

Utilities within the Highway Right of Way

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Federal Highway Administration (FHWA) Policy

- Utility facilities are considered an allowed use
- Fees charged for utility use are at State's discretion
- Any revenues must be utilized for Title 23 (Code of Federal Regulations) activities
- States must have a FHWA approved utility accommodation policy
- Utility relocation costs are eligible for Federal-aid participation at State's discretion

State of Vermont's Policy

- FHWA approved Utility Accommodation Plan (Policy) is in place
- Authority for use of right of way is prescribed in Title 19 VSA Section 1111
- Title 19 VSA Section 26a discusses rent for use of State owned property
- Title 19 VSA Chapter 16 discusses utility relocations in conjunction with highway projects.

General Utility Accommodation

- Utilities are allowed within the State highway right of way with a few exceptions at no cost
- Utilities are granted an annual general maintenance 1111 permit and a permit for individual utility projects
- Utilities within the right of way must relocate at their own expense
- Utilities outside of the right of way, within their own easement can be reimbursed
- Utilities outside of the right of way, NOT with an easement must relocate at their own expense
- Utilities impact by highway project are coordinated by Utility Relocation Unit consisting of four staff

Risks and Concerns

- Risks and cost associated with acquiring land/rights to accommodate utilities
- Timeliness of completing relocations
- Delays to projects going out to bid
- Delays to projects already under construction
- Potential for Contractor claims