

**UTILITIES  
PERFORMANCE SPECIFICATION**

**1.0 INTRODUCTION**

The Design-Builder (D-B) may choose to design around existing utility lines where not restricted elsewhere; otherwise the D-B will be responsible for resolving the relocation of any utility conflicts in accordance to LADOTD policies and procedures so that there is no loss of service during the contract period.

**2.0 PERFORMANCE GOALS**

- A) Design that avoids all utility conflicts;
- B) Construction methods that ensure existing utilities are not disrupted.

**3.0 STANDARDS AND REFERENCES**

The relocation of utility lines conflicting with the construction of the project shall be done in accordance with this Utility Relocation Performance Specification and the relevant requirements of the following standards, unless otherwise stipulated in this performance specification. Standards and references specifically cited in the body of the Utility Relocation Performance Specification establish requirements that shall have precedence over all others. Standards listed are placed in the descending order of precedence. In case of conflict between or among standards listed, the order of precedence established by the LADOTD shall govern. Listed under references are guidelines that the Design-Builder may use in addressing the requirements as the Design-Builder sees fit. It is the Design-Builder's responsibility to obtain clarification of any unresolved ambiguity prior to proceeding with design or construction.

**3.1 STANDARDS**

The standards for this Utility Performance Specification are listed in descending order of precedence. In case of conflict between or among standards, the order of precedence established by the LA DOTD will govern.

- A) Louisiana Revised Statute 48:381.; and
- B) Louisiana Administrative Code, Title 70 – Transportation, Part II – Utilities.
- C) “ASCE Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data.”; CI/ASCE 38-02.
- D) LADOTD “Standards Manual for Accommodating Utilities, Driveways and Other Facilities on Highway Right-of-Way”; September 1, 1994 edition.
- E) FHWA Program Guide, “Utility Relocation and Accommodation on Federal-Aid Highway Projects”, Sixth Edition, 2003.

### **3.2 REFERENCES**

The version of the following references in effect on the Proposal due date may apply:

A) Part I – General Provisions; Section 105.06: Cooperation with Utilities

- 1) Throughout. References to any mentioned action of duties by “the Department” shall be changed to refer to the “LADOTD’s representative/Design-Builder”.
- 2) Throughout. References to acceptance by “the Department” still remains “the Department”.

B) Part I – General Provisions; Section 107.20: Utility Property and Services

- 1) Throughout. References to any mention of “contractor” shall be changed to refer to the “LADOTD’s representative/Design-Builder”.

### **4.0 SCOPE**

If the DB should encounter any conflicts between the existing facilities and the proposed design and/or construction, the DB shall follow the standards as outlined in this Performance Specification.

### **5.0 PERFORMANCE MEASURES**

LA DOTD shall be satisfied that utility avoidance or relocation plan and its execution meet the stated performance goals.

### **6.0 REQUIREMENTS**

#### **6.1 EXISTING UTILITY LINES**

The Design-Builder is responsible for gathering any additional information as may be required to determine any conflicts between utility lines and the scope of the project.

Utility lines may remain in their existing locations within the project R/W if the existing location will not adversely affect the construction, operation, safety, maintenance and/or use of the project.

#### **6.2 RELOCATION OF UTILITY LINES**

##### **6.2.1 Coordination**

If utility relocation is required, the Design-Builder shall communicate, cooperate, and coordinate with LADOTD, the Utility Owners and potentially affected third parties, as necessary for performance of the Utility Relocation Work.

When utility lines are to be relocated, the D-B shall coordinate with the Utility Owner to determine which of the following three options will be utilized:

- A) The Utility Owner produces the design of the relocation of the utility line and also physically relocates the line themselves.
- B) The Utility Owner produces the design of the relocation of the utility line and the D-B physically relocates the line.
- C) The D-B produces the design of the relocation of the utility line, and then after the Utility Owner approves the design, the D-B physically relocates the line.

