 39; 1999 a. 85.

Cross-reference: See also ch. Trans 220, Wis. adm. code.

Trans 220 Action Steps

| Trans 220 Reference | By | Action Step |
|----------------------------|------------|---|
| 220.04(1) | WisDOT | Identify utility facilities in the area of the project. |
| 220.04(2) | WisDOT | Identify the owner of the utility facilities. |
| 220.04(3) | WisDOT | Notify the owner by mail of the proposed project (DT1077 form) |
| 220.04(3) | Utility | Complete the form and return within 7 calendar days |
| 220.04(5) | Utility | Provide facility information within 60 calendar days |
| 220.05(1) | WisDOT | Send project plans to utilities (DT1078 form & packet) |
| 220.05(2) | Utility | Acknowledge receipt by returning DT1078 form. |
| 220.05(4) | Utility | Supply WisDOT with a work plan within prescribed timeframe |
| 220.05(4) | WisDOT | Conduct a utility coordination meeting that utilities are required to attend. (This step is optional unless requested by a utility or deemed necessary by WisDOT) |
| 220.05(7) | WisDOT | Review work plan compatibility. If incompatible, notify the utility by mail as soon as practicable. |
| 220.05(7) | Utility | Revise work plan and resubmit within 30 days of notification that the work plan is not compatible. |
| 220.05(7) | WisDOT | When the work plan is compatible and reasonable, notify the utility by mail of its approval. |
| 220.05(8) | Utility | Notify WisDOT within 15 days of receiving all required governmental approvals. |
| 220.05(9) | WisDOT | Notify utility by mail not less than 30 days before the utility is required to begin work. |
| 220.05(10) | Contractor | If utility work is dependent on work by the contractor, the contractor shall provide WisDOT and the utility a good faith notice 14 to 16 days before the work is expected to be complete and ready for the utility to begin their work. |
| 220.05(10) | Contractor | The contractor shall follow up with a confirmation notice to the WisDOT and the Utility not less than 3 working days before the work is ready for the utility to begin its work. |
| 220.05(11) | Utility | The utility shall notify WisDOT by mail within 15 calendar days of when its work has started. |

-
- | | | |
|------------|---------|---|
| 220.05(11) | Utility | The utility shall notify WisDOT by mail within 15 calendar days of when the work is complete. |
| 220.05(12) | WisDOT | If prior to the letting there are changes to the plan that affect utility work, the WisDOT shall provide the utility with a revised plan and the utility shall revise its work plan within 60 days. The changes to the plan shall be identified to the utility. |
| 220.05(13) | WisDOT | If after the letting there are changes to the plan that affect utility work, the WisDOT shall notify the utility. The WisDOT and the utility shall agree on a revised work plan. |

CORRESPONDENCE MEMORANDUM

Wisconsin Department of Transportation

DT1175 97

Date: February 26, 1999
To: District Project Development Chiefs
From: Bob Bovy, Chief of Design Services & Quality Management
Subject: TRANS 220 Applicability

TRANS 220 dictates the utility coordination process that must be used on all STH improvement projects that are let to contract.

TRANS 220.02 Applicability. (1) This chapter applies to state trunk highway improvement projects which have utility facilities located on them and are let for construction after this chapter has been published.

The rule does not allow for any exceptions.

I am aware that a few of our let STH projects have not followed the required TRANS 220 utility coordination process. In fact, I have agreed with others that it is not necessary to follow TRANS 220 under certain conditions. If a project does not break ground in any manner (such as a pavement marking project) and working equipment will not interfere with overhead utilities (ie. erecting signs or signals), or if the special provisions direct the contractor to adjust the design to avoid conflicts with existing utility facilities (such as signing or signal projects where objects can be moved without affecting the purpose of the object), then there are no conflicts with utility facilities, and thus there is no need for utility coordination. Technically TRANS 220 must be followed on every let STH project, but practically, following TRANS 220 may be an exercise in paper shuffling on some projects and may be deemed a waste of time and resources on projects where there are no possible conflicts with utilities.

If WisDOT fails to follow TRANS 220, the highway contractor will not be able to recover damages from the utility for any delays caused by the utility. The utility will claim that they did not receive proper notification as specified by law, and they would be correct. In such a case, the contractor will likely file a claim against WisDOT for failing to follow the required utility coordination process which resulted in a delay and damages to the contractor.

NOTE: We still must follow s.182.0175(2) which requires designers and contractors to locate utility facilities in and near the area where excavation or demolition will take place, and to plan the excavation or demolition to avoid to the extent possible interference with utility facilities in and near the construction area.

There is no problem if the contractor does not hit a utility facility and there are no delays to the contractor. Legally, a utility could complain that they did not receive proper notification, but they would have no real reason to if their facilities are not affected by the project.

Any time WisDOT does not follow the TRANS 220 process on a let STH project, WisDOT is probably assuming the risk of any damages to the highway contractor if there is a utility conflict that delays the highway contractor. We should be very cautious about taking that risk.

