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**Title 70**  
**TRANSPORTATION**  
**Part II. Utilities**

**Chapter 1. Communication Cable  
Installation on Highway Structures**

**§101. General**

**A. Communication Cable Installation on Highway Structures EDSM Number IV.2.1.8**

1. Purpose. To establish policy and procedure for the installation of cable for communication systems on highway structures.

2. Background. Louisiana R.S. 36:504(B)(1)(d) allows the Department of Transportation and Development to permit installation of cables for communications systems on the department's bridges.

3. Policy. Communication cables may be attached to highway structures, provided that such attachments do not overstress structural members, damage the structure, obstruct the clear roadway or waterway, interfere with structure maintenance, or create a hazard to the traveling public. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided. Communication system owners shall be charged a one-time lump sum fee prior to installation, which will be nonrefundable, and an annual rental for the installation.

4. Procedure. The right-of-way permits engineer will be responsible for the implementation and coordination of these procedures.

a. Any request for the attachment of a communication cable to a highway structure will be made using the supplement and application for Project Permit Form DOTD 03-41-0593 (See LAC 70:III.121.B), copies of which will be maintained in each district office.

b. The application for permit shall be reviewed and approved at the district office then sent to the right-of-way permits unit in Baton Rouge for further handling.

c. The owners shall be charged an annual rental for the privilege, but not as a payment for a property right or use and occupancy of the highway structure. A schedule shall be maintained by the right-of-way permits engineer of reasonable annual rental rates to be charged owners.

d. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. No inspection fee is charged and the guarantee deposit will be refunded promptly upon the receipt of notice from the district administrator that the work has been satisfactorily completed.

e. Plans will be submitted to the bridge design engineer and the structures and facilities maintenance engineer for approval.

f. The request must be accompanied by plans of the proposed method of attachment and shall be in accordance with Subsection B, "Regulations for Installation of Cables for Communication Systems on Structures" supplement.

5. Other Issuances Affected. All directive, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.

6. Effective Date. This directive will become effective immediately upon receipt.

Supplement to DOTD  
Form 03-41-0593

This Supplement is part of  
Permit Number \_\_\_\_\_

**B. Regulations for Installation of Cables for  
Communication Systems on Highway Structures**

1. Where it is feasible and reasonable to locate communication lines elsewhere, attachments to highway structures will be avoided.

2. Attachments to a structure shall not materially affect the structural characteristics, the safe operation of traffic, the efficiency of maintenance, and the appearance of the structure.

3. The owner shall submit five prints of plans of method of attaching, showing size and weight of communication cable, and support and attachment details.

4. It is preferred that the installation occupy a location beneath the structure floor or deck, between the outer girder or beams, or within a cellular area at an elevation above low superstructure steel or masonry.

5. There shall be no encroachments on the waterway or roadway of the structure.

6. The installation shall not be below low steel or masonry of the structure.

7. The installation shall be on the downstream side of the structure.

8. The hangers supporting the communication system shall be designed to clamp to the structure as generally no burning or drilling of holes or welding is permitted.

9. The construction and maintenance of the communication cable and its supports shall be done without any closure of any traffic lane and inconvenience or interference with highway traffic. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

10. The communication cables shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. Only low frequency voltage will be permitted in the communications cable.

11. The permit shall be reviewed and approved by the bridge design engineer and the structures and facilities maintenance engineer.

12. Communication cables owned by private individuals or concerns and not serving a segment of the general public, shall not be permitted on highway structures.

13. Should the owner fail to maintain his facilities in a condition acceptable to the department, the department, after notifying the owner, will perform the maintenance and bill the owner for the cost or take other appropriate action to ensure the safety and convenience of the traveling public.

14. All materials and workmanship shall conform to the requirements of the applicable industry code and to department specifications.

15. All excavations within the limits of the right-of-way shall be backfilled and tamped in 6-inch layers to the density of the adjacent disturbed soil. Where sod is removed or destroyed, it shall be replaced. Where it is necessary to make excavations in the shoulder, the top 6 inches of backfill shall be sand-clay gravel or equivalent. Where existing spoil material is, at the discretion of the department unsuitable for backfill, select material shall be furnished in lieu thereof and the existing material disposed of by approved methods.

16. A guarantee deposit to insure the satisfactory completion of the work shall accompany the application for permit. The amount of the guarantee deposit shall be calculated in accordance with schedules given below. No inspection fee is charged and the guarantee deposit will be refunded promptly upon receipt of notice from the district administrator that the work has been satisfactorily completed.

17. This permit may be terminated by either party upon 30 days notice in writing to the other party after which the communication company will be given a reasonable period of time to remove his system. The department may revise the annual rental rate upon 30 days notice in writing to the owner.

18. The one-time lump sum fee and one year's rental for this privilege shall accompany the application for permit. The amount of the lump sum fee and the annual rental shall be calculated in accordance with schedules given below.

Lump Sum Fee and Annual Rental Schedule	
Bridges over 300 feet long	
Computed Charges	Minimum Charges
Lump Sum Fee = \$1.25/feet/pound of weight	Lump Sum = \$50,000
Annual Rental = \$0.15/feet/pound	Annual Rental = \$5,000
Bridges under 300 feet long	
Computed Charges	Minimum Charges
Lump Sum Fee = \$0.50/feet/pound of weight	Lump Sum Fee = \$5,000
Annual Rental = \$0.15/feet/pound of weight	Annual Rental = \$500

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:504(B)(1)(d) et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 10:90 (February 1984).

### Chapter 3. Department Relocation of Publicly Owned or Non-Profit Utilities

#### §301. Utility Relocation Assistance Funding

A. When a publicly owned, non-profit utility is not able to bear its share of the cost for adjusting its facilities to accommodate a highway project, it may apply for funding under R.S. 48:381(C), hereinafter referred to as Utility Relocation Assistance Funding (URAF).

##### 1. General Conditions

a. In order to qualify for URAF funds, a utility must be owned by a governmental body such as a municipality or parish, or be a non-profit utility.

b. In order to qualify for URAF funds, a utility must be financially unable to bear its share of the adjustment expense.

c. URAF funding is neither a loan nor a grant and there is no interest charged on this money. However, the utility must repay this money eventually, or it will not be allowed to locate its facilities within highway right-of-way.

d. Highway adjustments are considered normal, foreseeable maintenance for utilities located on highway right-of-way.

##### 2. Procedure

a. The publicly owned or non-profit utility informs the headquarters utility and permit engineer, in writing, that it is not financially able to bear the cost of adjusting its facilities, and formally requests URAF funding.

b. The headquarters utility and permit engineer requests the legislative auditor to examine the utility's records to determine the utility's eligibility for URAF funds.

c. The legislative auditor examines the utility's records and informs the headquarters utility and permit engineer of the utility's eligibility for URAF funds.

d. If the utility is eligible for URAF funds, executed agreements are converted to URAF agreements, and/or new agreements are executed as necessary.

e. The Federal Highway Administration is advised when URAF funds are approved for federal aid projects.

Guarantee Deposit Schedule		
	Bridges 300 feet and less	Bridges over 300 feet
Per cable not over 1 inch	\$500	\$1,000
In excess of 1 inch diameter	\$700	\$1,400

f. Issuance of permits to the utility is suspended, and the utility is added to the URAF database. Note that the suspension does not include most crossings.

g. The final amount of URAF funds used is added to the URAF database after final payment is made.

h. After final payment is made, Department of Transportation and Development Project Control is informed of the total amount of URAF funds used and bills the utility accordingly.

i. Issuance of permits to the utility will remain suspended until Department of Transportation and Development Project Control notifies the utility and permit section that the utility has repaid the full amount to the Department of Transportation and Development. The utility may repay this amount as a lump sum, in partial amounts, in exchange for goods and/or services, or in any combination thereof. Department of Transportation and Development Project Control shall notify the headquarters utility and permit engineer of any payments as soon as they are received. Note that an exchange of goods or services is at the discretion of the Department of Transportation and Development. Note that the Federal Highway Administration participates in URAF costs. It is the responsibility of Department of Transportation and Development Project Control to credit Federal Highway Administration, at its participating percentage, for any funds that are repaid.

### 3. Issuance of Permits

a. General issuance of permits may resume if the utility shows a good faith effort to repay this debt by making annual payments to Department of Transportation and Development of 5 percent of its gross income, or 10 percent of its outstanding URAF debt. The first payment must be made within one year of the date of invoicing of the utility by Department of Transportation and Development, and issuance of permits shall remain suspended until the first payment is made. The utility's payments shall be due by January 15 of each year. The Department of Transportation and Development shall suspend issuance of permits to any utility that fails to submit payment by this date. Partial payments will be accepted as payment toward the total debt; however, issuance of permits shall be suspended when a utility fails to make the required minimum payment. Since these options were not available prior to the promulgation of these rules, issuance of permits to utilities that have URAF agreements that were executed prior to January 1, 1993, may resume, if the utility begins to show a good faith effort to repay this debt, by making annual payments to DOTD of 5 percent of its gross income, or 10 percent of its outstanding URAF debt, by January 15, 1995. When issuance of permits is suspended because the utility failed to make the required minimum payment by the specified deadline, issuance may resume after the utility makes the minimum required payments on time for a period of three consecutive years, or by making a lump sum payment of 25 percent of the total remaining URAF funds owed to DOTD.

b. When in the best interest of the public, specific permits may be issued to utilities, without removing the general suspension, under the following circumstances:

i. eminent danger to the public or to the highway as the result of a damaged or faulty facility that is located within highway right-of-way, such as:

(a). a leaking water or sewer line that is eroding the right-of-way;

(b). a leaking or exposed gas line, at Department of Transportation and Development discretion, these facilities may be repaired or replaced with a similar facility of equal capacity;

ii. insufficient right-of-way available to place distribution lines to serve properties adjacent to the highway. This may occur in highly urbanized areas where there is no room to place utilities between the edge of the highway right-of-way and an adjacent structure, and the adjacent property cannot be accessed through an alternate route. If the physical space is available, the utility shall use its expropriation rights to secure the necessary right-of-way for its facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Engineering, LR 18:1415 (December 1992).

### **§303. Additional Information to be Supplied by Applicants for Utility Relocation Assistance Funding (URAF)**

A. A copy of the utility owner's most recently completed audit report must be provided to DOTD. If no audit has been performed, the utility owner should initiate one. The certification process may not begin until this report is submitted.

B. A copy of the utility owner's unaudited financial statements covering the period from the date of the last audited financial statements to the current date must be provided to DOTD.

C. A copy of the utility owner's budget, including any amendments, for the current fiscal year must be provided to DOTD.

D. A listing of encumbrances that are payable from the utility owner's current year earnings must be provided to DOTD. For the purpose of this certification, encumbrances are considered to be those items for which the utility owner has incurred an obligation to expend current year earnings, plus 10 percent of the current year's revenue as a reserve.

E. A signed representation letter prepared on the utility owner's letterhead must be provided to DOTD. It must state:

1. that the utility owner is familiar with the provisions of R.S. 48:831;

2. that the utility owner has not violated any of the provisions of R.S. 48:381 in the past;

3. if the utility owner has received URAF funding from DOTD in prior years, the utility owner must meet the following requirements:

- a. it must state that it has received prior URAF funding;
- b. it must state that it has:
  - i. not located facilities longitudinally in state highway right-of-way since last receipt of URAF funding if a balance is outstanding; or
  - ii. facilities have been placed longitudinally in highway right-of-way and URAF funds have been reimbursed to DOTD.

F. The utility owner is responsible for the presentation of the financial statements and other information provided and for insuring that the information is complete and accurate.

G. The financial information provided must be taken from verifiable records. The budget information must be based on estimates derived from the financial statements.

H. The utility owner must certify that it has no other unpaid obligations to the state of Louisiana.

I. If the utility owner fails to satisfactorily complete the certification process, the utility owner may request a second certification review after one year from date of the first certification report. The request for the second review must be made before the starting date of construction. The request for the second review should be addressed to the DOTD audit section. When in the best interest of DOTD, the time period between the first failure of certification and the second request for certification may be modified by DOTD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Engineering, LR 23:210 (February 1997).

**§305. Department Relocation of Publicly Owned or Non-Profit Utilities**

A. This Section will apply to any and all qualifying utility relocations resulting from projects that receive federal or other required authorization after the effective date of this Section. The rules and regulations set forth in §301 and §303 of this Chapter will continue to apply to any and all qualifying relocations resulting from projects that have received federal or other required authorization prior to the effective date of this Section. This Section is effective as of the date of this publication as a final Rule in the *Louisiana Register*:

B. When a publicly owned or non-profit utility is not able to bear its share of the cost for adjusting its facilities to accommodate a highway project, the department may enter into a contract for the proposed utility relocation work, either as part of the highway project or through a separate public works contract, if all of the following conditions are met:

1. the utility installation is located on a state-owned right-of-way;

2. the utility installation is owned by a public municipality, parish, or special district created by or pursuant to law or a nonprofit water corporation or nonprofit gas district;

3. it is necessary to remove or relocate such installation for the construction, repair, widening, relocation, or improvement of a state or an interstate highway;

4. the utility is financially unable to bear its share of the adjustment expense, as determined pursuant to the provisions of R.S. 48:381(C)(2)(a) and this Section;

5. the owner of the utility installation agrees in writing, prior to the relocation of the utility installation, to allow the department, its contractor, or employees or agents thereof to modify the utility installation as part of the department's construction project; and

6. the owner of the utility installation agrees in writing, prior to the relocation of the utility installation, to accept ownership and maintenance of any utility installations newly constructed or modified as part of the department's construction project, upon final acceptance of such construction project by the department.

C. Procedure

1. The publicly owned or non-profit utility informs the appropriate district utility specialist, in writing, that it is requesting assistance pursuant to this Section.

2. The utility must provide the following information to the department to begin the certification process:

a. a copy of the utility owner's most recently completed audit report, or evidence that an audit has been initiated if no audit has been performed;

b. a copy of the utility owner's unaudited financial statements covering the period of the date of the last audited financial statements to the current date;

c. a copy of the utility owner's budget, including any amendments, for the current fiscal year;

d. a listing of encumbrances that are payable from the utility owner's current year earnings, meaning those items for which the utility owner has incurred an obligation to expend current year earnings, plus 10 percent of the current year's revenue as a reserve; and

e. a signed representation letter prepared on the utility owner's letterhead stating that:

i. the utility owner is familiar with the provisions of R.S. 48:381 and this Section;

ii. the utility owner certifies that the financial statements and other information provided are complete and accurate; and

iii. the utility owner certifies that the financial information is taken from verifiable records and the budget information is based on estimates derived from the financial statements.



3. The appropriate district utility specialist requests that DOTD headquarters personnel, as designated by the secretary, examines the utility's records to determine the utility's eligibility for assistance.

4. The appropriate DOTD headquarters personnel examine the utility's records and inform the appropriate district utility specialist of the utility's eligibility for assistance.

5. If the utility is eligible for assistance, agreements are executed between the owner of the utility and the department as necessary to comply with the terms of this Section and facilitate the utility relocation.

6. If federal aid is anticipated for the project, the Federal Highway Administration is advised that the utility is approved for assistance pursuant to this Section.