In Cases B and C above, the D-B is to allow and/or provide the Utility Owner inspection of the construction of relocating the utility line. The D-B will work with the Utility Owner on a mutually agreed upon written procedure for the Utility Owner to notify the D-B of any unacceptable work in the construction of the relocation of the utility line. The D-B is to ensure complete satisfaction of the Utility Owner in the relocation of the utility line so that the Utility Owner will accept the utility line and responsibility for maintenance and upkeep to the utility line once it has been relocated.

The Design-Builder shall comply with any state and federal laws/codes governing the design and construction of a utility line.

### **6.2.2 Agreements & Permits**

The LADOTD will not become owner or responsible for maintenance and upkeep of any utility line from a previous Utility Owner that must be relocated.

The Design-Builder shall be responsible for coordinating all efforts in the relocation of any utility lines located within the LADOTD right-of-way that are in conflict with the construction of the project, including the verification of existing lines, and preparing (unless prepared by the Utility Owner) all necessary agreements and permits for such relocation as described below. Subject to LADOTD's approval, the Design-Builder shall be responsible for (a) entering into all necessary agreements with the Utility Owners and securing execution (by the Utility Owner and the Design-Builder's authorized representative) of all such agreements, and (b) securing execution (by the Department and the Utility Owner) of all such permits.

Agreements between the Utility Owner and the Design-Builder and/or permits between the Utility Owner and the Department are required for the following situations:

- A) An agreement is required whenever a utility line located within LADOTD right-of-way is required to be relocated. In this agreement, the cost distribution and responsibility of the work to be done is specified.
- B) A permit is required whenever a utility line is to be relocated inside the LADOTD right-of-way.
- C) An agreement is required if the Utility Owner relocates their utility line outside of the LADOTD right-of-way stating that the utility line will be moved to private property and includes the cost distribution required between the Department and Utility Owner.

The said agreements must be approved by LADOTD and signed by the Utility Owner and the Design-Builder prior to taking effect. The said permits must be approved and signed by the Utility Owner and the LADOTD Utility Relocation Engineer prior to taking effect.

### **6.2.3 Federal Utility Requirements**

The project is subject to 23 CFR Part 645 Subpart A and B (including without limitation its requirements as to plans, specifications, estimates, charges, tracking of costs, credits, billings, records retention, and audit) and FHWA's associated policies, and accordingly, all agreements between the Design-Builder and any Utility Owner shall incorporate by reference 23 CFR Part 645 Subpart A and B. The Design-Builder shall comply (and shall require the Utility Owners to comply) with 23 CFR Part 645 Subpart A and B and all associated FHWA policies as necessary for any utility relocation costs to be eligible for reimbursement from any federal financing or funding. The Design-Builder acknowledges, however, that (a) it is not anticipated that Design-Builder will be eligible for FHWA reimbursement of any utility relocation outlays, and (b) the Design-Builder will not have any share in any reimbursement from FHWA or other federal financing or funding that LADOTD may receive on account of utility relocations. All costs incurred by the Design-Builder in complying with 23 CFR Part 645 Subpart A and B and the associated FHWA policies are included in the Lump Sum Contract Price.

### **6.2.4 Status**

The Design-Builder is responsible of providing written documentation to the LADOTD Headquarters Utility Relocation Section of any written agreements and procedures affecting the utilities on the project.

## **7.0 COST OF RELOCATING UTILITY LINES**

### **7.1 PRIOR RIGHTS**

When a Utility Owner can produce documents indicating prior rights, as per the LA Administrative Code, Title 70, the cost of relocating that portion of the Utility Owner's line will be paid out of the Design-Builder's funds for this project.

### **7.2 BETTERMENTS**

Replacements for existing Utilities shall be designed and constructed to provide service at least equal to that offered by the existing Utilities, unless the Utility Owner specifies a lesser replacement. Utility Enhancements are not included in the Work. All betterments will be at 100% the Utility Owner cost, regardless of location.