By law and administrative rule, the TRANS 220 utility coordination process applies to all let STH projects. Any departure from the rule should be taken with full knowledge of the risks involved. Also, the contractor should be notified, via the special provisions, that the TRANS 220 process was not followed on the project. That will alert them to consider the risk involved when they make their bid.

EJP:U:\UTILITY\GUIDE\FIG2-7

Definition of Highway Improvement

Trans 220.02 Applicability.

(1) This chapter applies to **state trunk highway improvement projects which have utility facilities located on them and are let for construction after this chapter has been published** and for which WisDOT has mailed the notification and plans prescribed in ss. Trans 220.04 and 220.05.

(2) WisDOT shall begin sending the notification and plans prescribed in ss. Trans 220.04 and 220.05 for all **state trunk highway improvement projects for which the design process is initiated after this chapter is published**. WisDOT will not be required to resend the notification and plans if it has already done so prior to this chapter being published.

NOTE: Paragraph (2) requires sending the notifications prescribed in Trans 220.04 and 220.05 for all projects that began after February 1994.

Trans 220.03 Definitions. The definition of words and phrases in s. **84.063**, Stats., apply to this chapter. In this chapter:

(6) "Highway" has the meaning given in s. **340.01 (22)**, Stats.

(7) "Improvement" has the meaning given in s. **84.06 (1)**, Stats.

(17) "State trunk highway" means any highway designated as part of the state trunk highway system pursuant to s. **84.02** or **84.29**, Stats., exclusive of connecting highways. (See below)

Wis. Stat. s. 84.063 Utility facilities relocation.

(1) DEFINITIONS. In this section:

(a) "Highway improvement" means a state trunk highway improvement project.

Wis. Stat. s. 340.01 Words and Phrases Defined.

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

Wis. Stat. s. 84.06 Highway Construction.

(1) DEFINITIONS. In this section, "improvement" or "highway improvement" includes construction, reconstruction, rehabilitation, and processes incidental to building, fabricating, or bettering a highway or street, but not maintenance. (Pertinent utility related statute language included here - see statutes for complete language.)

Wis. Stat. s. 84.02 State trunk highway system.

(1) DESIGNATION. The system of highways known as the trunk highway system heretofore selected and laid out by the legislature and by the highway commission and by special legislative state trunk highway committees and approved by said highway commission and as revised, altered and changed by and under authority vested by law in the highway commission, is hereby validated and confirmed and designated the state trunk highway system but without prejudice to the exercise of the power given to change such system, and all acts by which parts of said system were heretofore adopted or declared to be trunk highways are confirmed and validated. Section 82.19 (2) does not apply to the state trunk highway system.

Wis. Stat. s. 84.29 National system of interstate highways.

(2) ROUTES OF INTERSTATE SYSTEM, STATE TRUNK HIGHWAYS. Upon finding by WisDOT that the development of any proposed highway as a route of the national system of interstate highways, hereinafter designated the interstate system or interstate highways, or any portion thereof, including the laying out, construction, maintenance and operation of any part thereof as a freeway or expressway, is in the promotion of the public and social welfare of the state and for the benefit of public travel, WisDOT is empowered and it shall have full authority to lay out, construct, operate and maintain such highway as a part of the state trunk highway system. Except as otherwise provided by this section, all provisions of law relative to the acquisition of land for highway purposes and for surveys, plans, establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving, maintaining and financing of other state trunk highways shall apply to the interstate highways undertaken in this state.

DATE: 11/23/94

TO: Bruce Beiscamper, Bruce Eastenson, Daniel Grasser, David Harp, Del Laughlin, Ed Wambold, Gary Knerr, Gerald Kurtz, Gordon Mueller, Gregory Bethke, John P. Burkhardt, Peter Rusch, Richard Vansant, Roger Winter, Ronald Sonntag, Steven C. Smith, Willard Jochimsen, William Gilding, Winston Wills

FROM: Balu Ananthnarayana

SUBJECT: TRANS 220: UTILITY COORDINATION

Attached herein is a copy of Trans 220-Utility Coordination, for your review and action.

Trans 220 became effective on 3/1/94 and it documents specific time frame and activities which utilities and the DOT must conform with, to avoid future conflicts relating to utilities during construction either on improvement projects or state forces activities.