7. If the utility owner does not qualify for assistance pursuant to this Section, the utility owner may request a second certification review. The department, at its sole discretion, will determine if a second certification review will be granted. The request for the second review should be addressed to the appropriate district utility specialist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 42:2195 (December 2016).

## Chapter 5. Standards Manual for Accommodating Facilities on Highway Right-of-Way

### §501. Introduction

A. General. The Department of Transportation and Development (DOTD) has the legal authority and the responsibility to regulate all utilities on highways under state jurisdiction, to designate and control the use made of right-of-way acquired for public highway purposes to preserve the integrity, operational safety and function of the highway facility. The DOTD adopts the American Association of State Highway and Transportation Officials (AASHTO) publications, "A Policy on the Accommodation of Utilities on Freeway Right-of-Way," dated February, 1989, and "A Guide for Accommodating Utilities within Highway Right-of-Way," copyright 1981, as a part of the DOTD's standards manual. These standards should be uniformly interpreted and administered by representatives of both the utility owners and the DOTD. These standards are the result of the DOTD's responsibility, under law, to regulate the use of highway right-of-way for the protection of the traveling public and the public's investment in the highway itself. These standards should be interpreted and applied to the extent consistent with state laws which allow utilities to use or occupy the highway right-of-way.

B. Purpose. These standards are provided for use by representatives of the DOTD for regulating the locations, design, methods for installing, adjusting, accommodating, and maintaining utilities and/or driveways on highway right-

of-way. They are limited to matters which are the responsibility of the DOTD for preserving the integrity of the highway and its safe operation. Where federal, state or local laws, regulations and laws or ordinances of other subdivisions of the state, industry or governmental codes prescribe a higher degree of protection than provided by these standards, then the higher degree of protection shall prevail. These standards are also provided for use by public and private utilities as well as private citizens. They are to be applied as set forth herein or as stated in the laws of the local, state or federal governments and/or *Standard Specifications of the Louisiana Department of Transportation and Development*.

C. Scope. These standards apply to all public and private utilities including electrical power, telephone, telegraph, cablevision, water, gas, oil, petroleum, steam, chemicals, sewage, drainage, irrigation, and similar lines that are to be located, adjusted or relocated within the right-of-way of highways under jurisdiction of the DOTD. Such utilities may involve underground, surface or overhead facilities, either singularly or in combination. Furthermore, these standards apply to all public and private driveways located within highway right-of-way and/or connecting to state highways. Additionally, these standards apply to all other installations and work performed within DOTD right-of-way.

D. Application and Payment. The DOTD has the right to charge a fee or require a performance bond for utility and/or driveway work that is carried out in the highway right-of-way. Payment of all fees shall be in the form of a personal check, corporation check, certified check or money order. No bank drafts will be accepted. Fee schedules and appropriate information, such as how, when and where payments may be made, can be found on and/or attached to, the applicable permit application. Permit applications for the various types of permits listed herein can be obtained from the district utility and permit specialist at a district office. Penalties can be assessed for not following these *Utility Guidelines*, possibly a forfeiture of the deposit, as determined by the DOTD. Bonds are kept on file for permit applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 19:14, 30:210-217, 32:236, 38:2223, 38:3094, 48:191-193, 48:217, 48:295.1-4, 48:343-344, 48:381-383, 48:385-387, 51:1901-1909.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §503. Statutes

#### A. Responsibilities Pertaining to Highway Occupancy

##### 1. State of Louisiana Department of Transportation's Responsibility

a. Prescribe and enforce all rules and regulations as to construction, repairs or maintenance of the poles, wires and lines of telegraph, telephone, community antenna television systems or power companies and pipelines of gas districts, gas, water, sewers, or other pipeline companies, so as to insure the safety of the traveling public in using the roads, bridges and highways in this state; and to include regulations in contracts and agreements entered into with utilities in granting permits for construction on right-of-way necessary

to insure the safety of the traveling public and prevent damage to highways and bridges.

b. Prescribe and enforce any reasonable rules and regulations so as to prevent unnecessary trespassing upon or damage to any of the public roads, bridges or highways of the state.

c. Direct utilities to relocate their plant when such plant is in conflict with highway construction contracts.

d. Pay cost of adjustment of plant to be relocated if said plant is located on private right-of-way.

e. Pay cost of adjustment if plant in conflict is located on public right-of-way under certain conditions, such as utilities having prior rights.

f. Withhold permit from utility if it concerns area where highway construction project is in progress until utility has received permission from the prime highway contractor to enter or cross said project.

## 2. Utilities Responsibility

a. Relocate utility's facilities that are in conflict with highway or street constructions when directed to do so by the State of Louisiana Department of Transportation and Development.

b. Ensure that installations within highway right-of-way are in accordance with applicable federal, state, and industry standards and policies.

c. Coordinate location of facility installation with other utilities in the same area.

d. Carry out the provisions of contract or agreement entered into with the State of Louisiana Department of Transportation and Development when permit for construction in highway right-of-way was issued.

e. If proposed construction by utility is in conflict with highway construction already in progress, secure written permission from the prime highway contractor to cross the project prior to requesting a permit from the department. Hold the State of Louisiana Department of Transportation and Development harmless from any claims by highway contractor for damages done by utility during construction.

f. Pay cost of adjustment from public highway right-of-way, except where utility has prior rights.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 19:14, 30:210-217, 32:236, 38:2223, 38:3094, 48:191-193, 48:217, 48:295.1-4, 48:343-344, 48:381-383, 48:385-387, 51:1901-1909.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §505. Definition of Terms

A. The following are definitions of the terminology used in these standards:

*Abandonment*—occurs when a facility remains in highway right-of-way after it is no longer functioning.

*Access Connection*—any roadway facility by means of which vehicles can enter or leave a highway. Included are intersections at grade, private driveways, and ramps or separate lanes connecting with cross streets or frontage roads.

*Advertisement*—a public announcement inviting bids for work to be performed or materials to be furnished.

*Approved Drawing*—relocation drawings submitted by a utility in place of a utility relocation agreement. This is allowed when the state has no liability for the adjustments. Approved drawings have the same force as an agreement, are assigned an agreement number, and may be referred to as a utility agreement.

*Arterial Highway*—a general term denoting a highway primarily for through traffic, usually on a continuous route.

*Auxiliary Lane*—the portion of the roadway adjoining the traveled way for parking, speed-change or for other purposes supplementary to through traffic movement.

*Average Daily Traffic*—the average 24-hour volume, being the total volume during a stated period divided by a number of days in that period. Unless otherwise stated, the period is a year. The term is commonly abbreviated as ADT.

*Backfill*—replacement of soil around and over a pipe.

*Backslope*—in a cut section, the graded slope from the back of the ditch to the natural grade.

*Base Course*—the layer or layers of specified material of designed thickness on a subbase or a subgrade to support a surface course.

*Bedding*—organization of soil to support a pipe.

*Bidder*—an individual, partnership, corporation, joint venture or any acceptable combination thereof submitting a bid proposal.

*Bridge*—structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, which has a passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches or extreme ends of openings for multiple boxes; may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

*Bury*—depth of top of casing, if cased, or carrier pipe, if uncased, below surface grade.

*Cap*—rigid structural element surmounting a pipe.

*Carrier*—pipe directly enclosing a transmitted fluid (liquid or gas).

*Casing*—a larger pipe enclosing a carrier.

*Clear Roadside Area*—that area as covered by the definition below of the clear roadside policy, providing a specified minimum distance from edge of traveled lane, beyond which above-ground obstruction may be allowed.

*Clear Roadside Policy*—the policy employed by the DOTD to increase safety, improve traffic operations, and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground, such as trees, drainage structures, massive supports, utility poles and other ground-mounted obstructions.

*Coating*—materials applied to or wrapped around a pipe.

*Conduit or Duct*—an enclosed tubular runway for protecting wires or cables.

*Control of Access*—the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a highway is fully or partially controlled by public authority.

*Controlled Access Highway*—any highway, to or from which access is denied or controlled, in whole or in part, from or to abutting land or intersecting streets, roads, highways, alleys or other public or private ways.

*Conventional Highway*—an arterial highway without access control.

*Cradle*—rigid structural element below and supporting a pipe.

*Culvert*—any drainage structure along and/or under the roadway not defined as a bridge.

*Department*—the Department of Transportation and Development of the state of Louisiana, constituted under the laws of the state for the administration of highway work.

*Department of Transportation and Development*—the Department of Transportation and Development of Louisiana, through its offices and officers, responsible for developing and implementing programs to assure adequate, safe, and efficient transportation and other public works facilities and services in the state in accordance with Act 513 of the 1976 Regular Session of the State Legislature.

*Direct Burial*—installing a utility facility underground without encasement, by plowing.

*Divided Highway*—a highway with separated roadways for traffic in opposite directions.

*DOTD*—the Department of Transportation and Development of the state of Louisiana.

*Drain*—appurtenance to discharge liquid contaminants from casings.

*E.D.S.M.*—Engineering Directives and Standards Manual of the Louisiana Department of Transportation and Development.

*Emergency*—a situation where the safety of the traveling public or general public, or the structural integrity of the roadway itself, is placed in jeopardy.

*Encasement*—structural element surrounding a pipe.

*Encroachment*—unauthorized use of highway right-of-way or easements, as for signs, fences, buildings, etc.

*Engineer*—the chief engineer of the Louisiana Department of Transportation and Development, acting directly or through his duly authorized representatives. When the term *chief engineer* is used, it shall mean the chief engineer in person.

*Equipment*—all machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the work.

*Expressway*—a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

*Flexible Pipe*—a plastic, fiberglass or metallic pipe having large ratio of diameter to wall thickness which can be deformed without undue stress.

*Flume*—a structure used primarily for the passage of irrigation water.

*Freeway*—an expressway with full control of access.

*Front Slope*—the graded slope between the outside edge of shoulder (or sidewalk area) and the edge of ditch nearest the road (or natural ground).

*Frontage Road*—a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

*Full Control of Access*—that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only by prohibiting crossings at grade or direct private driveway connections.

*Gallery*—an underpass for two or more pipelines.

*Grade Separation*—a crossing of two highways, or a highway and a railroad, at different levels.

*Grounded*—connected to earth or to some extended conducting body which serves instead of the earth, whether the connection is intentional or accidental.

*Grout*—a cement mortar or a slurry of fine sand or clay, as conditions govern.

*Headquarters Utility and Permit Engineer*—the licensed professional engineer authorized by the chief engineer to perform all of the functions associated with relocating utility facilities and issuing right-of-way permits.

*High Grade Highway*—a highway having a minimum of four lanes divided by a median, or a highway having two or more lanes and an average daily traffic volume of 3,500 vehicles or more.

*Highway Prism or Roadway Prism*—that portion of earth supporting the roadway structure and allied drainage ditches and/or structures.

*Highway Purpose*—any purpose approved by the legislature of Louisiana to be accomplished by the office of highways of the Department of Transportation and Development upon highways and streets, including relocation of public utility and railroad facilities, and including the purpose of compliance with federal laws, rules, and regulations.

*Highway, Street or Road*—a general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. Recommended usage in urban areas: highway or street; in rural areas: highway or road.

*Inspector*—the engineer's authorized representative assigned to make detailed inspections of contract performance.

*Interchange*—a grade-separated intersection with one or more turning roadways for travel between intersecting legs.

*Intermediate Grade Highway*—a paved highway having a minimum of two lanes and an average daily traffic volume which is less than 3,500 vehicles.

*Laboratory*—the testing laboratory of the DOTD or any other approved testing laboratory which may be designated by the engineer.

*Local Street or Local Road*—a street or road primarily for access to residence, business of other abutting property not in state maintained highway system.

*Low Grade Road*—any road having an unpaved surface.

*Major Highway or Major Road*—an arterial highway with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

*Manhole*—an opening in an underground system which workmen or others may enter for the purpose of making installation, inspections, repairs, connections and tests.

*Median*—the portion of a divided highway separating the traveled ways for traffic in opposite directions.

*Normal*—crossing at a right angle.

*Oblique*—crossing at an acute angle.

*Overfill*—backfill above a pipe.

*Parish*—the parish in which the specified work is to be done.

*Parkway*—an arterial highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon, or park-like developments.

*Partial Control of Access*—the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

*Pavement Structure*—the combination of subbase, base course and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

*Pipe*—a tubular product made as a production item for sale as such. Cylinders formed from plate in the course of the fabrication of auxiliary equipment are not pipe as defined here.

*Plans*—the contract drawings which show the locations, character, and dimensions of the prescribed work, including layouts, profiles, cross sections and other details.

*Pressure*—relative internal pressure in psig (pounds per square inch gauge).

*Profile Grade*—the trace of a vertical plane intersecting the top surface of the proposed wearing surface or other designated course usually along the longitudinal centerline of the roadbed. Profile grade means either elevation or gradient of such trace according to the context.

*Project*—the specific section of the highway together with all appurtenances and construction to be performed thereon under the contract.

*Project Engineer*—the engineer assigned to one or more specified construction projects to represent the DOTD through the chief engineer.

*Project Number*—a number used for convenience to describe and delineate certain construction within definite geographical limits.

*Project Specifications*—all standard specifications, supplemental specifications, special provisions and other provisions that are applicable to the project.

*Public Utility*—any business or organization that regularly supplies the public with a commodity or service including electricity, gas, water, telephone, telegraph, radio, television, cable television, drainage, sewerage, and other like services.

*Right-of-Way*—a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

*Rigid Pipe*—a welded or bolted metallic pipe or reinforced, prestresses or pretensioned concrete pressure pipe designed for diametric deflection of less than 1.0 percent.

*Roadbed*—the graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulder.

*Roadside*—a general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

*Roadside Development*—those items necessary to the complete highway which provide for the preservation of landscape materials and features; the rehabilitation and protection against erosion of all areas disturbed by construction through seedings, sodding, mulching and the

placing of other ground covers; such as suitable planting and other improvements as may increase the effectiveness and enhance the appearance of the highway.

*Roadway*—in general that portion of a highway, including shoulders, provided for vehicular use. A divided highway has two or more roadways. In construction specifications, a roadway is that portion of a highway within the limits of construction.

*Roadway Crossing*—any utility service installation either over or under a state or local highway.

*Safety Rest Area*—a roadside area with parking facilities separated from the roadway provided for motorists to stop and rest for short periods. It may include drinking water, toilets, tables and benches, telephones, information and other facilities for travelers.

*Scenic Overlook*—a roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

*Secretary (or Designated Representative)*—chief executive officer of the state of Louisiana Department of Transportation and Development.

*Semirigid Pipe*—a large diameter concrete or metallic pipe designed to tolerate diametric deflection up to 3.0 percent.

*Service Road or Frontage Road*—a local street or road auxiliary to and located on the side of the roadway for service to abutting property and adjacent areas and for control of access.

*Shoulder*—the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use or for lateral support of base and surface courses.

*Sidefill*—backfill alongside a pipe.

*Sidewalk*—that portion of the roadway primarily constructed for the use of pedestrians.

*Slab, Floating*—slab between but not contacting pipe or pavement.

*Sleeve*—short casing through pier or abutment of highway structure.

*Specifications*—the compilation of provisions and requirements for the performance of prescribed work.

*Standard Plans*—drawings approved for repetitive use, showing details to be used where appropriate.

