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SECTION B

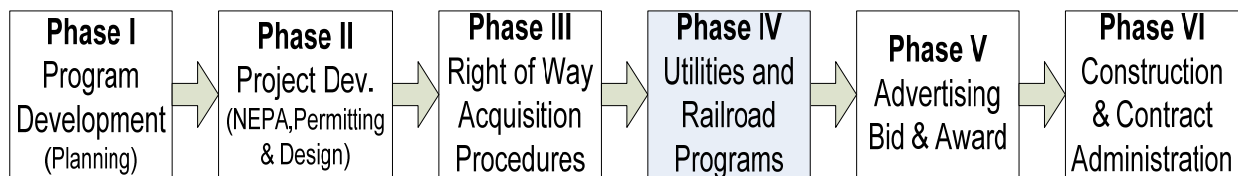
NON-CERTIFIED AGENCY

Chapter 13

Utility and Railroad Programs

This chapter provides information related to utilities and railroad crossings in federal-aid project delivery for non-certified agencies.

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



A. OVERVIEW

1. Utilities

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

2. Railroad Facilities

ODOT alone is responsible for the Railway-Highway Grade Crossing Safety Program. For details regarding the Railway-Highway Grade Crossing Safety Program see the appropriate fact sheet in Chapter 3, in Section A of this *LAG manual*.

B. UTILITY PROGRAM

1. Relocation

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

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

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

2. Relocation Policy

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

The local agency shall use the current ODOT manual for local agencies, *Procedures for Utility Relocation/Reimbursement for State and Federally Funded Local Public Agency Projects*.

The document outlines the basic requirements governing the relocation and reimbursement procedures and practices to be used by a local agency on federally funded local projects. It was produced by ODOT's Project Administration Unit, Right of Way Section. The procedures are intended to be used as general guidelines by local agencies in the execution of their projects.

For situations not covered here, or for other related questions, contact the ODOT [Regional Local Agency Liaison](#) who will coordinate with ODOT's State Utility Liaison. Copies are available upon request and may be obtained by contacting the State Utility Liaison.

In addition, this document and all related attachments can be found at ODOT's [Utility website](#).

C. RAILROAD PROGRAM

ODOT is responsible for the Railway-Highway Grade Crossing safety program. If a highway project or related project work and equipment are within 500 feet of a railroad, the local agency must notify the [Regional Local Agency Liaison](#) who will coordinate communication with ODOT's Rail Division and the State Railroad Liaison. ODOT's Rail Division and the State Railroad Liaison must be notified as early as possible in the project scoping phase.

For information on ODOT Rail Division contacts, crossing applications and law, visit ODOT's [rail website](#).

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

negotiations, a project should be well thought out before the railroad negotiations become too specific.

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

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

For situations not covered here, or for other related questions, contact the ODOT [Regional Local Agency Liaison](#) who will coordinate with ODOT's State Railroad Liaison 503-986-3657.