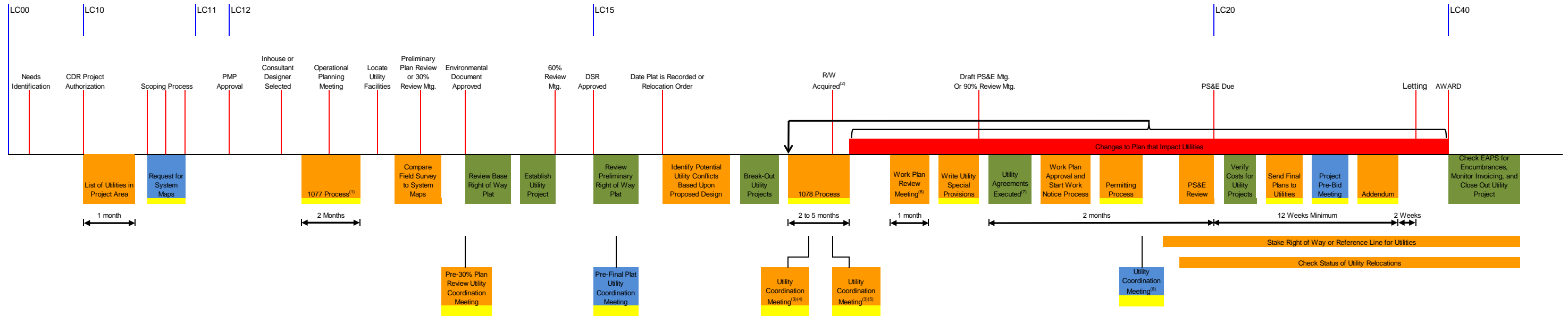
In essence, it states that we must give sufficient lead time for the utility companies to respond to our requests to review and inform us of the utilities which are on our right of way within the area of proposed construction. Future signalization and or any other installation should be planned well in advance and this information must be communicated to the utilities via the districts' utility sections.

We are obligated to follow this administrative rule as this is now the law.

Please work more closely with your district utility coordinator (list attached), so that projects comply with the law. They can also answer your questions, or if you have other questions, call myself or Joe Dresser at (608) 266-2941.

We will discuss this process at the Winter's electricians meeting, but you need to be on board now for plans which you are developing for Spring 95 and later construction.

UTILITY COORDINATION PROCESS



Notes:

- (1) Exact starting date is dependent on project complexity and schedule.
- (2) R/W Acquired task can be completed no later than the Draft PS&E or 90% Review Meeting. The actual completion date for this task is dependent upon the letting date of the project and the type and quantity of utility relocations required for the project.
- (3) It is desirable to have a minimum of two Utility Coordination Meetings during the 1078 Process. Additional meetings should be scheduled depending on scope or complexity of project.
- (4) Meeting notice sent with 1078 submittal, meeting scheduled for about 2 weeks after the notice is sent.
- (5) Meeting scheduled for 1 week prior to 1078 due date.
- (6) There is a 30 day timeframe necessary for the Region to accurately process the work plans & agreements.
- (7) There is a 60 day timeframe necessary for Central Office to accurately process agreements.
- (8) Depends on scope or complexity of project if meeting should be held.

Project Type (A)

- Resurfacing
- Minor Reconditioning
- Major Reconditioning or Reconstruction

Utility Processing Duration

| | | |
|--|------------------------|-----------------------|
| Resurfacing | 60 ^(B) | 60 |
| Minor Reconditioning | 90-120 ^(B) | 90+30 ^(C) |
| Major Reconditioning or Reconstruction | 120-150 ^(B) | 120+30 ^(C) |

(A) The type of project is as defined in Administrative Rule Trans 220.

Resurfacing means an improvement project which provides a new roadway surface on an existing pavement and may include minor base patching, intersection paving, shoulder gravel and selective beam guard.

Minor Reconditioning means an improvement project which includes pavement resurfacing, pavement widening, shoulder paving and intersection improvements.

Major Reconditioning means an improvement project which includes pavement resurfacing or minor reconditioning plus shoulder widening, ditch restoration, reduction of curvature or grades and intersection improvements.

Reconstruction means an improvement project which rebuilds an existing facility and may include reducing curvature or grades and widening pavement and shoulders.

(B) An additional 60 days is allowed if changes are made to the plan which will affect utility relocations. This can affect duration from the time of the 1078 Utility Processing through PS&E Due.

(C) An additional 30 days is allowed if work is compensable or coordination is required with other utilities.

Key

- = Applies to all projects
- = Utilities are required to do something
- = Applies only to projects with plan changes that impact utilities
- = Applies only to projects with compensable utility relocations
- = Applies only to Complex Projects

TRANS 220 LOG (All Facility Owners) Wisconsin Department of Transportation
 DT1079 7/2008 (Trans 220 WI Admin. Code)

| | | | | | |
|---|--|--|---|--|--|
| Project Description Design Project ID: Construction Project ID: Title/Limits: County: Region: Route (Highway): | | Project Information Improvement Concept: Required Project Plan Lead Time: Days FIIPS Life Cycle: | | Project Dates Operational Planning Meeting: Required Project Plan Mailing: Final Plan Review: PS&E: Let: Project Utility Coordination Complete: | |
| <input type="checkbox"/> Trans 220 | <input type="checkbox"/> Non-Trans 220 | <input type="checkbox"/> Consultant | <input type="checkbox"/> Task List Complete | <input type="checkbox"/> DT1080 (USR) Complete | |