*Standard Specifications*—a book of specifications for general application and repetitive use.

*State*—the state of Louisiana, acting through its authorized representative.

*Street*—any public street, road, lane, expressway, boulevard, etc., that is not a state or federal highway under the DOTD's control.

*Structures*—bridges, culverts, catch basins, drop inlets, retaining walls, cribbing, manholes, endwalls, buildings, sewers, service pipes, underdrains, foundation drains and other features which may be encountered in the work and not otherwise classed herein.

*Subbase*—the layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.

*Subcontractor*—an individual, partnership, firm, corporation, joint venture, or any acceptable combination thereof, to which the contractor sublets parts of the contract.

*Subgrade*—the top surface of a roadbed upon which the pavement structure and shoulders are constructed.

*Substructure*—all of that part of the structure below the bearings of simple and continuous spans, skewbacks or arches and tops of footings or rigid frames, including backwalls, and wing protection railings.

*Superintendent*—the contractor's authorized representative who is in responsible charge of the work.

*Superstructure*—the entire structure except the substructure.

*Supplemental Specifications*—additions and revisions to the standard specifications.

*Surety*—the corporation, partnership or individual, other than the contractor, executing a bond furnished by the contractor.

*Surface Course*—one or more layers of a pavement structure designed to accommodate the traffic load, the top of which resists skidding, traffic abrasion, and the disintegrating effects of climate.

*Through and Local Traffic*—through traffic is that traffic which has neither its origin nor its destination within the limits of the project. Local traffic is that traffic which has either its origin or its destination within the limits of the project.

*Through Street or Through Highway*—every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways or streets is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected.

*Traffic Lane*—the portion of traveled way for the movement of a single lane of vehicles.

*Traveled Way*—the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

*Trenched*—installed in a narrow open excavation.

*Untrenched*—installed without breaking ground or pavement surface, such as by jacking or boring.

*Use and Occupancy Agreement*—the document by which the DOTD regulates and/or gives approval of the use and

occupancy of highway rights-of-way by utility facilities or private lines.

*Utility Agreement*—any document that has an agreement number. These are supplied by the utility, and may consist of Articles of Agreement, estimate, statement of work, specifications, and drawings, or may consist of drawings only.

*Vent*—appurtenance to discharge gaseous contaminants from casings.

*Walled*—partially encased by concrete poured alongside the pipe.

*Work*—the furnishing of all labor, materials, equipment and other incidentals necessary or convenient to the successful completion of the project and the carrying out of all duties and obligations imposed by the contract.

*Working Drawings*—supplemental design sheets or similar data which the contractor is required to submit to the engineer such as stress sheets, drawings, erection plans, falsework plans, framework plans, cofferdam plans and bending diagrams for reinforcing steel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1901.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

#### **§507. Standards, Policies and Conditions for Utility Installations**

A. Permits granted by the DOTD are granted only insofar as the Louisiana Department of Transportation and Development has the power and right to grant them. In granting permits no right or privilege of the abutting property owner is interfered with or abridged, nor is the DOTD responsible for any damage which may arise between the applicant and the property owner.

B. The headquarters utility and permit engineer is responsible for issuing all right-of-way permits, processing joint use agreements, and relocating utilities for construction projects.

C. The district administrator may issue certain permits under specified conditions (the headquarters utility and permit engineer may also issue these permits).

D. Each district administrator is responsible for enforcing the requirement of obtaining a permit before performing work on highway right-of-way, and for requiring compliance with issued permits. Whenever it is discovered that work is being performed on highway right-of-way without a permit, or not in accordance with an issued permit, the work shall be stopped immediately and shall not continue until compliance is obtained.

E. The district utility and permit specialist acts as the representative for both the district administrator and the headquarters utility and permit engineer; therefore, the district administrator and the headquarters utility and permit engineer will usually act through the district utility and permit specialist when dealing with these matters.

F. Individual permits may be suspended, canceled, or approved by the headquarters utility and permit engineer, the district administrator, and the district utility and permit specialist. Also, issuance of permits to a specific party may be suspended on a district wide basis by the district administrator, district utility and permit specialist, or the headquarters utility and permit engineer. Issuance of permits to a specific party may only be suspended on a state wide basis by the headquarters utility and permit engineer.

G. Permits may be suspended or canceled if the permittee fails to comply with any DOTD policy, or fails to cooperate with DOTD personnel. Note that permits should be suspended and/or canceled for those utilities that fail to submit utility relocation agreements at the time specified. The reason for any action should be made clear. The district utility and permit specialist should suspend and/or cancel permits upon the request of the following DOTD personnel:

1. project engineer;
2. headquarters utility and permit specialist;
3. district construction engineer;
4. district maintenance engineer.

NOTE: These parties must provide a valid reason for requesting any action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:217.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

#### **§509. Requirements for Applications**

A. All applications for permits shall originate in the office of the district utility and permit specialist. The district utility specialist shall be responsible for performing and/or insuring the following.

1. Checking with all appropriate district personnel (district administrator, district maintenance engineer, district construction engineer, etc.) to ascertain that the work requested will not interfere with existing or proposed highway operations.
2. Assuring that the application:
  - a. is on the correct form;
  - b. is submitted with the correct number of copies, including all attachments;
  - c. copies are completed correctly;
  - d. copies are clearly legible, preferably typed.
3. The work involved is on a state maintained highway, and the correct highway number and control section numbers are shown.
4. The proposed work is confined to one parish per permit application.
5. The name and address of the applicant is legible on all copies.

6. The application has been signed by the applicant, and the applicant's name is typed or printed legibly beneath the signature. The applicant must be the property owner/lessee, permits shall not be issued to contractors, or other third parties.

7. The nature of the work is clearly and completely indicated both in text and on the drawings.

8. Four copies of the drawings must be submitted with each application. Right-of-way limits and property lines must be clearly indicated on the drawings. The exact location of the proposed work must be indicated if reference to the highway, right-of-way, and property lines, the names of local streets and businesses may be placed on the drawings; however, the locations must be located in reference to the highway in such a manner that someone unfamiliar with the area can comprehend these details. Where surface or underground work is involved, a cross-section drawing that clearly indicates existing conditions and proposed changes must be included. Where grading operations are involved, cross-section drawings must show the highway surfacing, shoulder, ditch, and slope indicating the present section and proposed section.

9. The request conforms with this Chapter and all other DOTD standards. Applications which do not conform to DOTD standards shall be returned to the applicant with a short explanation. The explanation should indicate the primary deficiencies, but not be so detailed that DOTD will in effect be performing either research or design for the applicant. When the district administrator feels that conditions warrant an exception for an application that failed to meet DOTD standards, the application and a letter from the district administrator explaining the reasons for recommending a deviation should be submitted to the headquarters utility and permit section. DOTD purchases right-of-way for the purpose of providing roads for the general public, not to provide parking or other such benefits to individuals. Therefore, exceptions should not be requested for:

- a. parking for anyone other than a governmental agency;
- b. increasing the driveway widths or allowing driveways to be placed so that large trucks or busses back out directly onto, or partially block a highway (including the shoulder);
- c. allowing less than the minimum clearance over a highway;
- d. open cutting a highway, blocking traffic, or other actions detrimental to the DOTD or to the travelling public, for the sole purpose of saving/earning the applicant money.

10. The district administrator may issue all routine right-of-way permits that meet with DOTD requirements. This authority does not include major installations such as street intersections, subdivision entrances, crossovers, turning lanes, changes to the roadway sections, or anything that does not conform with this manual and all other DOTD requirements. All permits approved by the district administrator must be assigned a permit number and entered

into the permit database by the district utility and permit specialist, and the original copy must be transmitted to the headquarters utility and permit section. Additionally, one copy of the approved permit and drawings must be returned to the permittee.

11. The district utility and permit specialist shall furnish the permittee with the grade, elevation, and alignment of drainage structures when drainage structures are to be installed.

B. Upon notification by the permittee that all work has been completed, or upon expiration of the time limit, the district utility and permit specialist shall inspect or request an inspection of the site. If all work has been satisfactorily completed, the district utility and permit specialist shall complete the permit on the permit database. If no work has begun, the permit shall be canceled, and the district utility and permit specialist shall cancel the permit on the permit database. If work is in progress but incomplete, the permittee is required to apply for an extension of time. If the work is unsatisfactory, the district utility and permit specialist shall notify the permittee of the deficiencies in writing, and request that immediate action be taken to remedy this situation; a copy of this letter should be sent to the headquarters utility and permit section. If the permittee fails to take action, the district utility and permit specialist shall suspend issuance of permits and/or cancel existing permits. If this fails, the matter should be referred to the headquarters utility and permit section for further handling. If the deficiencies are of such a nature as to create a hazard to the traveling public, the district administrator shall take immediate action to remedy the situation with DOTD forces. An itemized account of the expenses incurred in performing this work shall be compiled and submitted to the headquarters utility and permit section so that the permittee may be billed accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### **§511. General Considerations**

A. The following shall govern the location and design of all utility installations within highway right-of-way.

#### 1. Location

a. Utility lines shall be located to minimize need for later adjustment to accommodate future highway improvements and to permit installation and servicing such lines with minimum interference to highway traffic.

b. Parallel installation shall be located on a uniform alignment as near as practicable to the right-of-way line so as to provide a safe environment for traffic operations and preserve space for future highway improvements or other utility installations.

c. To the extent feasible and practicable, utility line crossings of the highway will cross on a line generally normal (90°) to the highway alignment.

d. The horizontal and vertical location of utility lines within the highway right-of-way limits will conform with the clear roadside policies applicable for the system, type of highway and specific conditions for the particular highway section involved. The location of above-ground utility facilities will be consistent with the clearances applicable to all roadside obstacles for the type of highway involved.

e. In planning utility installations or relocations just outside highway right-of-way, consideration should be given by the utility to avoid placement of facilities within one foot immediately adjacent to and outside the right-of-way to avoid damages by the DOTD's contractor in relocating property owners' fences 1 foot beyond such right-of-way in compliance with DOTD policy on construction projects.

f. In all cases, full consideration will be given to measures reflecting sound engineering principles and economic factors, necessary to preserve and protect the integrity and visual quality of the highway, its maintenance efficiency and the safety of highway traffic.

## 2. Design

a. The utility is responsible for the design of the utility facility to be installed within the highway right-of-way. The DOTD is responsible for review proposal with respect to the location of the utility facilities to be installed. This includes the measures to be taken to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and the integrity of the utility facility.

b. Utility installations on, over or under the right-of-way of state highways shall as a minimum, meet the following requirements.

i. Electric power and communication facilities shall conform with the current applicable National Electric Safety Code. However, in no instance should an aerial crossing have less vertical clearance over the roadway surface than 20 feet. A minimum vertical clearance of 16 feet shall be maintained between existing ground elevation and any aerial installation when such installation is within highway right-of-way, but does not cross the traveled surface of a highway.

ii. Water lines shall conform with the currently applicable specifications of the American Water Works Association.

iii. Pressure pipe lines shall conform with D.O.T. Title 49 and the currently applicable sections of ANSI/ASME Code for Pressure Piping of the American National Standards Institute and applicable industry codes, including Power Piping, ANSI B31.0, Petroleum Refinery Piping, ANSI B31.3, Liquid Petroleum Transportation Piping Systems, ANSI B31.4, Gas Transmission and Distribution Piping Systems, ANSI B31.8.

iv. Liquid petroleum pipelines shall conform with D.O.T. Title 49, ANSI/ASME Code, and the currently applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.

v. Overhead or underground structures (i.e., pedestrian walkway, cattle chute, pipe rack, utility bridge, etc.) crossing the highway shall conform with E.D.S.M. IV.2.1.7. All aerial installations must maintain a minimum vertical clearance of 20 feet over the surface of the highway. Foundations and supports shall be outside the highway right-of-way.

vi. Where standards of the DOTD exceed those of the above cited codes, the standards of the DOTD shall apply.

c. Ground-mounted utility facilities shall be of a design compatible with the visual quality of the specific highway section being traversed.

d. All utility installations on, over or under highway right-of-way shall be of durable materials designed for long-service life expectancy and relatively free from routine servicing and maintenance.

e. On new installations or adjustments of existing utility lines, provision should be made for known or planned expansion of the utility facility and for future improvement of the highway, particularly those located underground. They shall be planned so as to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §513. Specific Policies and Conditions

A. The rights and privileges granted under an occupancy permit or agreement shall be nonexclusive and shall not be construed to be any broader than those expressly set out in acts of the Legislature of the State of Louisiana, regardless of the language used in the permit or agreement and any fixture or appurtenances on the highway right-of-way shall be placed in accordance with existing laws and the standards of the DOTD.

B. The DOTD does not allow utility installations to be placed on and along highway right-of-way unless the applicant is a public utility operating under the jurisdiction of the Louisiana Public Service Commission or is a federal, state, parish, or municipal agency. Under this policy, REAs are classified as public utilities. Also included are certain nonprofit organizations or companies, generally financed by FHA loans, which serve the public with some utility service, but which do not come under the jurisdiction of the Louisiana Public Service Commission. Temporary facilities, for a specified time not to exceed 120 days, may be permitted under this policy.

C. All fixtures and appurtenances thereto, after having been erected on highway right-of-way, shall at all times be subject to inspection, and the right is reserved to require such changes, additions, repairs, relocations and removal as may at anytime be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway and to provide proper and safe protection to life and property on



or adjacent to the highway or in the interest of safety to traffic on the highway, and the cost of making such changes, additions, repairs and relocations shall be borne by the applicant for permit and all of the cost of the work to be accomplished under the permit shall be borne by the permittee who agrees to hold the DOTD harmless.

D. The proposed facilities or their operation or their maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy, and the proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy; the DOTD's records of permits are available to the applicant for permit to determine the existence and location of all facilities within the highway right-of-way.

E. The DOTD does not allow utility installations to be placed on or attached to its bridges and structures, except for communication cables in accordance with E.D.S.M. IV.2.1.8.

F. The DOTD does not allow installations to be placed through drainage structures (this hinders clean out and/or maintenance of the structure). Temporary installations may be permitted, if they will not unduly interfere with drainage requirements.

G. Hard-surface roadways are not to be cut for placing utility installations across the highways except in extreme cases which must be fully explained and justified by the permittee and the district utility and permit specialist. Pipe or casing crossing roadway shall be jacked or bored in accordance with the applicable requirements of this Chapter and in accordance with E.D.S.M. IV.2.1.1.

H. No drainage canals or ditches except those drainage canals and ditches excavated, operated and maintained by the DOTD for the purpose of draining the highway are to be constructed on highway right-of-way. The DOTD has the right to prohibit and prevent the connection of any other system of drainage canals, ditches or conduits with its canals, ditches or conduit systems.

I. The DOTD does not permit any transmission facilities on or parallel to the highway right-of-way. This applies to both overhead and underground facilities. Applications are to indicate whether the proposed facility is a transmission or a distribution facility and in the case of an electric line, the voltage is to be shown. The DOTD will consider applications for over building existing electric distribution lines with transmission lines, provided pole locations remain relatively the same and, further, provided that single pole construction is used. Operating pressures of natural gas and product lines parallel to and in highway right-of-way shall not exceed 200 pounds per square inch.

