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SECTION 100.00 – GENERAL INFORMATION

SECTION 105.00 – INTRODUCTION

This guide provides information and guidance for the Idaho Transportation Department (ITD) regarding the coordination and administration of utility facilities installation, relocation and adjustment within the right-of-way of the State Highway System and utility facility relocation and adjustment for highway improvement projects using State and/or Federal-Aid funds. This Guide is available electronically at the following web site

<http://itd.idaho.gov/manuals/ManualsOnline.htm>

SECTION 110.00 – DEFINITION OF TERMS & ACRONYMS

Agreement or Permit	A general term referring to a signed document between two or more parties outlining conditions each signing party must adhere too, including any monetary compensation. All attachments included (plans, estimates, special provision, etc.) and references are part of the agreement or permit.
District	Refers to one of the six districts which ITD is divided into geographically.
Highway	A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.
Idaho Transportation Board	Governing body of the Idaho Transportation Department established by Idaho Code 40-301 .
IDAPA	Idaho Administrative Procedures Act
ITD	Idaho Transportation Department acting directly or through authorized representatives of the Idaho Transportation Board.
LHTAC	Local Highway Technical Assistance Council is an agency to assist local highway districts with acquiring and using Federal-Aid highway funds.
MUTCD	Manual on Uniform Traffic Control Devices as adopted by ITD
Right-of-way	A general term denoting land, property, or interest therein, acquired for or devoted to transportation purposes.
State Highway System	Highways or sections of highways designated by the Idaho Transportation Board as part of the system. The system is basically comprised of highways designated as State Highways (SH), US Highways (US), and Interstates (I).
Utility	An entity comprised of any person, private company, public entity, or cooperative owning and/or operating utility facilities

Utility Facility	All privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electricity, light, heat, gas, oil, crude products, ore, water, steam, waste, or stormwater not connected with highway drainage and other similar items.
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SECTION 115.00 – LAWS & REGULATIONS

115.01 Idaho Code. The authority for Utilities to use and occupy the right-of-way of highways within the State of Idaho are cited by Idaho Code [40-2308](#), [42-3212](#), [62-701](#), [62-701\(A\)](#), [62-705](#), and [62-1101](#).

Idaho Code [40-312](#) authorizes the Idaho Transportation Board to prescribe and enforce regulations controlling the use of the highway right-of-way of the State Highway System by Utilities.

Idaho Code is available electronically at the following web site
<http://www3.state.id.us/idstat/TOC/idstTOC.html>.

Idaho Administrative Procedures Act (IDAPA) [39.03.42](#) states the regulations for using and occupying the highway right-of-way of the State Highway System.

ITD's "Utility Accommodation Policy Edition July 2003" (see [Appendix A](#)) is stated in Idaho Administrative Procedures Act (IDAPA) [39.03.43](#) and is therefore enforceable as law. This policy specifies the manner in which utility installations are to be made within the right-of-way of the highways of the State Highway System, when such use and occupancy of the highway right-of-way is legal, in the public interest, and will not adversely affect the highway or its users.

These Administrative Rules are available electronically at the following web site
<http://adm.idaho.gov/adminrules/rules/idapa39/39index.htm>.

115.02 ITD Manuals. This guide is to be used in conjunction with the following ITD publications. The policies procedures and standards set forth in these publications take precedence over this guide.

- [Access Management Policy: Standards and Procedures for Right of Way Use](#)
- [Contract Administration Manual](#)
- [Current ITD Standard Specification for Highway Construction including the current Supplemental Specifications](#)
- [Design Manual](#)
- [Financial Services Manual](#)
- [District Record Inspection Manual](#)
- [Maintenance Manual](#)
- [Manual on Uniform Traffic Control Devices \(MUTCD\) as adopted by ITD](#)

115.03 Code of Federal Regulation. For highway improvement projects using Federal-Aid funds for the relocation and adjustment of utility facilities and the accommodation of utility facilities on Federal-Aid highway right-of-way, ITD must adhere to the requirements in the Code of Federal Regulations, [title 23, chapter 1, subchapter G, part 635, subpart B, and 645, subpart A and B and subchapter H, part 710, subpart b](#) and any related amendments or supplement which are in effect. The Code is available electronically at the following web site <http://cfr.law.cornell.edu/cfr/>.

SECTION 120.00 – STATE TRANSPORTATION IMPROVEMENT PROGRAM

Project are selected by each of the Districts and scheduled into the ITD Statewide Transportation Improvement Program (STIP). Projects can be advanced or delayed within the STIP, impacting both the design process and the scheduling of utility relocations.

The STIP is on the ITD website at <http://www.itd.idaho.gov/itip/>

and the Quarterly Bidding Forecast and bid opening dates are on the ITD website at <http://www.itd.idaho.gov/design/contractors/90day.htm>. Utilities are encouraged to review the information on these sites for changes in the program and upcoming construction work.

In addition, regional utility coordinating councils have been organized across the state. These councils meet on a periodic basis and are good forums to inform utilities of upcoming projects. [Appendix B](#) lists the current Idaho councils.

SECTION 125.00 – UTILITY COORDINATOR

The District Engineer has overall responsibility for all agreements and utility hearings connected with the installation or relocation of utility facilities within the State Highway System and other highway improvement projects using State and/or Federal-Aid funding.

The Utility Coordinator is committed to providing quality assistance for the State Highway Development program involving utility facilities. The function of the Right of Way Utility Section is to:

Facilitate with Districts for utility permits

Coordinate with Districts for utility agreements and hearings.

Assist with resolving conflicts with Utilities during permitted and highway improvement activities.

Ensure that State and Federal laws, policies, and procedures are followed.

Maintain records of utility agreements.

Assist the Districts developing utility plans and documentation preparation, addressing the issues and coordination required to facilitate the relocation of utility facilities.

SECTION 130.00 – CHANGES OR ADDITIONS TO THIS GUIDE

All recommended changes, corrections, or additions to this guide are to be submitted to the Utility Coordinator for approval. Approved changes, corrections, and additions will be incorporated in subsequent publications.