| UTILITY | | 1077 NOTIFICATION (60 DAYS) | | | 1078 PROJECT PLAN | | | UTILITY WORK PLAN STATUS | | | | | |
|--------------------|------|--------------------------------|--|---|---------------------------|---|--|---|------------------|---|---|---------------------------------------|--|
| OWNER | TYPE | DATE SENT 220.04(3) | DATE ACKNOWLEDGEMENT RECEIVED (DUE - 7 DAYS) 220.04(3) | DATE SYSTEM MAPS OR DESCRIP- TION RECEIVED 220.04(5) | DATE SENT 220.05(1) | DATE ACKNOWLEDGEMENT RECEIVED (DUE - 7 DAYS) 220.05(2) | REVISED PROJECT PLAN SENT 220.05(12) | REQUIRED RETURN DATE 220.05(4) | DATE RECEIVED | DATE DENIAL NOTICE SENT 220.05(7) | DATE REVISION RECEIVED 220.05(7) | DATE APPROVAL SENT 220.05(7) | DATE START WORK NOTICE SENT 220.05(9) |
| ATC | Comm | 6/15/2011 | 6/16/2011 | 6/16/2011 | 7/3/2013 | 7/10/2013 | | 11/30/13 | | | | | |
| ATC | Elec | 6/15/2011 | 6/16/2011 | 6/16/2011 | 7/3/2013 | 7/10/2013 | | 11/30/13 | | | | | |
| City of Mosinee | San | 2/14/2013 | 2/15/2013 | 2/18/2013 | 7/3/2013 | 7/15/2013 | | 11/30/13 | | | | | |
| Charter | Comm | 6/15/2011 | 7/12/2011 | 8/31/2011 | 7/3/2013 | PENDING | | 11/30/13 | | | | | |
| Dairyland | Elec | -- | -- | No facilities | 7/3/2013 | 7/8/2013 | | 11/30/13 | 7/8/2013 | | | | |
| Frontier | Comm | 6/15/2011 | 6/16/2011 | 6/16/2011 | 7/3/2013 | 7/19/2013 | | 11/30/13 | | | | | |

PROPOSED HIGHWAY IMPROVEMENT NOTICE

Wisconsin Department of Transportation

DT1077 10/2005 (Trans 220 WI Admin. Code)

Pursuant to s. 84.063 Wisconsin Statutes, this notice advises that the Wisconsin Department of Transportation is planning the improvement identified below.

| | |
|---|---|
| To- Name, Address, City, State, ZIP Code Dustin Brunette Sobieski Sanitary District No. 12 1180 Jaworski Road Pulaski, WI 54162 | From - Name, Address, City, State, ZIP Code Cindy O'Connor WisDOT Northeast Region P.O. Box 28080 Green Bay, WI 54324 |
| Improvement Project ID 1145-02-73 | County Oconto |
| Highway Route Number or Name USH 41/141 | |
| Improvement Limits CTH S - CTH D | |
| General Description of Work to be Done Resurfacing with intersection improvements and median beam guard installation at selected locations. Spot drainage improvements and culvert replacements. | |
| Utility Coordination Desired Completion Date September 1999 | Anticipated Year of Improvement Construction 2001 |

| |
|--|
| Transportation Region Name Northeast region - Green Bay |
| Consultant Name |

(Region or Consultant Representative Signature) (Date)
(If Computer-filled, Brush Script Font)

Region Utility Coordinator
(Title)

NOTICE ACKNOWLEDGEMENT

Return this form within 7 days of receipt to address shown above.

Receipt of the above notice is acknowledged.

- We have no utility facilities in the vicinity of the improvement.
- We have utility facilities in the improvement vicinity and will provide a description and general location within 60 days of the above notification date as required by Wis. Stat. s.84.063(2)(b).
- We have utility facilities in the improvement vicinity; their description and general location are identified below. (Attach additional sheets if necessary.)

| |
|--|
| Utility Name |
| Utility Representative Name - Please Print |

(Utility Representative Signature) (Date)

(Title)

PROJECT PLAN TRANSMITTAL

DT1078 11/2005 (Trans 220 WI Admin. Code)

Wisconsin Department of Transportation

Pursuant to s. 84.063 Wisconsin Statutes, the Wisconsin Department of Transportation is furnishing the number of sets specified below of the available plan showing all existing utility facilities known to WisDOT where they will conflict with the improvement identified below.

| | |
|---|---|
| To- Name, Address, City, State, ZIP Code Henry Grandys Superior Fuel and Light 124 Clough Road Superior, WI 54880 | From - Name, Address, City, State, ZIP Code Jeff Mulloy WisDOT Northwest Region - Superior 1701 North 4 th Street Superior, WI 54880 |
| Improvement Project ID 1234-01-70 | County Bayfield |
| Highway Route Number or Name STH 13 | |
| Improvement Limits Washburn - Bayfield | |
| Number of Plan Set(s) 1 | Anticipated Year of Improvement Construction 2002 |
| Project Classification Reconstruction | Work Plan Due Date August 6, 1998 |

For the purposes of Trans 220.05(4), this improvement is classified as indicated above. Your work plan is required at the above address on or before the due date indicated.

| |
|---|
| Transportation Region Name Northwest Region - Superior |
| Consultant Name |

(Region or Consultant Representative Signature) (Date)
(If Computer-filled, Brush Script Font)

Project Development Engineer

(Title)

PROJECT PLAN ACKNOWLEDGEMENT

Return this form within 7 days of receipt to address shown above.