J. The DOTD does not permit sanitary sewer lines to discharge at any point within the limits of the highway right-of-way. However, effluence may be discharged in accordance with R.S. 48:385.

K. Data relative to the proposed location, relocation and design of fixtures or appurtenances as may be required by the DOTD shall be furnished to the DOTD by the applicant free of cost, and the applicant shall make any and all changes or additions necessary to make the proposed fixtures and appurtenances thereto satisfactory to the DOTD.

L. Cutting and trimming of trees, shrubs or vines within highway right-of-way will be permitted only in accordance with E.D.S.M. IV.2.1.6 and in accordance with the *Policy for Roadside Vegetation Management Manual*.

M. For grading and landscaping, the permit application must be in the name of a public agency such as a municipality or police jury (not garden clubs or other such organizations). All work must be in accordance with the *Policy for Roadside Vegetation Management Manual*, and approved by the DOTD's landscape architect. All plantings shall be accomplished without blocking or slowing traffic, nor shall traffic hazards be created (by parking on or near the highway, leaving equipment or plants on or near the highway, etc.). The permit shall be revoked immediately if any of this occurs. This type of permit is discouraged on controlled access highways. Sprinkler systems, vegetation lighting and other such installations within highway right-of-way are also discouraged.

N. Telephone companies are installing more and more buried cable in lieu of overhead communication lines. Due to the type of equipment used in installing this cable and in recognition of the advantages of this type of installation, such as a reduction in the number of poles and reduced cutting and/or trimming of trees, permits and agreements are approved for locations other than the last few feet of right-of-way. This is not to be construed as a waiver of policy. In all cases, DOTD policy is to require installation as near the right-of-way line as possible, allowing sufficient room for the operation of plowing-machine and auxiliary equipment.

O. When and so long as the facilities involved in the permit are used in interstate commerce, the permit is conditioned on there being in force a Certificate of Convenience and Necessity issued by the Federal Power Commission, or such other federal agency as may be so authorized by Congress, to the applicant for permit and upon the applicant's compliance with all the terms of such certificate and the orders issued in connection therewith.

P. The DOTD does not issue blanket permits or agreements. A separate and new permit or agreement is required each time additional work is to be performed on highway right-of-way.

Q. The DOTD does not issue continuous permits or agreements. Permits for continuing work within DOTD right-of-way, such as cutting grass, shall be issued for periods of less than five years, and shall not be renewed (i.e., the permittee must apply for a new permit). Joint use agreements shall be issued for periods of less than 10 years, and may be renewed in 10-year increments. Utility relocation agreements shall remain valid until all work has been completed and the agreement is closed.

R. The applicant for permit agrees to hold harmless the DOTD and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit, whether or not the same may have been caused by the negligence of the DOTD, its agents or employees, provided, however, that the provisions of this last clause (whether or not the same may have been caused by the negligence of the DOTD, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the DOTD, its agents or employees, unless such sole negligence shall consist or shall have consisted entirely and only of negligence in the granting of a permit.

S. The standards of the DOTD for installations or construction on state highways that are printed on the permit form shall be strictly observed and if none of these apply, such standards and specifications as do apply shall be attached to and become a part of the application for permit.

T. The applicant for a permit shall be the owner of the facility for which a permit is requested and any permit granted by the DOTD is granted only insofar as the DOTD has the power and right to grant the same. Any permit issued by the DOTD must be available at the site where and when work is being done.

U. Any permit granted by the DOTD is subject to revocation at any time.

V. Signing for warning and protection of traffic in instances where excavations are made in the shoulder of the roadway, or in the roadway surfacing, or where workmen, equipment or materials are in close proximity to the roadway surfacing, shall be in accordance with requirements contained in the DOTD's *Maintenance Traffic Control Handbook*, available from the office of the DOTD maintenance engineer administrator. Insofar as is possible, no vehicles, equipment and/or materials shall operate from, or be parked, stored or stockpiled on any highway in an area extending from the outer edge of the shoulder of the highway on one side to the other edge of the shoulder of the highway on the opposite side or in the median of any divided highway. Vehicles, equipment, materials, etc., shall not be left within this area of a highway during hours of darkness unless protected by crash attenuation devices placed adjacent to an unprotected immovable object located within 30 feet of the edge of the traveled roadway.

W. Any application for permit which provides for any work within the limits of a highway construction project must be accompanied by a signed letter from the highway contractor giving his approval or offering no objection to the proposed work.

X. All provisions and standards contained herein relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

Y. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way affected by work under a permit must be restored to as good a condition as existed prior to beginning work to the complete satisfaction of the engineer.

Z. Permits will not be issued nor utility relocation agreements approved for the placing of any type of sign on highway right-of-way except to certain political subdivisions of the state such as the Department of Agriculture or the Forestry Commission. In these cases, the exact location of each sign must be reviewed by the district traffic operations engineer and approved by the district administrator. Nothing herein is to be construed as prohibiting the erection of railroad warning signs which are required by law. Also, as a condition to granting a permit or approving an agreement which requires excavation in the roadway section or provides for work in close proximity to the roadway surfacing, the DOTD shall require the applicant to provide and maintain adequate temporary signs to warn and protect the traveling public.

AA. The DOTD shall allow the placement of signs on highway right-of-way by schools where it is necessary to designate a school zone, or to comply with the drug free zone laws. In these cases, the exact location of each sign must be reviewed by the district traffic operations engineer and approved by the district administrator.

BB. The DOTD does not allow the installation of underground anode cathodic protection in highway right-of-way.

CC. In instances where a utility company is relocating its facilities on a DOTD construction project, via utility agreement with DOTD, the agreement is construed as the permit for the installation.

DD. Repairs under the roadway will not be allowed if it necessitates open cutting the roadway prism. If trouble with a crossing is experienced the utility company must install a new crossing at 100 percent their cost.

EE. Repairs are not allowed within control of access areas.

FF. Vitrified clay pipe and asbestos concrete pipe are not allowed within DOTD right-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 19:14, 30:210-217, 32:236, 38:2223, 38:3094, 48:191-193, 48:217, 48:295.1-4, 48:343-344, 48:381-383, 48:385-387, 51:1901-1909.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### **§515. Standards for the Installation of Utilities on Highways**

#### **A. General**

1. All materials and workmanship shall conform to the requirements of the applicable federal, state, and industry code and the DOTD's specifications.

2. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

3. All excavations within the limits of the right-of-way shall be backfilled and tamped in layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced. Where it is necessary to make excavations in the shoulder, the top 6 inches of backfill shall be with like

shoulder material. Existing soil materials declared unsuitable for backfill by the DOTD shall be disposed of by approved methods and replaced with select material as needed.

4. All above ground installations such as hydrants, pedestals, pipeline vents, markers, etc., must be installed at or beyond the highway right-of-way line. This does not include pole lines and other facilities specifically covered by other standards and regulations in the permit form or agreement.

5. Any nonmetallic or nonconductive (electric current) underground facility must be installed with a noncorrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. This applies to both parallel installations and crossings. Wire or tape must be connected to all fixtures and appurtenances. Qualified Products List No. 21 from the Materials Labor gives the names of acceptable materials which can be used for this purpose.

6. When conditions warrant, a guarantee deposit to ensure the satisfactory completion of the work may be required by the DOTD. The amount of the guarantee deposit shall be determined by the DOTD on a case-by-case basis. The guarantee deposit will be refunded promptly upon receipt of notice from the district utility and permit specialist that the work has been satisfactorily completed.

7. A fee may be charged for a permit required for particular work. The amount of the fee shall be as specified by the DOTD and listed on fee schedules found herein.

B. Pipeline Standards. All applicable general considerations, specific policies and conditions, and general standards shall apply.

#### 1. Location and Alignment

a. New crossings should be located as near normal (90°) to the highway alignment as practical.

b. On parallel installations, underground utilities shall be placed as close to the right-of-way line as possible, and should be a suitable distance beyond the slope, ditch, or curb line to ensure that the structural quality of the roadway is not impaired.

c. Vertical and horizontal clearances between a pipeline and a structure or other highway or utility facility should be sufficient to permit maintenance of the pipeline or other facilities. A minimum horizontal clearance of 10 feet from the edge of a bridge or culvert footing to a pipeline is desired. For an underground utility crossing, the bed of a stream or river, a minimum clearance of 25 feet to any footing is desired.

2. Bury. The critical controls for bury on a pipeline crossing are the low points in the highway cross-section. Usually these are the bottoms of the longitudinal ditches or drain lines. In establishing the depth of bury below an unpaved ditch, consideration should be given to potential increases in ditch depth resulting from scour, ditch maintenance operations, or the need to increase the capacity of the ditch. On parallel installations, the critical controls for

bury are the depths of lateral drainage facilities, landscaping, buried utility lines, bridge bury of pipe lines.

a. The minimum bury for parallel installations shall be 24 inches.

b. The minimum bury under pavement or surfacing shall be 4 feet for cased crossings and 5 feet for uncased crossings.

c. The minimum bury under ditches and drainage structures shall be 24 inches for cased facilities and 36 inches for uncased facilities.

d. Protection, in the form of a concrete slab or other acceptable method, must be provided in vulnerable locations, such as below ditches, if the minimum bury cannot be practically obtained.

#### 3. Cased Crossings

a. When used, casing shall be designed to support the load of the highway and superimposed loads there on, and, as a minimum:

i. the casing shall be sealed at each end with suitable flexible casing seals;

ii. the cased installation shall include the necessary events and markers at the right-of-way line. Markers must be installed over the pipe which clearly define its location, product carried, operator and telephone number;

iii. casing should extend from right-of-way to right-of-way.

#### 4. Uncased Crossings

a. Uncased crossings of welded steel pipelines may be permitted provided additional protective measures are taken in lieu of encasement, including the extra depth and concrete pad, when applicable, described previously in this Section.

b. The Louisiana DOTD will require that the wall thickness for natural gas and other hazardous material pipelines be at least two increments greater than that required by Federal DOT Title 49. (As per EDSM IV.2.1.9)

c. Existing uncased pipelines under proposed highway construction may be allowed to remain in place if they are in compliance with Federal DOT regulations for uncased crossings, and are not in conflict with highway construction or maintenance; provided both highway and utility officials are satisfied that the lines are, and will remain, structurally and operationally safe. These will be dealt with on a case-by-case basis.

d. Cutting the surface or tunneling under hard-surfaced roads is specifically prohibited. Open trench installations are restricted to unsurfaced highways with low traffic volumes, except where unusual circumstances justify approval by the DOTD to open cut hardsurfaced highways.

5. Appurtenances. Vents, drains, markers, manholes, and shut-offs are appurtenances to pipeline installations. Controls for such appurtenances follow.

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a. Vent standpipes shall be located and constructed so as not to interfere with maintenance of the highway nor to be concealed by vegetation.

b. Drains shall not be used as a waste-way for purging the carrier unless specifically authorized.

c. Markers. The utility will place readily identifiable and suitable markers along or within 1 foot of the outer limits of the right-of-way line indicating the location of the underground utility crossing and/or showing an accurate offset to a parallel utility installation within such highway right-of-way. Such markers shall be placed at agreed-upon spacing, depending upon the type of installation and its hazard to the highway user, the highway structure, the highway right-of-way or maintenance personnel maintaining the highway right-of-way, or the facility itself. Such spacing shall be agreed upon between the utility company and the engineer. Where curb and gutter type of highways are involved, suitable markers may be in the form of a metal plate or disc affixed to the curb. Vent pipes may serve as a marker for crossings.

d. Manholes shall be designed and located in such a manner that will cause the least interference to other utilities and future highway expansion. The utility is responsible for adjusting manhole or valve box covers in conjunction with resurfacing operation by the state, when allowed to remain inside paved areas, and shall utilize such manholes for maintaining its facilities only during low traffic volume periods. Manholes shall normally be placed only in unpaved areas; however, when allowed to remain inside paved areas, all manholes shall be placed in the outside or slow lane of traffic of a multilane facility.

e. Shut-off valves shall be installed in lines at or near ends of structures and near unusual hazards, unless hazardous segments can be isolated by other readily available sectionalizing devices within a reasonable distance. Automatic shut-off valves are preferred unless it can be shown by the utility that such installations could be hazardous and have adverse affects on the utility's system.

6. Restriction against Varied Use. Subject to safety regulations adopted by the state of Louisiana or the federal government, the following precautionary measures are to apply to pipeline installations.

a. Pipeline installation or relocation permits should specify all information required for completing the pipe data sheet; including the class and average temperature of transmittant, the maximum working, test, or design pressures, and the design standards for the carrier.

b. When it is anticipated that there will be a change in the class of transmittant, or an increase in the maximum design pressure specified in the permit, the utility is required to give the highway agency advance notice and obtain approval for such changes. The notice should specify the applicable codes to be used.

### 7. Installation

#### a. Trenched Construction and Backfill

i. All trenched construction must be approved by the engineer. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet. They shall be shored where necessary.

ii. Backfill placed under the roadway prism shall equal or exceed the quality of the existing material and be compacted to a density equal to or in excess of the density of the existing undisturbed roadway embankment.

iii. Backfill inside the highway right-of-way, but not under the roadway prism shall be compacted to a density at least equal to the density of the surrounding undisturbed soil. This shall be accomplished by the use of tools, methods and materials approved by the engineer.

iv. The required compaction of the backfill throughout the utility's installation within the limits of highway right-of-way shall be satisfactory to the engineer who may make or cause to be made such density tests that he may consider appropriate for the circumstance.

v. In some instances, the DOTD may require that backfill and/or paving be performed by its own forces or under its direction at the expense of the utility when considered necessary by the engineer for the protection of the traveling public and/or the highway itself.

vi. The pavement structure shall be restored in appropriate layers utilizing materials at least equal in quality and layer depths to the original construction. There will be additional removal of base and surfacing to minimize later development of sag in the grade of pavement over the ditch.

vii. Blasting. Any blasting within the highway right-of-way will require written approval of the chief engineer. No blasting will be allowed near highway structure footings.

viii. Unimproved or Low Grade Roads. When a utility facility is installed across or under the roadway prism, the backfill and riding surface shall be restored as specified by the DOTD.

