

AASHTO Subcommittee on Right of Way, Utilities, and Outdoor Advertising
Technical Council on Utilities Project Scoping and Coordination
Meeting Minutes
June 6, 2013
10:30-12:00 EST

Purpose: The purpose of the meeting was to share information and discuss ways to improve utility project scoping and coordination.

Attendees: (see members highlighted in yellow on the attached member list)

New Business:

***Buy America (BA):** There was a discussion on issues experienced, anticipated concerns and the future of this discussion. Below is a list of states that are that have reported issues with BA.

- TX – Has had some issues with specific materials, and specialty items. There have been some delays experienced.
- WY – Is having substantial delays, a specific agreement took two years to get signed. The utility had to validate all products to be used.
- KY – Is experiencing some slowdown in agreement signatures and expects delays to become more substantial.

Arizona – Is not having issues because the utilities have other sources for materials but they have not completed a project yet using the BA requirements.

The FHWA stated that waivers are time consuming. They can take 9 months plus and are intended to be considered if the material is not available in the United States or local materials are not of same quality. A list of waivers is on the FHWA's website, which is listed below.

(<http://www.fhwa.dot.gov/construction/cqit/buywaiver.cfm>)

***Prior Utility Rights:** There was discussion about how states handle prior rights issues if a utility chooses to stay in the state's right-of-way and about how acquisition of a new easement is coordinated. Below is a list of states that have reported on prior utility rights.

- PA – accepts prior rights
- MASS – utilities are in the R/W by permit

***Sleeving/Casing of Utilities:** There was discussion about how states handle sleeving/casing of utilities. Below is a list of states that have reported on sleeving/casing of utilities.

- MASS – utilities use casing when they occupy bridge structures and cross limited access
- Other states noted similar rules.

***Locating of underground Utilities:** There was discussion about how states handle the locating of underground utilities. It was noted that the use of SUE and GIS mapping are useful in locating underground utilities and that as-builts are not very reliable.

Below is a list of states that have reported on the locating of underground utilities.

- TX – Is interested in SUE usage nationally. Texas is using SUE on selected projects.

- VA – Was involved in the Purdue study which studied the value SUE brings to DOT projects. That study resulted in validation of the usage of SUE. Virginia now does not rely solely on as-builts, they also perform field identification. Virginia, is verifying utilities but is having trouble locating laterals
- AR – Uses SUE extensively. The DOT utility coordinator can request SUE, even if the DOT designer does not.
- WA – Wants to employ a post-SUE construction component, which would involve recording coordinates.

It was also noted that:

- Infra map believes there is value in developing a common locating map for all utilities on a project.
- So Deep believes there is value in incorporating SUE into the project development process.

***Utility Delays/Contractor Claims:** There was discussion about how states handle utility delays/contractor claims. Below is a list of states that have reported on utility delays/contractor claims.

- VA – Has specification provisions in bids, clearly providing utility status and phasing options. Design Build Contracts involve holding a preliminary information meeting. All subs to the DB contractor are required to work with utilities involved. VA – Provided an example scenario where a telephone company was not out of the way and did not meet their clearance date. There was some litigation to recover delay cost from the utility. This can be done because they hold a Partnering agreement with language penalizing the utility for failure to perform. VA – Has established a standard of incorporating water and sewer relocations into the road contract.
- WY- Charges delay claims to utility companies and the right to do this is written into the agreement with utility.
- MASS – Has an incentive based relocation plan contingent upon meeting schedule. If performing, the utility may be reimbursed for half of the relocation cost.
- TX – Utility work is often done by the road contractor or sub thereof, which diminishes delay claim potential.

It was also noted that:

- design build items should not be for utilities only
- phasing needs to be enforced
- utilities should be charged for delays
- states should use pre-approved sub-contractors for specialized utility relocation work

***Utility Abandonment:** There was discussion about how states handle utility abandonment. Below is a list of states that have reported on utility abandonment.

- AR – Addresses abandonment on a project by project basis. AC pipe can remain if over 5' deep.
- VA – If it is not exposed, AC can remain on site. Virginia does require that the pipe be filled in.
- WA – Leave abandoned facility in place if it is not disturbed. Calls the facility deactivated, but has provisions clarifying that the utility still owns and is responsible for the facility.

***Inventory of State Utility Coordination Policies:** There was discussion about which states have a state utility coordination policy. Below is a list of states that have coordination policies.

- PA – Has a design manual and is developing training guidelines for utility relocation coordination.
- AZ – Has guides for coordination; which is applicable to ADOT, consultants and LPAs.
- VA – Has a Policy and Procedure Manual which is an in depth document.

Current Developments Project Scoping Meetings – How are Utility Coordinators involved?

- Virginia has a defined scoping form. They are looking to refine it and asked if any other states have something like it.

Other Notes:

- Consider developing sub groups to head up the hottest topics: SUE, Buy America, Delays/Claims. Info map – Ken has been nominated to chair a SUE sub group, if one is developed.
- We discussed sharing information on the subcommittee website and developing surveys.

Actions Needed:

- Need to:
 - determine what surveys will need to be developed
 - develop sub groups to head up the hottest topics
 - determine the future of the Buy America (BA) discussions
 - document other states Prior Utility Rights policies
 - document how locating of underground utilities is a part of utility project scoping and coordination
 - document other states Utility Delays/Contractor Claims policies
 - document other states Utility Abandonment policies
 - get a list of other states that have a state utility relocation coordination policy
 - make a request to the subcommittee to have revisions made to the website

Future Meetings:

- The next quarterly meetings will be on:
 - Thursday, September 12th from 10:30 A.M. to 12:00 P.M. (Eastern Standard Time)
 - Tuesday, December 10th from 10:30 A.M. to 12:00 P.M. (Eastern Standard Time)