Receipt of the above transmittal is acknowledged.

| |
|--|
| Utility Name |
| Utility Representative Name - Please Print |

(Utility Representative Signature) (Date)

(Title)

**Division of Transportation System Development**

North Central Region
1681 Second Avenue S
WI Rapids, WI 54495-4768

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (715) 421-8301
FAX: (715) 423-0334
Email: ncr.dtsd@dot.wi.gov

RUDI RUDIGER
CHARTER COMMUNICATIONS
5024 HEFFRON ST
STEVENS POINT WI 54481

TRANS 220 PROJECT
WORK PLAN DENIAL

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

This letter is to inform you that I have received your proposed work plan involving the relocation of your facilities for the subject project.

Upon review, your proposed work plan appears to be not compatible or reasonable. Enclosed is a copy of your proposed work plan along with my comments for your use.

Please review these comments, make any necessary changes to your work plan, and resubmit the work plan to me. **Please note that Ch. Trans 220.05(7), Wis. Adm. Code requires that you resubmit your work plan within 30 calendar days of receipt of this letter.**

I would like to thank you in advance for your cooperation and assistance in our project development efforts. If you have any questions about this project, please contact me.

Edward Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Edward.Expert@dot.wi.gov

Enclosures: As stated

cc:



Division of Transportation System Development
North Central Region
1681 Second Avenue S
WI Rapids, WI 54495-4768

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (715) 421-8301
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RUDI RUDIGER
CHARTER COMMUNICATIONS
5024 HEFFRON ST
STEVENS POINT WI 54481

TRANS 220 PROJECT
WORK PLAN APPROVAL

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

This letter is to inform you that I have received and approved your proposed work plan involving the relocation of your facilities for the subject project and have found it to be in conformance with Ch. Trans 220, Wis. Adm. Code.

The utility portion of the special provisions of the WisDOT highway contract is based on your work plan. If any of this information changes, contact me immediately so that I can correct our contract documents. A copy of the special provisions relating to your company is enclosed. It will be necessary to notify us if any substantial change is made in the planned relocation of the facilities and if you plan to use a subcontractor. Please advise us of the date you plan to start construction and when you have completed the relocation.

You are hereby authorized to proceed with the relocation as submitted in the approved work plan after all necessary permits to occupy highway right of way have been approved. Permits and/or coordination with other agencies may also be required for your proposed relocation. Please contact me if you will require any right of way staking to accommodate your move.

Please keep in mind that this approval constitutes only WisDOT acceptance of your relocation plan. Acceptance of your work plan does not mean that we certify that you have identified all potential conflicts. You may need to obtain approvals, permits, or easements from other parties prior to relocating any utility facilities within or outside the project corridor. You will need to coordinate any other approvals needed directly with the affected parties.

I would like to thank you in advance for your cooperation and assistance in our project development efforts. If you have any questions about this project, please contact me.

Edward Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Edward.Expert@dot.wi.gov

Enclosures: As stated

cc:



Division of Transportation System Development
North Central Region
1681 Second Avenue S
WI Rapids, WI 54495-4768

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RUDI RUDIGER
CHARTER COMMUNICATIONS
5024 HEFFRON ST
STEVENS POINT WI 54481

TRANS 220 PROJECT
WORK PLAN APPROVAL

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

This letter is to inform you that I have received and approved your proposed work plan for the subject project and have found it to be in conformance with Ch. Trans 220, Wis. Adm. Code. Enclosed is a copy of the approved work plan for your file.

You have indicated on the work plan that no utility relocation work should be necessary. If however utility conflicts are discovered during construction, please coordinate your work with the contractor to relocate your facilities in a timely manner to prevent delays to our project schedule.

Edward Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Edward.Expert@dot.wi.gov

Enclosures: As stated

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RUDI RUDIGER
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5024 HEFFRON ST
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TRANS 220 PROJECT
LATE WORK PLAN

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

I have not yet received a work plan from Charter Communications describing the relocation of facilities for the above project. I need to receive a work plan from you **as soon as possible** in order for me to write the utilities article of the special provisions which will become part of the contract for the project. **Per Ch. Trans 220, Wis. Adm. Code work plans for the project were due on October 27, 2012. Please submit your work plan directly to me.**

Unresolved or unexpected utility conflicts create problems during construction. There is an increased chance of damage to your facilities, delays to the contractor and to our project schedule if conflicts are not addressed and their resolution planned for in advance.