#### b. Untrenched Construction and Grouting

i. Subsurface installations under hard-surfaced highways are to be made by jacking or boring under the highway in accordance with standard practice. Jacking and boring operations shall be in accordance with the *Louisiana Standard Specifications for Roads and Bridges* (Section 728) and additional requirements given in this Chapter. In conflicts between the *Louisiana Standard Specifications for Roads and Bridges* and this Chapter, this Chapter shall govern.

ii. Wet-boring shall be confined to the drilling mud bore method. The casing may be installed by drilling a hole with an open type bit that leaves the cuttings in place. A gel-forming colloidal drilling fluid consisting of approximately 2.5 percent (by weight) high grade carefully processed bentonite may be used to consolidate cuttings of the cutting bit, seal the walls of the hole, and furnish lubrication for subsequent removal of cuttings and installation of the casing immediately there after. Field adjustment of the percentage of bentonite may be required to accommodate varying soil

conditions. In this method, when drilling through dense formation, cuttings may be partially removed from the hole in 3-inch plugs by use of compressed air as drilling progresses. However, in low density soils of a sandy or silty nature, a plug shall be installed in the mouth of the bore (hole) to prevent the movement of any cuttings from the hole until immediately before installation of the casing. No bit larger than 3 inches in diameter shall have holes therein larger than 5/16 inch in diameter through which drilling fluid is forced during boring. The casing will be installed immediately after the casing hole is completed. In no case will water be used to flush cuttings from the drill hole. The cuttings shall remain in the bore hole except as previously provided for as drilling progresses so as to consolidate them to support the bore wall. The filter cake which is formed by cuttings and drilling fluid prevents cave-in or sluffing of the drill hole.

iii. Untrenched construction under all surfaced, noncontrolled-access highways shall be at least from ditch line to ditch line.

iv. The utility will restrict the oversize of the boring excavation to a minimum. Grout backfill shall be required for overbreaks and voids, unused holes, abandoned pipelines and/or casings 6 inches or larger in diameter, overcutting in excess of 1 inch shall be remedied by pressure grouting the entire length of the installation.

c. Utility Bridges. If and when such installations can be justified and are approved by the engineer, they shall conform to the bridge standards of the DOTD. Since the need for such installations is very rare, each such request will be handled on an individual basis as a special case.

8. Removal and Abandonment of Utility Facilities. All facilities installed within state highway right-of-way shall be removed and disposed of by their owner as soon as they stop serving a useful purpose. Facilities may be abandoned under the following circumstances.

a. Pipelines and casings crossing highways or other hard surfaces may be abandoned in place, with the recommendation of the district utility and permit specialist and the project engineer, and with the approval of the headquarters utility and permit engineer.

b. Pipe lines and casings installed along highways, may be abandoned in place, with the recommendation of the district utility and permit specialist and the project engineer, and with the approval of the headquarters utility and permit engineer, provided that they are less than 6 inches in diameter, or that they are buried with more than 8 feet of cover.

c. Electrical and communication facilities installed within a casing, and crossing under highways or other hard surfaces may be abandoned in place with the recommendation of the district utility and permit specialist and the project engineer, and with the approval of the headquarters utility and permit engineer, provided that the cable is removed from the casing.

d. Uncased cables crossing under highways or other hard surfaces may be abandoned in place provided that they

are removed to a point as near to the edge of the highway as feasible.

e. Electrical and communication cables installed along highways may be abandoned in place, with the recommendation of the district utility and permit specialist and the project engineer, and with the approval of the headquarters utility and permit engineer, provided that they are less than 4 inches in diameter, or that they are buried with more than 8 feet of cover.

f. All above ground facilities installed along state highways shall be removed and disposed of by their owner as soon as they stop serving a useful purpose.

g. Facilities that are located so that their removal would be likely to result in damage to the highway, or to other facilities, may be abandoned in place, with the recommendation of the district utility and permit specialist and the project engineer, and with the approval of the headquarters utility and permit engineer. The procedure for abandoning these facilities will be specified on a case-by-case basis; however, in general, sections shall be removed where possible, and all remaining lines shall be filled with grout.

9. Where it is not possible nor feasible to remove pipelines and/or casings under existing highways, such pipelines and/or casings may be abandoned in place provided removals shall be accomplished by the owner, as near to the highway on each side as possible and in all cases, beyond existing ditches to right-of-way lines, and further provided that all pipelines and/or casings abandoned under the highway shall be abandoned in accordance with D.O.T. Title 49 (i.e., pipelines are purged, capped, and filled with grout; note that when highway construction will remove the line in the near future, the DOTD's project engineer may approve the use of water in place of grout).

10. Pipelines and cables shall be removed from abandoned casings where possible.

11. In all cases the highway right-of-way shall be repaired, at the permittee's expense, to match DOTD standards. An approved backfill material shall be used to fill in any trenches or low areas, and shall be compacted to the same density as the surrounding soil. Any desirable trees or shrubs that are damaged shall be replaced, and any other damages (i.e., to subsurface drainage, traffic signs, etc.) shall be repaired.

12. Companies who fail to comply with this by leaving their facilities within highway right-of-way after they are no longer used, or by not repairing the right-of-way after removing their facilities, shall not receive any permits until the situation is rectified.

13. In cases where the DOTD decides that it is necessary to remove a facility and/or to repair highway right-of-way damaged by a utility or the utility's facility, the company shall be invoiced for costs to the DOTD for removing abandoned facilities, or for repairing damaged right-of-way. Unpaid invoices shall be referred to DOTD's accounting section for further action.

14. Note that a recommendation for abandonment by the project engineer is required only on construction projects. The district construction engineer should be consulted by the district utility and permit specialist when an abandonment may cause a potential problem with future construction. The district maintenance engineer should be consulted by the district utility and permit specialist when an abandonment may cause a potential maintenance problem.

15. The owner of the abandoned facilities shall maintain full responsibility for any future problems caused by the facilities, and shall remove the facilities upon receiving a written request from the DOTD. The cost of removing these facilities shall be borne by the owner, and the DOTD shall assume no liability for this cost.

### C. Overhead Power and Communication Lines Standards

#### 1. Type of Construction

a. Any parallel installations of overhead lines on the highway right-of-way shall be limited to single pole type of construction.

b. Joint use single pole construction is encouraged.

c. Only one parallel pole line will be allowed within highway right-of-way on each side of the roadway.

#### 2. Vertical Clearance

a. The minimum vertical clearance for overhead power and communication lines above the highway and the lateral and vertical clearances from bridges shall conform with the *National Electrical Safety Code*. However, in no instance should an aerial crossing have less vertical clearance over the roadway surface than 20 feet. A minimum vertical clearance of 16 feet shall be maintained between existing ground elevation and any aerial installation when such installation is within highway right-of-way, but does not cross the traveled surface of a highway.

#### 3. Location

a. All pole lines shall occupy the last few feet of the right-of-way behind the ditch and shall be no further from the right-of-way line than one-half of the width of the cross arms plus 1 foot, except in cases of absolute necessity where a permit or agreement is issued for another location.

b. In keeping with the nature and extent of roadside development along conventional highways in urban places, such facilities shall be located at or as near as practical to the right-of-way line. Where there are curbed sections, the utilities shall be located as far as practical behind the outer curb face, and where feasible, behind the sidewalks.

c. Location of overhead utility installations on highways with narrow right-of-way or on urban streets with closely abutting improvements are special cases which must be resolved in a manner consistent with the prevailing limitations and conditions. Before locating the utility at other than the right-of-way line, consideration will be given to designs employing self-supporting, armless single pole construction, with vertical alignment of wires or cables, or other techniques permitted by governmental or industry code

that are conducive to a safe traffic environment. Exceptions to these clearances may be made where poles and guys can be placed at locations behind guard rails, beyond deep drainage ditches, or the toe or top of steep slopes, retaining walls, or other similar protected location.

d. Guy wires to ground anchors and stub poles will not be placed between a pole and the traveled way where they encroach upon the clear roadside area. Guy wires to ground anchors located within the highway right-of-way or guy wires overhanging the right-of-way shall be protected with a shield to prevent their being cut during roadside grass cutting operation or prevent personal injury to maintenance personnel running into such guys. Guy wires to ground anchors outside the highway right-of-way shall be avoided wherever it is feasible to do so, except where the pole for which support is provided is located reasonably close to the right-of-way.

e. Where irregular shaped portions of the right-of-way extend beyond the normal right-of-way limits, variances in the location from the right-of-way line will be allowed as necessary to maintain a reasonably uniform alignment for parallel overhead and underground installations so long as they do not adversely affect the maintenance operations of the right-of-way.

f. Parallel installations of poles, guys, or other related facilities will not be located in a highway median. On crossings of a highway, any such facility will not be located in a highway median except in unusual circumstances and approved by the DOTD. Poles and other appurtenances for highway lighting may be located in the median if other alternatives are determined to be impractical and where suitable protection is provided to the highway user. Traffic impact attenuators will normally be required in these situations.

g. Location of above-ground utility installations where sufficient right-of-way is available shall be as follows.

i. Where the highway is constructed with shoulders, above-ground utility appurtenances shall be at least 30 feet from the edge of the traveled way when the design speed is 50 miles per hour or more; or at least 20 feet from the edge of the traveled way when the design speed is below 50 miles per hour.

ii. Where curb and gutter sections are involved without a parking lane, above-ground utility appurtenances shall be a minimum of 6 feet back of the face of the curb.

iii. Where curb and gutter sections are involved and a parking lane is adjacent to the curb, above-ground utility appurtenances may be located a minimum of 2 feet back of the face of the curb.

h. Requirements for street lighting facilities on state highways are as follows.

i. Construction shall conform to all applicable codes, standards, and specifications.

ii. Illumination. Roadway should be lighted in continuous lengths without intervening unlit areas. Average initial level of illumination shall not be less than 0.8 FC on

the roadway. The ratio of average initial illumination to minimum initial illumination at any point on the roadway shall not be greater than 4:1. Luminaire mounting heights shall be 30 feet minimum, preferably higher.

iii. Light Poles and Foundations. Light poles shall be manufactured from steel, aluminum, fiberglass or other corrosion resistant materials. Wood poles are not acceptable; however, lights may be installed on existing wood utility poles provided the system conforms to all illumination requirements of these standards. Poles and foundations shall be designed to withstand wind velocities for the area where the poles are installed. The design wind velocities shall be for the 25-year mean recurrence interval. Pole foundations shall be flush with the existing ground. On slopes, the longitudinal centerline shall be flush with the existing ground. A 6-foot diameter by 4-inch thick concrete mowing apron shall be placed around each light pole. The apron shall be constructed flush with the ground line. Light poles located within 40 feet of the roadway shall conform to AASHTO criteria for breakaway supports or shall be located such that they are protected from vehicular collision. The above may be excepted by the DOTD where a greater hazard would be created by falling poles.

iv. Light Pole Locations. Light poles shall not be located between the traveled roadway and guard rails or barriers. Light poles shall not be located within 15 feet from the edge of the traveled lane except when the posted speed limit is below 40 mph, poles may be located 10 feet minimum from the traveled road, where poles are located behind barrier curbing, they may be installed 6 feet minimum behind the curb, when poles are located on urban routes that routinely have on street parking, they may be placed 2 feet minimum behind the curb, and where the right-of-way is insufficient to allow compliance, minimum clearances may be reduced to that of the right-of-way.

v. Wiring. The electrical system shall conform to the *National Electrical Safety Code*. An equipment grounding conductor shall be installed with each new circuit and shall be connected to each new light pole and fixture. Where lights are connected phase to phase, the branch circuit overcurrent device shall disconnect both phases upon a single line to ground fault. All new light poles shall be served by underground wiring conforming to the following conditions: nonmetallic conduit, duct and direct buried cables shall be buried 3 feet minimum (preferably 4 feet) below the ground; rigid steel conduit shall be buried 3 feet when possible, and 2 feet minimum; electrical marker tape shall be installed above all new underground electrical facilities. The tape shall be installed 8-12 inches below the ground. The buried depths may be reduced 1 foot from that given provided the cable and/or raceway is encased in 3 inches minimum of red concrete. Under roadway, crossings shall be installed through jacked crossings located 4 feet minimum below the roadway. Excavation shall not take place closer than 4 feet from edge of shoulder and water shall not be used in the jacking process. The ends of the under roadway ducts or casings shall be marked with surface markers.

vi. Plans and Drawings. Permit request shall include fully dimensional and detailed plans and design calculations. After construction is completed, detailed drawings showing the exact locations of all newly installed underground cables shall be provided to the DOTD.

vii. Aerial power or communication lines shall not cross under bridges, and should not cross over bridges where it is possible to avoid such installations. This is necessary to allow the state sufficient room for equipment to maintain a bridge. Lateral clearance from a bridge shall be sufficient to allow construction and/or maintenance of the bridge structure itself or 25 feet minimum.

#### D. Underground Electric Power and Communication Lines Standards

1. Underground utility construction shall conform to all applicable codes, standards and specifications.

2. The minimum depths of bury are as follows.

a. Underground electric power lines shall have a minimum cover under ditches or within the limits of the right-of-way of 48 inches. Minimum cover under pavement shall be 48 inches. Installations within the highway prism shall be encased.

b. Underground communication lines shall have a minimum cover under ditches and within the right-of-way limits of 24 inches on all highways. Minimum cover under pavement shall be 48 inches. Such facilities may be encased within the limits of the highway structure provided the utility agrees not to open cut roadway or breach controls of access to maintain such facilities, except under extreme emergencies with DOTD's approval, and under controlled conditions.

c. Pedestals or other above-ground utility appurtenances installed as part of buried cable plant shall be located at or within 1 foot of the right-of-way line, outside controls of access or the highway maintenance operating area.

d. All proposed locations and utility designs will be reviewed by the DOTD to insure that the proposed construction will not cause avoidable interference with the existing or planned highway facilities or with highway operation or maintenance.

e. On both cased and uncased installations, particularly on crossings of the highway, consideration will be given for placing spare conduit or duct to accommodate known or planned expansion of underground lines.

f. The general controls previously outlined for pipelines as related to markers, installation, trenched or untrenched construction, and adjustment will be followed, as applicable, on underground installation of electric power and communication lines. Accurate markings of underground electric power lines are required.

g. Subject to the approval of the DOTD, a utility may be allowed to plow in a utility facility provided it is able to maintain reasonable controls to insure that the horizontal installation can be made within 1 foot of the approved location and that the stipulated minimum cover can be obtained and

maintained in this type of installation. It is the utility company's responsibility to provide the state with a recommended procedure of restoring the highway right-of-way to its original state or an acceptable condition. Such procedure should include some method of compaction which will assure the state that a satisfactory condition is attained in the vicinity of the disturbed soil. Such installation will only be allowed between the roadway prism and the right-of-way limits. No plowing operations will be allowed within the roadway prism area.

3. Location and Alignment

a. On parallel installations, locations parallel to the pavement at or adjacent to the right-of-way line are preferable so as to minimize interference with highway drainage, the structural integrity of the traveled way, shoulders and embankment, and the safe operation of the highway. As a minimum, where practical, their lateral location will be offset a suitable distance beyond the slope, ditch or curb line, as the DOTD may stipulate.

b. Crossings will be located as near normal (90°) to the highway alignment as practical.

c. Conditions which are generally unsuitable or undesirable for underground crossings shall be avoided. These include such locations as:

- i. in deep cuts;
- ii. near the top of steep hills;
- iii. near footings of bridges and retaining walls;
- iv. across intersection at grade or ramp terminals;
- v. at crossdrains where flow of water drift or streambed load maybe obstructed;
- vi. within basins of an underpass drained by a pump; and
- vii. in wet or rocky terrain where it will be difficult to maintain minimum bury.

4. Cased and Uncased Construction

a. Where it is acceptable to both the utility and the DOTD, underground communication line cables crossing the highway may be installed without protective conduit or duct provided the utility agrees not to open cut road or breach controls of access to maintain said facility except in extreme emergency with DOTD's approval and under controlled conditions. Normally, such installation will be limited to open trench construction or to small bores for wire or cable facilities, where soil conditions permit installation by boring a hole about the same diameter as the cable and pulling the cable through. Underground electric power lines shall not be allowed to cross the highway without casing.

b. Where crossings of underground lines are encased, the DOTD's standards applicable to the encasement of pipelines shall apply.

c. Consideration shall be given to the encasement or other suitable protection for any wire or cable facilities:

- i. with less than minimum bury;
- ii. near the footings of bridges or other highway structures; or
- iii. near other locations where they may be a hazard.

d. The utility is required to furnish reasonable information as to the control and construction methods to be employed, before the proposed installations are considered by the DOTD for crossing of the highway. This is to insure the necessary protection of the utility facility and the integrity and operation of the highway facility.

e. Where less than minimum cover is allowed across ditch sections, a floating slab of concrete is recommended for protection of the facility and highway maintenance operation.

5. Abandonment and Removal of Electrical and Communication Lines. Where applicable, the removal and abandonment rules stated herein for pipelines shall also govern electrical and communication lines, and any other utility facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

**§517. Additional Standards Applicable to the Installation of Utilities on Interstate Highways and Freeways**

A. General. All applicable general considerations, specific policies and conditions, and general standards shall apply, in addition to those listed in this Section. This Section shall be the DOTD's compliance with 23 CFR 713 Subpart B, the accommodation policy for controlled access areas.

B. Access. Access for installation and for future service and maintenance of utilities, and all work performed in connection therewith, must be effected from the frontage road or from some point other than through lanes and ramps except where specifically waived by the permit or agreement. No interference with traffic on through lanes or ramps will be tolerated.

C. Parallel Utilities

1. Utilities parallel to the centerline of the highway shall not be permitted within highway right-of-way except in instances where the right-of-way and controls of access do not coincide, such as where frontage roads are constructed along and outside controls of access or where the control of access is located on the facia of bridge structures.

2. In such instances subsurface and aerial utility distribution facilities may be installed inside and as near to the highway right-of-way line as possible in accordance with standards for such facilities listed elsewhere in this Chapter.

D. Utility Crossings

1. All subsurface installations in which casing is used are to be encased from control of access line to control of access line and properly vented except as follows:



- a. in instances where a street, road, or another highway is overpassed by the interstate highway;
- b. where the subsurface utility is parallel to and between the street, road, or other highway and the overpass embankment; and
- c. where access may be had to the utility without conflicting with the control of access, no encasement will be required except under ground-level ramps where normal encasement standards would apply.

2. Aerial crossing shall completely span the highway right-of-way and poles, supports, guys, etc., shall be beyond the limits of said right-of-way except as follows:

- a. in instances where a street, road, or another highway is overpassed by the interstate highway and where access may be had to the aerial utility and supporting structures within and parallel to the street, road, or other highway without conflicting with the control of access;
- b. in instances where control of access is not coincidental with right-of-way lines, such as where frontage roads are present or where controls of access are located on the facias of bridge structures, supporting structures may be placed within and as near right-of-way lines as conditions will permit;
- c. in cases of undue hardship which can be justified to the satisfaction of the DOTD and Federal Highway Administration.

3. Untrenched construction shall be required for all pipeline crossings of existing freeways and other major controlled-access highways. The untrenched construction shall extend under and across the entire control of access. Waiver of this policy will be made only under unusual circumstances, require proper justification by the utility, and work performed under rigidly controlled conditions.

4. Repairs within control of access areas will not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

**§519. Standards for the Installation of Plastic Pipe**

A. General

- 1. All applicable general considerations, specific policies, and general standards listed elsewhere in this Chapter shall apply.
- 2. Where uncased crossings are permitted, the following general considerations shall apply.
  - a. New installations must provide at least 5 feet of cover below the roadway and 3 feet below ditches or drainage structures.
  - b. Repairs under the roadway will not be allowed if it necessitates open cutting the roadway. If trouble with the crossing is experienced, the utility company must install a

new crossing at 100 percent their cost. Repairs are not allowed within control of access areas.

- c. Where possible, joints below the roadway should be avoided. However, if joints below the roadway are necessary, they should be solvent welded, fusion welded, or in the case of bell joint PVC pipe, mechanically restrained.
- d. Protection in the form of a concrete slab, or other acceptable method, must be provided in vulnerable locations, such as below ditches when there is less than the minimum cover.

3. Markers must be installed over the pipe which clearly define its location, product carried, operator and telephone number.

4. Detection tape or wire must be installed with all thermoplastic underground facilities.

5. Since the use of PVC for gaslines and polyethylene for waterlines is rare, applications to install either will be scrutinized on a case-by-case basis.

B. Water Distribution Lines. PVC piping used in water service must be made from compounds conforming to ASTM D 1784, and piping must be manufactured in accordance with ASTM D 2241 and AWWA C-900. Wall thickness for uncased PVC water line crossings must be at least that of DR 21 for pipe less than 4-inch nominal diameter and DR 18 for pipe equal to or larger than 4-inch nominal diameter.

C. Gas Distribution Lines

1. Design of natural gas distribution lines must be in accordance with Federal D.O.T. Title 49, applicable industry codes, ANSI/ASME B 31, and other state and DOTD policies as apply.

2. Polyethylene piping used in gas service must conform to ASTM D 2513.

3. Uncased crossings of up to 2 inches nominal diameter will be allowed provided the wall thickness is at least that of SDR 11. All crossings of polyethylene lines above 2 inches must be encased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

**§521. Standards for Jacking and Boring Pipe under Roadway**

A. In addition to the standards described elsewhere in this manual, requirements for jacking and boring pipe under roadways shall be governed by Section 728 of the *Louisiana Standard Specifications for Roads and Bridges* and EDSM No. III.2.6.1 (construction) and EDSM No. IV.2.1.1 (maintenance) as found in the *Engineering Directives and Standards Manual*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §523. Scenic Enhancement Areas

A. In addition to the applicable standards set forth in other sections, the following apply to all new utility installations permitted within areas that have been acquired or set aside for their scenic quality, namely scenic strips, overlooks, rest areas, recreation areas, the right-of-way of highways adjacent thereto, and the right-of-way of sections of highways which pass through public parks and historic sites. These standards shall also apply to utility-type installations that are needed for highway purposes.

1. Underground. New underground utility installations may be permitted within such lands where they do not require extensive removal or alteration of trees or other natural features visible to the highway user or do not impair the visual quality of the lands being traversed.

2. Aerial. New aerial installations will be avoided at such locations where there is a feasible and prudent alternative to the use of such lands by the aerial facility. Where this is not the case, they may be considered only where all three of the following conditions are met:

- a. other locations are unusually difficult and unreasonably costly, or are less desirable from the standpoint of visual quality;
- b. underground installation is not technically feasible or is unreasonably costly; and
- c. the proposed installation can be made at a location acceptable to the DOTD and will employ suitable design and materials which give adequate attention to the visual qualities of the area traversed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §525. Drainage Related Actions within or Adjacent to State Highway

#### A. General Requirements

1. All construction activities within state highway rights-of-way or servitudes shall conform to latest DOTD standards. Typical sections of ramps, driveways, intersecting streets, etc., shall generally conform to the standards under which the roadway was built. The design of drainage structures, such as side-drains, pipe drops, cross-drains, storm sewer systems, etc., shall be according to current standards as indicated in the DOTD's *Hydraulics Manual*; the materials must also conform to current standards. Extensive construction activities are subject to erosion from flowing water. Seeding, fertilizing and watering of denuded areas, using current standards, are required.

2. Diversion of additional drainage area to highway ditches, side-drains, crossdrains, bridges and storm sewer systems will not be allowed unless acceptable compensating

or mitigating features are provided. Significant modifications of roadside ditches which adversely affect safety, drainage, maintainability or esthetics will not be allowed. The applicant should include sufficient information so that the required evaluations can be performed.

B. Roadside Ditches. Permit requests for tie-in of drainage systems to highway roadside or lateral ditches will be evaluated per individual request.

1. Examples of significant section alteration would be:

- a. a significantly deeper ditch;
- b. steeper side-slopes;
- c. narrowing the existing shoulder;
- d. significantly flatter ditch grades, etc.; or

e. any change which would have a significant adverse affect on the safety of maintenance personnel and the traveling public, maintainability of the roadside, capacity of the roadside ditch, or esthetics.

2. Examples of compensatory or mitigating proposals would be:

- a. to enclose the roadside ditch using a properly designed swale ditch/storm sewer system; or
- b. to modify the existing ditch to meet current standards.

3. The latter method usually results in wider shoulders, flatter slopes and often requires additional right-of-way. Current design methods will be used to evaluate the ability of existing drainage features to accept flow modifications requested by applicant. The applicant should include sufficient information so that the permit request may be evaluated. Required information may consist of drainage maps, plan-profile sheets, cross-sections, etc.

#### C. Storm Drain Systems

1. Generally, proposed tie-ins to existing highway storm drain systems will not be allowed if additional drainage area is being diverted to the system. That is, if the total proposed drainage area is greater than the existing drainage area, permission for a tie-in will usually be denied. Exceptions may be granted when it can be shown that there are compensatory or mitigating features in the proposal. An example of this could be where another highway system is overloaded and the proposed diversion eases the problem without creating a significant overload to the system to which the tie-in is requested. In general, tie-ins will be allowed if the drainage area served is within the original design drainage area. The construction of the tie-in shall be according to current standards.

2. Parallel storm drain trunk lines may be allowed within highway right-of-way if it can be shown that the proposed trunk line benefits highway drainage. An example of this would be if the proposed trunk line serves a drainage area previously draining to the highway drainage system. Another condition which must be satisfied is that there be no interference with utilities or highway features.

3. The application should include sufficient information so that the permit request may be evaluated. Required information may consist of drainage maps, plan-profile sheets, cross-sections, etc.

#### D. Driveways in Roadside Ditch Areas

1. Most driveways (ramps) require a drainage structure (side-drain) underneath them to convey roadside ditch flows. A ramp located at a divide in roadside ditch flow direction may be built without a side-drain, and is called a dry ramp. Two consecutive dry ramps are not allowed.

2. Recommended minimum side-drain sizes are based on current DOTD design standards. The property owner may use side-drains with capacities greater than the recommended minimum.

3. The applicant should include sufficient information so that the permit request may be evaluated. A rough sketch locating the proposed ramp is a minimum requirement. Additional helpful information would be the drainage area contributing to the side-drain.

#### E. Driveways in Swale Ditch Storm Drain System Areas

1. A driveway installed in areas where highway drainage is provided by a swale ditch/storm drain system may take one of two forms. Each is designed to continue existing drainage.

2. The first option is to construct the driveway to cross-section of the swale. Where swales are shallow, this is a practical solution. Swale drainage must be continued across the driveway.

3. The second solution is to construct a catch basin upstream of the driveway to intercept swale drainage. Drive profiles need not follow the swale ditch shape and catch basin design must be approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193, 48:344, 38:2223.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §527. Miscellaneous

#### A.1. Preservation, Restoration, and Clean Up

##### a. Temporary Erosion Control

i. When the engineer determines that the utility owner's forces are causing erosion that may damage the highway right-of-way, adjacent property, streams or otherwise become a public nuisance, the engineer may order the utility owner to perform and maintain temporary erosion control methods until such time as the restoration and clean-up of the right-of-way can be satisfactorily accomplished in accordance with these standards.

ii. The methods used by the utility owner shall be in compliance with the DOTD's standard specifications for such work in effect at the time the work is performed.

iii. Prior to beginning temporary erosion control work, the utility owner shall present to the DOTD, for its

approval, the method and/or procedures by which the utility owner expects to temporarily control erosion.

##### b. Disturbed Areas

i. The area disturbed by utility installations or relocations shall be kept to a minimum. Restoration methods shall be in accordance with the DOTD's specifications, standards, and/or special provisions in utility use and occupancy agreements.

ii. All solid sod or cover disturbed and replaced by the utility must be maintained for a length of time to insure a living and growing sod or cover.

iii. The condition of the right-of-way at any time during or after the completion of a utility's installation or maintenance operation is subject to the approval of the engineer. Where drainage ditches must be obstructed, they shall be restored to a passable state at the end of each construction day.

iv. Trees or shrubs to be cut or trimmed during the work for a utility installation shall be specified on the utility's plan. No additional trees or shrubs shall be cut, trimmed, sprayed with herbicides, or damaged in the normal maintenance of the facility without the permission of the DOTD. Any such damage caused by the utility beyond the scope of permission shall be replaced by the utility.

v. It is necessary to cut vegetation away from electrical power lines; therefore, this shall be considered normal maintenance for electric utilities not located on control of access highways, providing that such cutting is preformed judiciously. This privilege shall not be extended to any other permittee.

c. Drainage. Care shall be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility facilities shall be back-filled with pervious material and outlets provided for entrapped water. Underdrains shall be provided where necessary. No jetting or puddling shall be permitted under the roadway.

2. Safety and Convenience. Any installation or maintenance of the utility's facilities will be accomplished with due regard to the safety of the general public. The utility shall provide all necessary and adequate safety precautions such as signs, flags, lights, barricades, and flagman. All traffic controls for utility construction and maintenance operations shall conform with the DOTD's *Manual on Uniform Traffic Control Devices* and *Maintenance Traffic Control Handbook*. The utility shall store no material, excess dirt, or equipment on the shoulders or pavement or, in case of multilane highway in the median strips. The pavement will be kept free from any mud or other excavation material. Upon completion of the work, all excess material shall be removed from the right-of-way.

3. Servicing, Maintenance, and Repairs. All utility facilities will be kept in good state of repair, both structurally and in appearance. The utility will conform to these standards and the conditions of their occupancy agreement with regard to their maintenance operation.

## 4. Occupancy Agreements

## a. Prior approval by the DOTD is required for:

i. relocation or new installations;

ii. a change in transmittant or increase in operating pressure above that approved by the DOTD, or any change in type, function or physical location of a facility;

iii. aerial service connections, or the substitution or adding of wires, or accessory equipment to existing poles, or supporting structures crossing any traveled portion of a freeway.

## b. Prior approval is not required for:

i. subsurface service connections not paralleling or crossing any traveled portion of the highway;

ii. aerial service connections not requiring additional supporting structure within the right-of-way on highways other than freeways;

iii. normal maintenance operations; *normal maintenance* is defined for the purpose of these standards as being that work required to keep the existing facility in a state of good repair without adding to its physical makeup or changing its functional capacity;

iv. substituting wires, or accessory equipment to existing poles or supporting structures on highways other than freeways, provided that there is no change in the type, nature, or operating conditions of the originally approved facility;

v. passing through conduits or pipe encasements already in place where such additional installation does not require the physical disturbance of the surface or subsurface of the right-of-way and does not change the type, nature or operating conditions of the originally approved facility;

vi. placement of mailboxes or newspaper boxes, provided these facilities are placed at the shoulder line of an uncurbed section of highway, or back of the curb where curb exists; they are located so that they do not interfere with highway traffic, maintenance, or drainage; they shall be relocated when requested by DOTD at no cost to DOTD; they are to be grouped and placed on suitable stands, with supports of adequate strength and size to properly support the box(es). The use of heavy metal posts, concrete posts, and other miscellaneous items (such as plows, or milk cans filled with concrete) is specifically prohibited. When struck, the support should bend or fall away from the striking vehicle without severely damaging the vehicle or injuring its occupants. Mailbox supports should be no larger than 4 inches square or 4 1/2 inches in diameter wood posts, or 2-inch diameter standard steel or aluminum pipe, buried no more than 24 inches, and should safely breakaway if struck by a vehicle. The mailbox must be securely attached to its support to prevent separation if struck by a vehicle. No commercial advertising of any nature is to appear on these facilities. Mailboxes shall be installed in accordance with the AASHTO publication *A Guide for Erecting Mailboxes on Highways*.

c. In the event that a utility does not install a facility covered by a permit agreement, within six months of the written authorization to proceed with such installation, said permit agreement is revoked and a new authorization must be obtained from the state. Note that time extensions for a permit may be granted in six-month blocks, so that a permit may be valid for a maximum of two years. All extensions must be requested in writing, and approved in writing.

d. The utility owner shall notify the DOTD in writing at least 24 hours prior to beginning of work on any installation covered by an agreement with the DOTD. When the utility owner desires to work on highway right-of-way on weekends and/or holidays, the owner shall secure permission of the DOTD 48 hours in advance of the time the owner plans to begin work.

e. The utility owner shall notify the DOTD in writing when the owner considers the work to be complete. The engineer or his representative shall inspect the work promptly and either accept or reject the work. When the engineer or his representative considers the restoration and clean-up of the right-of-way and other features of the work to be satisfactory, he shall notify the utility owner in writing.

f. The utility owner is fully responsible for his facilities, and all damage caused by them, as long as the facilities are within the DOTD's right-of-way.