This project will be let to contractor bids in February of 2014 with construction beginning shortly thereafter. Highway contractors bid on the project in part from information in the utilities article of the special provisions, so please include as much detail as possible on what you will need to move, when and how long it will take in your work plan. Please include the number of working days it will take for any work that must be done during construction.

If you have any questions regarding the preparation of the work plan, or if you would like a meeting to review the project please call me at (555) 867-5309.

If you have already submitted a work plan please disregard this letter. Thank you for your cooperation.

Emily Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Emily.Expert@dot.wi.gov

Enclosures: As stated

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RUDI RUDIGER
CHARTER COMMUNICATIONS
5024 HEFFRON ST
STEVENS POINT WI 54481

TRANS 220 NON-COMPLIANCE NOTICE

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

Please be informed that as of this date you are not in compliance with s. 84.063, Wis. Stats. and Ch. Trans 220, Wis. Adm. Code. You were sent a project plan for the referenced project on **May 15, 2013 and your work plan was due August 13, 2013.**

I have enclosed a utility worksheet (DT2236) for the referenced project. Please complete and return this worksheet **immediately**. I will accept this as your narrative work plan and it will be reviewed. I need this information to draft the utility article of the special provisions for the construction contract.

If you **DO NOT** anticipate any facility adjustments to accommodate the highway construction, please complete and return this form indicating so.

If you do not respond, our contract special provisions will indicate your failure to comply with Ch. Trans 220, Wis. Adm. Code. As a result, there may be delays to the highway project caused by your failure to comply with s. 84.063, Wis. Stats. This could result in claims being filed against your company.

If you need assistance in developing a work plan, please let me know. You may wish to meet with the region design and maintenance staff to discuss relocation details and permit requirements.

Again, please submit a work plan as soon as possible to minimize any impacts to your company.

Edward Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Edward.Expert@dot.wi.gov

Enclosures: As stated

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SALLY SLOWPOKE
LAGGING TELECOM
5024 ALBERTA
STEVENS POINT WI 54481

TRANS 220 PROJECT VIOLATION

RE: Design Project ID: 1166-12-15
Construction Project ID: 1166-12-85
PLAINFIELD - STEVENS POINT
CTH B BRIDGE OVERHEIGHT DETECTION
IH 39, Portage County

On March 1, 2014, Lagging Telecom was sent the Trans 220 Official Notice, along with the DT1078 Project Plan Transmittal for the above noted project. You returned your work plan for the relocation of your facilities on July 28, 2014. The work plan stated that the facilities would be relocated by September 30, 2014. To date, no work has been done. This places your company in violation of the requirements of Ch. Trans 220, Wis. Adm. Code.

This is an official notice that as a result of failing to follow your work plan you are now in violation of the provisions of Trans 220. Your company may now be held liable for the cost of any delays caused by Lagging Telecom which a contractor may incur during the construction of this project. This could include down time, relocation costs of your facilities if a separate contractor must be hired to move them, and liquidated damages if the contractor cannot make their deadline because of delays that you have caused.

It is unfortunate that this Trans 220 process violation has occurred. Lagging Telecom has always been an excellent company to work within the past. It is my belief that we can solve these problems together with a goal of avoiding any utility related construction delays if you act quickly to complete the necessary facility relocations as soon as possible.

Thanking you in advance for your cooperation. If you have any questions or concerns, please call me at (555) 867-5309.

Edward Expert
WisDOT Utility Coordinator
North Central Region Wisconsin Rapids Office
Edward.Expert@dot.wi.gov

Enclosures: As stated

cc:

The Role of a Utility Coordinator

By Ernest J. Peterson, WisDOT State Utility Engineer

Written on September 23, 1997. Revised to fit WisDOT reorganization October 28th, 2005.

First of all, we should never lose sight of our main goal, which I believe is no unforeseen utility problems during our highway construction project. The special provisions should accurately give the contractor an understanding of what he can expect during construction. If he has to work around existing facilities; if utility work will be done after a cut is completed; if temporary utility lines must be installed during construction; if there are overhead lines that will affect crane operations; if he must coordinate with utility construction crews; or if all potential conflicts are resolved prior to construction; all of these things should be explained in the special provisions.

Each project is different. There are times when it is a good idea to get all the utilities together to discuss a project and their respective relocation plans at a utility coordination meeting. TRANS 220 allows for this and even requires participation by the utilities. However, don't abuse this. Everyone is busy and there is no need to schedule a meeting if it isn't going to be useful. If you hold operational planning meetings (OPM), it is a good idea to invite the utilities to the meeting. Ask them to discuss where there facilities are and if conflicts are likely, maybe ask the severity of the conflicts. For example, we may want to shift the road to avoid a transmission line, pipeline, substation, lift station, etc. We should try to design around expensive utility facilities. However, there are times when the utility plans to replace a facility anyway, in that case, it can be to our advantage to work with the utility to relocate in a place that will avoid conflicts with our proposed plans. Utility coordination meetings after the plans have been sent to them and prior to their submittal of work plans might be useful. They can exchange information on where they will be and joint trenching or attachments to each others poles may be possible. It could also provide info that would help in writing the special provisions.

Another one of our goals is to assure that the utility gets all the compensation that they are due. Nothing more and nothing less. We should make them whole, that is, they should be in the same condition after the project as before. In the case where they plan to replace a line (and assuming that at least part of it is compensable), it makes sense for them to time it so that they replace it in conjunction with the required relocate for the highway project. That way we pay part of the cost. The taxpayer and the ratepayers are the winners, with no unnecessary double moves. It eases the burden on the utility, and we don't pay to relocate a relatively new facility, which would be wasteful. This is where the 6-year plans come in handy. A utility can look ahead and try to coordinate with our projects. Of course, this starts to fall apart when we shift our program around. But hopefully, our real estate purchases stay somewhat on track so that the utility can move ahead of our project if the project gets delayed.

We should be sending highway improvement plans to the utilities that are complete enough and legible enough for them to review and determine conflicts with utility facilities, and design a relocated facility that will not interfere with our construction activities. What is appropriate for each job depends on the specifics of each job. A common error that we make is to not send storm sewer, drainage plans, temporary road plans, or bridge plans. A lot of conflicts result from drainage pipes. We also tend to make field adjustments to pipes, which are plan changes that can affect existing utilities.

After the utility reviews the plan and develops their work plan, they submit it to us. Now technically, it is their responsibility to identify all conflicts. However, we are the ones with the problem and delay if they miss a conflict and have to make some changes during our construction. Some regions send a list of potential conflicts with their 1078 plan submittal, along with a disclaimer that it is the utility's responsibility to be sure that all of the conflicts have been identified. Personally, I like this approach. That way, when the work plan comes in it is easy to see if they have addressed all of the conflicts that you were aware of. You also get a good understanding of the project that can help later when reviewing the permit or if problems arise. However, sometimes this takes a lot of time, especially on large projects or urban projects. I think it is a question of when you want to invest the time. Quality often requires more effort early in the process.

At any rate, once you have the work plans, there should be sufficient information to develop the special provisions for the PS&E. Avoid the common mistake of repeating word for word what the utility company has said in their correspondence. Their wording may be vague (intentionally or unintentionally), it may be outright incorrect, or it

may be unacceptable to the way we do business. For example, they may say that it will take 3 months to replace the sewer and water after the pavement has been removed. That may be unacceptable, and would require a 2-year construction contract in a busy urban area. Just because that is what they want to do doesn't make it acceptable to us. What will fit into our construction schedule? What can we live with? This may require some negotiating with the utility. They may have to bring in several crews or hire contractors.

After the work plans are approved, the permits are submitted and must be reviewed and approved. Sometimes the work plans and the permits are sent together, sometimes there is a gap in time of months if not years. The Region Utility Permit Coordinator can explain what they look for in reviewing them. Obviously compliance with the Utility Accommodation Policy is required, as well as a look to see if the permit is in agreement with the approved work plan. It would be embarrassing and costly if they were different and conflicts arose during construction. Once the permit is approved, there is the question of monitoring the permits. In theory, our Maintenance people are out driving the roads and monitoring activity out there. In reality, I don't think much inspection or review of utility work is done. It would be nice if you had the time to check on work associated with an improvement project, to assure that the placement of the facility is in compliance with what you approved in the work plan and permit. That could be a function of a utility construction coordinator.

What variance from the approved permit is allowable? Theoretically, none. Any changes should get prior approval from the Region Utility Permit Coordinator and as-built plans should be attached to the original permit. Is that always practical? Probably not. Each case would be different. In my opinion it all comes down to what makes sense. Any variation that results in a conflict with our highway plan (assuming we build according to the plans we send them) is not acceptable, and should be corrected at the utility's expense. If the utility delays our contractor while they correct their mistake, the utility should bear the cost of that delay. I think most utilities are cooperative when you can show them that they were in error. If they are supposed to be 30 inches deep and are only 12 or 18 inches deep (whether it is an old cable or a new one), they should be willing to relocate at their expense. If they are supposed to be 5 feet from the R/W and are actually 10 feet because they went around a tree, they will likely cooperate as well.