5. Inspection. When the work is to be performed by a contractor, the utility will retain a full-time inspector on any relocation, adjustment or new installation within the limits of highway right-of-way to insure the utility and the DOTD that such installations are made in full compliance with these standards and the approved location of the facilities.

6. Compliance. Failure to comply with the approved permit, agreement, state standards, or approved location, horizontal or vertical, shall be grounds for the DOTD to issue a stop order to the utility and continued abuses of this nature shall be grounds for revoking a permit.

7. Staking. Before the DOTD representative is requested to review a proposed installation within the highway right-of-way, the utility should stake the line so that the proposed installation can be reviewed in the field with full knowledge of what is proposed by the utility.

8. Responsibility of Utility. The utility is responsible for reconciling any conflict with the facilities of any other utility that are on the right-of-way and shall secure any necessary permission from such other utility for any alteration.

9. Compensable Interest. Where a utility has a compensable interest in the land occupied by its facilities and such land is to be jointly owned and used for highway and utility purposes, the DOTD and the utility shall agree in writing as to the obligations and responsibilities of each party. The interest to be vested in the DOTD in any portion of the right-of-way of a highway project to be vacated, used or occupied by utilities or private lines shall be of a nature and extent adequate for the construction, safe operation and maintenance of the highway project.

10. Solicitation of Funds. Solicitation of funds within DOTD right-of-way shall be in accordance with R.S. 51:1901-1909. The procedure shall be as specified in R.S. 51:1906.

NOTE: These statutes are printed in the front of this manual.

11. Other Type Permits. Additional permits handled by the utility and permit engineer are as follows.

a. Geophysical Permit. Geophysical surveys within highway right-of-way must be performed in accordance with R.S. 30:211-217 and all other state statutes. A separate permit application must be submitted for each parish, and each permit shall expire one year from the issue date. The use of vibrating equipment within the crown width of a highway is specifically prohibited. Applications for permit on "vibroseis" tape surveys will be considered.

b. Movable Property. Permits must be obtained when moving buildings or other large objects across a highway by some means other than by a wheeled vehicle or device. If it is to be moved on wheels, application for permit should be made to the district permit office:

i. that applicant is the owner of the property to be moved;

ii. crossings are to be made at as nearly right angles to highway as possible;

iii. all necessary precautions must be observed for the protection of the traveling public and undue delay to traffic will not be permitted;

iv. all excavations within the limits of the right-of-way shall be backfilled and tamped in 6-inch layers. Where it is necessary to make excavations in the shoulders, the top 6 inches of backfill shall be sand, clay, gravel or equivalent;

v. applicant is required to supply a traffic control plan (TCP) for all crossings.

c. Hay Permit. Application for permit for cutting and removing grass or hay on highway right-of-way is approved by the district administrator. A separate permit must be issued for each parish, and each permit shall expire six months from the issue date. This type of permit shall not be issued within control of access areas.

d. Traffic Control Device Permit. This type of permit shall normally be issued only to municipalities, school boards, or parish police juries. These permits must be reviewed and approved by the district traffic engineer prior to final approval by the district administrator. All work must conform with the Louisiana Department of Transportation and Development *Manual on Uniform Traffic Control Devices*.

e. Automatic License Plate Camera Devices. This type of permit is normally issued to Louisiana law enforcement agencies. For purposes of this Rule, law enforcement agencies eligible for this permit may include the Louisiana State Police, sheriffs' departments of the parishes of this state and municipal police departments. These permits must be reviewed and approved by the district administrator or his designee. If the automatic license plate camera device

will be placed upon a bridge or sign truss, approval must also be obtained from the department headquarters utility and permit engineer. Permit applicants must comply with all permit requirements.

12. Emergency Permits and Joint Use Agreements. "Walk-through" or "hand-delivered" permits and/or joint use agreements shall not be accepted by the headquarters permit office except in emergency situations where safety or the DOTD's interest is involved. In these situations the permit must be accompanied by a letter from the district administrator stating that an emergency exists and explaining the emergency. Also, the district utility and permit specialist must telephone the headquarters utility and permit specialist and make an appointment for the permittee to deliver the permit application to the headquarters utility and permit office. Verbal approval of permits shall only be given when in the interest of the DOTD, or in emergency situations. Emergency situations are those where there is danger to life, health, or property. Cases where the permittee will lose time or money due to the lack of a permit because the permittee failed to apply in time or because of the lack of cooperation by permittee shall not be considered an emergency.

13. Displaying American Flags within Highway Right-of-Way. The Department of Transportation and Development will allow the display of American flags within its right-of-way under the following conditions.

a. Permanent flag poles shall be located behind barriers or beyond the designated clear zone of the highway. Clear zone distances are to be in accordance with the current approved design standards of DOTD at the time the application is made and a copy is to be attached to the permit. In cases where the right-of-way width is less than the clear zone distance, the flag pole may be installed within one foot of the right-of-way.

b. Design of the flag poles are to conform with the standards set forth in the *Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals* as prepared by the American Association of State Highway and Transportation Officials (AASHTO). Maximum height of flag poles shall be 30 feet with an approximate maximum flag size of 5 feet x 9 feet. A 6-foot diameter concrete mowing apron shall be installed around the base of the flag pole in a typical installation.

c. Yard arms or outrigger flag poles may be mounted on light standards providing their placement does not degrade the light standards' structural integrity or interfere with traffic and maintenance of the light fixtures. In those cases where the light standards are owned by local government agencies and are maintained by them or private power companies, additional approval shall be obtained from the local government agency and/or power company. Minimum mounting heights for yard arms or outriggers shall be 20 feet above the natural grade. Maximum length of the yard arm or outrigger shall be 6 feet and the maximum flag size shall be approximately 3 feet x 5 feet.

d. Yard arms or outrigger flag poles may be mounted on utility poles providing their placement does not create a

hazard or degrade the poles' structural integrity. Approval from the poles' owner must be obtained by the permittee prior to applying for a permit. Minimum mounting heights for yard arms or outriggers shall be 20 feet above the natural grade. Maximum length of the yard arm or outrigger shall be 6 feet and the maximum flag size shall be approximately 3 feet x 5 feet.

e. Temporary flag poles may be erected along the right-of-way for holidays such as Memorial Day, Independence Day, etc. These poles shall have a maximum diameter of 1 1/2 inches and be located in such a manner that if they should fall they will not interfere with traffic. These temporary flag poles should be erected in a sleeve mounted flush with ground and shimmed to project the pole in a vertical, stabilized position. They shall be constructed of a material which will allow them to collapse when struck by a vehicle.

f. Flags will not be allowed to be mounted on the superstructure of bridges since they could cause a distraction to the motorists thus creating a traffic hazard. Flags may be flown from the substructure of bridges providing they are mounted in such a manner as not to allow the wind to blow the flag into the travel lanes of the bridge. Positive tie downs or sufficient weight is to be added to the trailing edge of the flag to prevent the uplift of the flag.

g. Flags are to be displayed as outlined in Public Law 94-344.

h. Location of existing underground utilities shall be verified by the permittee or his agent prior to digging the foundation hole for the flag pole.

i. Purchase, installation cost, removal cost, and maintenance of the flag pole shall be the responsibility of the permittee.

j. The installation or removal of flags shall be accomplished in a manner that will not interfere with the normal flow of traffic.

k. Uplighting shall be allowed providing that the light is shielded and will not interfere with drivers' vision; and further provided that there is sufficient space to allow placement of the lighting within the right-of-way. Prior to erecting a flag pole or poles, yard arms or outriggers, or the display of flags from the substructure of bridges it shall be necessary to obtain a permit from the local DOTD district office, on Project Permit Form 593, describing the location, type and method of erecting the poles and displaying the flags.

14. Flags and/or flag poles installed without permit, or not installed in accordance with the conditions of the permit, shall be immediately removed at the expense of the party responsible for the installation. Issuance of flag permits shall be at the discretion of the DOTD, and only governing bodies or nonprofit organizations may obtain them.

15. Drawings of the flag pole, footings and other structural features, shall be attached with each permit request and stamped by an engineer licensed by the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 19:14, 30:210, 30:211-217, 32:236, 38:2223, 38:3074, 48:26, 48:191-193, 48:217, 48:295.1-4, 48:343-344, 48:381-383, 48:385-387, and 51:1901-1909.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994), amended by the Department of Transportation and Development, Office of Engineering, LR 39:2801 (October 2013), LR 39:3100 (November 2013).

### §529. Utility Relocation

A. The DOTD shall enter into an agreement with each utility owner to provide for adjustment of utilities in conflict with proposed highway construction. Utility agreements must be completed on forms approved by the DOTD. Copies of approved agreement forms may be obtained from the district utility and permit office. Also available are:

1. *Guide for Completing the Agreement for Relocating Utilities*;
2. *Guide to Invoicing Procedures for Utility Relocation Projects*;
3. FHPM 1-7-2 "Administration of Negotiated Contracts";
4. FHPM 6-6-3-1 "Utility Relocations, Adjustments and Reimbursement";
5. FHPM 6-6-3-2 "Accommodation of Utilities";
6. 23 CFR 713 Subpart B;
7. Secretary's PPM No. 22 "Employment of Consultants";
8. Alternate Procedure for Approval of Federal-Aid Utility Agreements, all of which are contained in this manual.

### B. Overview of Procedures and Sequence

1. The district utility and permit specialist prepares a preliminary utility relocation cost estimate, and enters it into the utility database.

2. The headquarters utility and permit specialist requests funds for the project. If it is a federal aid project, the estimate shall be transmitted to the Federal Highway Administration by the DOTD's Federal Aid Unit at this time, in order to comply with the alternate procedure.

3. DOTD transmits construction plans and notifies the utility owner (company, town, water district, etc.) by preliminary engineering authorization letter that the owners' facilities must be relocated or adjusted because they are in conflict with a scheduled project.

4. As soon as practicable after the preliminary engineering letter, the district utility representative and utility owners' engineer or representative meet on the project site and compile a list of facilities to be relocated or adjusted. Note that because of difficulties with obtaining plans, this step may occasionally occur prior to the previous step.

5. The utility owner may elect to employ a consulting engineer to handle its utility adjustments. The utility owner must request DOTD's approval for the employment of a

specific consulting engineer in advance of finalizing the engineering agreement, stating the reasons for requesting a consultant, usually because the owner has no qualified engineering personnel. A copy of the proposed engineering agreement showing the amount and method of payment of the engineering fee, a detailed breakdown of the manner in which the fee was established, a preliminary estimate of utility costs, and a certification of consultant shall be submitted with each request. Services performed under existing written continuing contracts may be approved where it is demonstrated that such services are regularly performed at reasonable costs for the utility in its own work. When time is a governing factor, conditional approval may be granted subject to later submittal of the above.

6. The DOTD and/or FHWA approves or disapproves employment of the specified consulting engineer, subject to FHPM 1-7-2 and Secretary's PPM 22.

7. The consulting engineer and utility owner negotiate a contract for doing the necessary engineering work in accordance with the provisions of FHPM 6-6-3-1, with the fee schedule based on one of the methods or combinations thereof, set forth in FHPM 1-7-2. A copy of the contract and the certificate required are forwarded to the Headquarters utility and permit section, DOTD, for review and concurrence nonconcurrence. A detailed breakdown of the engineering fees should be included in this transmittal. Some consulting engineers may have a continuing contract with utility owners under which the necessary relocations or adjustments will be handled. In this case, a copy of the continuing contract should be forwarded with the estimate for engineering work, together with an upset maximum quotation where the continuing contract provides for fees based on actual costs. Note that the consulting engineer will receive public funds, therefore his records are subject to audit.

8. Reimbursement for services provided by consultants who do not comply with DOTD policies, or who fail to meet the deadline for submitting utility relocation agreements on any project or permit may be disallowed. The utility will be informed of this situation when requesting approval for a consultant. The utility may elect to use the consultant at its own expense, or to select another consultant.

9. Based on the required right-of-way, a cost allocation is prepared by headquarters utility personnel specifying the shares of the utility adjustment cost that are to be borne by the DOTD and utility owner.

a. Utility facilities located on private servitudes, or on property owned in fee, are private property and payment for taking or damaging that property must be made when relocation is necessary to accommodate a highway improvement. These facilities need not necessarily be relocated to new private servitudes; they may be relocated within highway right-of-way when the presence of such facilities are consistent with the policies of the DOTD.

b. Utility facilities once located on private property, but that were relocated to accommodate a highway project or that were allowed to remain in place after the DOTD acquired the right-of-way, maintain "prior rights," in that the DOTD

will continue to be liable for the cost of adjusting these facilities on all future highway projects. Note that except for being reimbursed for adjustments, these facilities must meet all other DOTD requirements for occupying highway right-of-way.

c. The liability for adjusting utility facilities occupying highway right-of-way must be borne by the utility, except for those cases where the utility has prior rights. The utility must provide proof of prior rights before the DOTD will assume this liability (i.e., a copy of a utility agreement, the agreement number, or proof of the date of the installation).

d. The DOTD assumes the rights listed above for new roads that are added to the DOTD's highway system, and when performing work for off system projects (projects on roads not owned by the DOTD).

e. Parishes and municipalities maintain their reimbursement status ("prior rights") when a parish or municipally owned road is taken into the DOTD's system for those facilities that are in place at the time the road is added to the system. It is the municipality's responsibility to provide evidence of the DOTD's liability.

f. The DOTD assumes liability for all costs involved in reinstalling lighting systems which were removed due to highway construction (See EDSM II.2.1.9 for Lighting of Roadways and Structures).

g. Should any abandoned water wells be encountered on construction projects, the DOTD assumes liability for all costs involved in plugging the well. All abandoned wells shall be properly plugged and sealed in accordance with R.S. 38:3094. Plugging and sealing abandoned wells should be performed as follows.

i. It should usually be included in the DOTD's construction plans.

ii. It should be handled by a plan change when the abandoned well is encountered after the project has been let to contract.

iii. It may be included as part of a utility agreement when the local water system is performing other adjustments on the project, and when the local water system is capable of this action.

h. Individual or private owners' adjustments are handled by the DOTD's real estate section; however, the district utility and permit specialist shall provide a location list for the headquarters utility and permit section to forward to the real estate section.