OK, so what if we make changes to the plan? Well, that happens in two different ways, but the answers are the same. If we make changes to the plan during design, and fail to notify the utility of the changes, we may have to pay the cost of utility relocations associated with the changes. If it is a TRANS 220 project, we pay. If it is not a TRANS 220 project, but they moved once already, we pay under the second move policy. If they didn't have to move under the original plan we sent them, but the changes require them to move now, they move at their own expense. The theory being that they occupy the R/W at our convenience, and have to move if they are in our way. In this case the timing of the notification doesn't make a difference. They may grumble, but they can't do much. If we make changes in the field, the same reasoning applies. {Local projects do not have a mandated second move policy.}

What should your role be during construction? Your first action should be to put them in contact with the Project Manager, but always let them know that if they don't get satisfaction they should call you back. We should be developing long term working relationships with the utility companies. The better you know them and they know you, the better you will get along and the smoother the work will be. Don't leave them hanging. Personalities often play a big role in the field. You get stubborn contractors, project managers, foremen, and utility personnel. There will be times when you have to get involved to play referee, to smooth the ruffled feathers of one person or another. Sometimes a face-to-face meeting with a third party involved (you) is all that is required to straighten things out. Sometimes that won't help.

You should have several weapons in your arsenal when big conflicts erupt on a job. First of all, there is you and your personality. Don't be hotheaded and jump to conclusions. Often, the first thing you hear about a problem is not the entire story. Listen to all sides before you say much. Ask a lot of questions. Was it marked properly? How deep was it? Did anyone actually measure it? Do you have proof? Did you take pictures? Did the plans change? What was sent to the utility, and what was built?, etc. If you know some of the parties involved, that will help. Some people just have bad attitudes, and are likely to be troublemakers. Sometimes people aren't listening to the other side. They don't really understand the problem. Other times it is just a conflict of personalities.

Second is the law. It is very specific in some situations. Also, in this category are our policies, such as second move, permits, the accommodation policy, TRANS 220, and the facilities development process.

Third is your working relationship with the utility companies. Try to help them out when you can, all along the facilities development process. Make it easy for them to give you the info you need. The Utility Worksheet is an attempt to help the utility by making it easier for them to give us the info we need. If we can stake right of way for them, we should do it. It helps reduce errors on their part, which result in problems for us during construction. If they have trouble reading our plans, meet with them and help them out. Have Julie DeBauche work with you and them in developing an estimate rather than them struggling and wasting time trying to figure it out. Notify them of OPM's, preconstruction meetings, and utility coordination meetings. If someone doesn't attend, call and find out why not. Let them know of any developments at the meeting they missed that may affect them. Watch out for them, provide them with any information that can help them work with us. I think you'll find that they will be more cooperative when problems arise if they feel that you have helped them in the past.

Part of your working relationship with the companies is your knowledge of the structure of the company. If you are having problems with one person, contact their boss. Maybe arrange for a meeting with all three of you, and, if it is during construction, have our construction people represented. It may be appropriate to have our designer there as well. Be judicious in going over someone's head, but there are times when that is what is needed. Sometimes the person you are having problems with needs additional help and his/her boss doesn't believe it. You could help out by stressing the importance of timely responses, and making the boss realize that additional staff is warranted. Sometimes addressing a small conflict can resolve bigger problems within the utility company, or our process and procedures.

Another weapon in your arsenal is Central Office. We can often help. Or we might be aware of someone else that has had a similar experience. We also have access to the Office of General Counsel, our lawyers. While they are very busy, there are times when their involvement is warranted.

Everything you do should be geared toward avoiding problems during construction. We don't want to get to the point where we have conflicts in the field. We want to head off the problems before they occur. You are doing a good job when people don't realize you do anything. Unfortunately, that can be a problem. Often utility coordination is unappreciated in the regions. I know, I've been there. That is causing us problems now as regions look to cut costs, and reduce manpower. They don't always realize the problems we prevent. When we don't do our job well, the problems can be very visible and expensive to fix. A delay in construction affects hundreds of people that live along and use a roadway.

If a problem does occur, sometimes it is worth the time invested to get to the bottom of the matter. You might find something that you could do differently. You might be able to develop a form to make things easier for the utility to complete or understand; you might figure out that in certain cases a coordination meeting would be helpful; or maybe you have to spend more time with a certain company or worker to make sure they understand what is going on. Who knows? Anything you learn might prevent a similar situation on future projects.

You only have so many hours in a day, and you must decide how to spend them. Ideally, you would be able to follow a job closely from Concept Definition Report to the ribbon cutting ceremony and paying the final bill. Realistically, you don't have time to follow each job that closely. Some jobs are routine and don't require a lot of time, others are more troublesome. It isn't always easy to predict. Sometimes you spend a lot of time on a small job, while a multi-million dollar job goes very smoothly. There is a lot of judgment involved in utility coordination. You have to make decisions on where to spend your time, and you won't always be right. Experience will help, you'll be able to recognize some potential problems before they occur and head them off. No matter how hard you try to prevent problems, no matter to what extent you go to make sure that things go smoothly, there will always be times when you get surprised. I've had a few projects where I didn't do as thorough of a job as I should have, and it came back to haunt me. But, that's life. We are always learning. Every day brings a new challenge, and a new lesson.