10. The consulting engineer or owner does the necessary field engineering, prepares plans for the utility adjustment, estimates costs (including a detailed estimate of preliminary and other engineering costs), and prepares a clear concise statement of work to be done (including the estimated number of working days for construction). The *Guide for Completion of Agreements* should be used for this.

11. Next the consulting engineer or owner prepares agreement forms and compiles them with the statement of

work, cost estimate, and plans, into the formal Articles of Agreement. The utility owner then executes the agreement form by signing it and having two witnesses sign it.

12. Normally the Articles of Agreement package (two copies of the agreement and six copies of the statement of work, cost estimate, and plans) is sent to the DOTD's district utility and permit specialist for review and recommendations. At this time the district utility and permit specialist works out corrections and/or changes with the consulting engineer and/or the utility owner.

13. All agreements, both federal and state, must be submitted by the federal deadline (usually six or seven weeks prior to the letting).

a. Failure of consultants to meet this deadline may affect their approval on future projects.

b. Permit applications may be suspended and/or existing permits revoked for those utility owners who fail to meet this deadline.

c. Failure of utility owners to meet this deadline may jeopardize their reimbursement.

d. Utility owners failing to meet this deadline are still responsible for relocating their facilities, and for submitting drawings to the DOTD for approval.

14. After the district utility and permit specialist's review is complete and all components of the Articles of Agreement are in order, the copies are sent to the headquarters utility and permit section.

15. Headquarters utility and permit section personnel review the Articles of Agreement documents, coordinate any modifications not already handled, and complete the execution of the Articles of Agreement. Copies of the executed agreement are distributed as follows:

a. headquarters utility file—one complete original agreement with all attachments;

b. utility owner—one complete original agreement with all attachments;

c. audit DOTD—agreement and estimate only;

d. district utility and permit specialist—one complete agreement with all attachments;

e. project engineer—two complete agreements with all attachments;

f. Act 258 file—drawings only.

16. If utility adjustments are to be done by the utility owners' forces, or by a continuing contract, authorization to begin work is given at time of approval of the agreement. If to be done by a contractor selected by bids, authorization to proceed with solicitation of bids is given in lieu of authorization to begin work.

17. The utility owner or the utility's consulting engineer recommends award of contract (usually to the lowest qualified bidder). Before the contract is awarded four copies of a tabulation of bids, specifications and the recommended

bid are sent to the headquarters utility and permit section for the DOTD's concurrence.

18. The headquarters utility and permit section reviews the recommended bid, and either concurs in the award of the contract to the recommended qualified bidder and authorization to begin work is given, or recommends rejection of all bids and a re-solicitation of bids is requested.

19. Authorization for work is given in three stages.

a. First stage authorization is given by the headquarters utility and permit section. This assures that funding is available, and that all paper work is complete and in order.

b. Second stage authorization is given by the district utility and permit specialist. The district utility and permit specialist is responsible for coordinating all aspects of the design and construction of a utility project.

c. Final authorization is obtained from the project engineer. The project engineer is responsible for the entire highway project, including coordinating each utility relocation with all other work. Therefore, the utility may not begin actual construction until the project engineer has given his approval.

20. All work is to be coordinated with the project engineer. He must be able to verify and approve all construction charges submitted to the DOTD by the utility company.

21. The utility company will accumulate costs and submit a final billing to the district utility and permit specialist, who will secure verification of major quantities included in the billing from the project engineer. The billing must conform to the *Guide to Invoicing Procedures for Utility Relocation Projects*. The billing must be signed by both the district utility and permit specialist and project engineer, and then submitted to the headquarters utility and permit section for further processing.

22. Beginning and ending dates of work, as well as explanations of overruns or underruns in excess of 10 percent deviation from the estimate, must be submitted with the final billing.

23. Partial invoices may be submitted as work progresses; a minimum retainage of five percent will be held by the DOTD pending an audit. All billings must comply with the *Guide to Invoicing Procedures for Utility Relocation Projects*.

24. The headquarters utility and permit section will forward final invoices to the audit section for the purpose of verifying costs billed. The headquarters utility and permit section initiates payment of the DOTD's prorata share of eligible charges for partial invoices and audited final invoices.

### C. Location and Survey Phase

1. Prior to beginning the location survey, the survey party chief shall obtain the names and addresses of all utilities with facilities in the area to be surveyed. This list shall be transmitted to both the headquarters utility and permit



engineer and the district utility and permit specialist. The district utility and permit specialist will verify the names and addresses, and will provide addresses not furnished.

2. Any utilities found in the project area during or after the location survey, that were not included in the initial list, shall be promptly reported to both the headquarters utility and permit engineer and the district utility and permit specialist.

3. After preliminary engineering authorization is given to the utility, the district utility and permit specialist or the survey party chief may request assistance in locating facilities from the utility. Note that work performed by a utility prior to this authorization is not reimbursable; however, it is often in the utilities best interest to render this assistance. The survey party chief shall inform each utility of the DOTD's survey schedule, and coordinate efforts toward obtaining the necessary survey information with minimum efforts expended by all parties involved.

4. Individual or private owners' adjustments are handled by the DOTD's real estate section; however, these owners shall also be requested to assist in locating their facilities.

5. The survey party shall locate each pipeline and determine its angle of crossing, profile, diameter, operating pressure, vent locations, casing length, etc., each communication pole, powerpole, underground cable and all appurtenances, all water valves and meters, fire hydrants, gas meters, etc., and shall determine their position relative to:

- a. the surveyed line;
- b. the centerline of the existing highway if the survey is on an existing road and/or when making a line change;
- c. the centerline of the offset line when the survey is made on an offset line;
- d. the centerline of cross roads where utilities are located within both the project limits and the right-of-way limits of the cross road.

6. Horizontal and vertical measurements shall be made to the nearest 0.1 foot.

7. The survey party, in consultation with the district utility and permit specialist, must use judgment on the length of pipeline to be profiled. Requirements are predicated on terrain, pipeline size, expected right-of-way width, etc. In the case of meandering pipelines, care must be taken to get sufficient measurements to describe its path.

8. All utility location data, as described above, shall be recorded on Form 03-24-0006 "Utility Location (Pole) (Underground)," as shown below. The survey party shall assist the district utility and permit specialist as follows.

a. The survey party shall obtain the information needed to prepare the utility survey list (Form 03-24-0006) from each utility, and after completing the form, forward it to the district utility and permit specialist. The district utility and permit specialist shall assist the survey party when there is difficulty obtaining assistance from a utility.

b. Dates of installation shall be determined by the district utility and permit specialist as necessary. It is only necessary to determine these dates when it is suspected that the utility was installed prior to the highway, or in the case of municipalities, prior to Act 40 of 1955, known as R.S. 48:191-193.

c. Copies of the utility survey list (Form 03-24-0006) shall be submitted to the district utility and permit specialist and the design section.

d. A utility survey list shall not be valid after a period of five years. Therefore, a new utility survey should be performed when a period greater than five years occurs between the completion of the utility survey list and the completion of the cost allocation notification.

#### D. Design Phase

1. The design section will forward preliminary highway construction plans, cross-section sheets and utility sheets (if any) to both the district utility and permit specialist, and the project engineer. The project engineer will work with the district utility and permit specialist and the utility as needed in locating existing utilities, compiling Utility Location Lists (Form 03-24-0006), project staking, etc.

2. Upon receipt of preliminary plans from the design section, the district utility and permit specialist shall:

- a. review list of utility owners and advise of any additional owners;
- b. enter the preliminary cost estimate into the ES data screen, and advise the headquarters utility and permit section when this is completed. Note that this estimate shall be revised by either the district or headquarters specialist as the project advances; funding shall be adjusted by the headquarters utility and permit section to reflect these revisions as necessary;
- c. review drawings to determine if all utilities are shown, and inform the design section of any omissions or inaccuracies;
- d. complete the Utility Location Lists (Form 03-24-0006) and meet with each utility, on site, to correct any errors or omissions. The appropriate disposition for each facility must be indicated on the list (i.e., remain, relocate, lower, encase, etc.). A copy of the list should be transmitted to the utility and to the headquarters utility and permit section; when the utility returns a signed copy to the District Utility and Permit Office, a copy of the signed list should be transmitted to the headquarters utility and permit section. Note that location lists should be transmitted to the headquarters utility and permit section at least eight months prior to the letting date, and preferable 12 months prior to the letting;
- e. if the utility location lists reveal substantial changes in existing utilities, either in the form of additions, deletions or location corrections, the district utility and permit specialist shall forward the lists to the design section so that the changes may be incorporated into the construction plans.

3. District utility personnel shall obtain the agreement from the utility prior to the federal authorization date. Note that Approved Drawings may be used in place of an agreement, and that the procedure is the same for either. Each agreement shall be reviewed by the District Utility Office by:

a. ensuring that the utility's proposed adjustments conform with DOTD policies and standards. Note that a Pipe Data Sheet for Proposed Installations must be submitted for each pipe located on the highway right-of-way that is covered by the agreement;

b. ensuring that the utility's facilities shall not conflict with the highway project after adjustments are completed. Note that in some cases utility adjustments must occur during the same time period as the highway construction; in these cases the district utility and permit specialist and the project engineer must coordinate activities between the utility's contractor and the DOTD's contractor so that expenses and delays are minimized for all parties;

c. reviewing each agreement to ensure that it was completed in accordance with the *Guide for Completing the Agreement for Relocating Utilities*;

d. for each agreement a utility agreement checklist must be completed and signed by the district utility and permit specialist;

e. having the utility make all necessary corrections;

f. two original copies of the agreement and six copies of all attachments, and the utility agreement checklist shall be forwarded to the headquarters utility and permit section for final approval;

4. once approved, the headquarters utility and permit section shall distribute copies to the utility, project engineer, district utility and permit specialist, and ACT 258 file.

#### E. Construction

1. Utilities, driveways and other items occupying highway right-of-way must be in accordance with all DOTD policies and standards (these are summarized on the back of each permit form).

2. DOTD policy prohibits the issuance of blanket permits or agreements; a new permit or agreement is required each time work is performed on highway right-of-way.

3. The DOTD's contractor is liable for any utility adjustments required to facilitate use of his equipment, such as raising a conductor above the height required by the DOTD. Refer to the *Louisiana Standard Specifications for Roads and Bridges* for additional responsibilities of the DOTD and the DOTD's contractor in regard to utilities.

4. In order that the utility owners may proceed with the relocation of their facilities, the project engineer will furnish such stakes as required to establish lines, grades or other details indicated by the project plans to the extent normally required by a contractor.

5. The relocation or taking of utility facilities can be compelled under eminent domain laws (R.S. 48:441).

6. Notice to Proceed. The district utility and permit specialist will advise the utility when to begin work, with instructions that the utility must notify the project engineer prior to beginning work.

7. Preconstruction Conference. In accordance with EDSM III.1.1.7, a preconstruction conference with each utility is required, and a record of each conference must be made. This conference will normally be held jointly with the project engineer, district utility and permit specialist, DOTD's contractor, and all utilities. When utility adjustments are not to be performed concurrently with highway construction, the district utility and permit specialist may meet with each utility individually; however, this type of preconstruction conference should only be used when it is not possible to meet with all parties at once. At the pre-construction conference all parties shall be informed of work schedules, time schedules, and conditions requiring cooperative efforts. A complete understanding of utilization and occupancy of available right-of-way space, including the use of common ducts or ditches, should be reached between all parties. Work shall be scheduled to permit the orderly progress of all parties, and to minimize each parties time and expense.

8. Extra Work. Prior approval from the DOTD is required for additional work to be reimbursable. Procedurally:

a. either the project engineer, district utility and permit specialist, or utility will notify the other two parties of the circumstance necessitating additional work;

b. the utility prepares a change order and submits it to the district utility and permit specialist;

c. the utility and permit specialist reviews the change order and has the utility make any necessary corrections, and then forwards it to the project engineer for approval;

d. the project engineer reviews the change order, working with both the utility and district utility and permit specialist to correct any problems. Then the project engineer signs the change order, approving it. Note that the project engineer may elect to approve any portion of the change order by specifically disapproving the remaining parts. When this occurs, the project engineer must write a letter to the district utility and permit specialist explaining this action in detail. The change order is then transmitted to the district utility and permit specialist;

e. the district utility and permit specialist reviews and approves the change order by signing it and forwarding it to the headquarters utility and permit section;

f. after reviewing the change order, final approval is given by the headquarters utility and permit office.

9. Where necessary to prevent undue delay to or interference with the highway construction, the district utility and permit specialist, with the concurrence of the project engineer, may obtain verbal approval for extra work from the headquarters utility and permit engineer. The required change order must be submitted as soon as possible for approval. In emergency situations where there is danger to life and property, or where a substantial delay or cost increase may

occur, the project engineer or the district utility and permit specialist may authorize additional work, provided that the headquarters utility and permit engineer is notified as soon as possible, and that the change order is submitted as soon as possible.

10. Minor Changes in Approved Work. The project engineer, with the consent of the district utility and permit specialist, may authorize minor changes in quantities or add minor items that are necessary to accomplish the intent of the agreement. Formal approval by the headquarters utility and permit engineer is not necessary; however, the final billing and the project records must adequately document these changes and the reasons for them.

11. Project Files. In accordance with EDSM III.5.1.1 separate files for each utility agreement must be kept by the district utility and permit specialist and the project engineer. All files must be maintained until the final invoice has been paid. The project engineer's completed files should be transmitted to the General Files Office, and the district utility and permit specialist's completed files should be transmitted to the district archives for storage.

12. Project Inspection and Field Records. The project engineer is required to make daily inspections of utility adjustment activities to insure that the adjustments are being accomplished in accordance with the requirements of the utility agreement and to furnish supporting documentation for payments to the utility. Form 03-40-3093 "Project Diary" is used to record the daily inspections; see EDSM III.3.1.2 for instructions. There are three types of utility agreements, lump sum, actual cost, and approved drawings. The information required for the utility diary is as follows.

a. Lump Sum Agreement. Tracking labor, materials, or salvage is not necessary. Emphasis should be placed on a description of work accomplished, and must be in sufficient detail to substantiate payment of invoices and certification that the work was accomplished in accordance with the agreement.

b. Actual Cost Agreement. A daily record of the number and classification of work force, equipment, material used, material salvaged, work accomplished, and any other information that may be of assistance in the verification of invoices is required.

c. Approved Drawing. Only a description of work accomplished, in sufficient detail to indicate that the work was accomplished in accordance with the drawings and with the DOTD's standards, is necessary.

13. All excavations within the right-of-way must be backfilled with suitable material and tamped in 6-inch layers to the approximate density of the adjacent undisturbed soil, in accordance with normal DOTD policy. A portion of the backfilling, especially beyond the limits of construction, may be visually accepted provided that the visual acceptance is noted in the utility diary. However, the project engineer shall take as many density tests as necessary to ensure that each layer of backfill meets the density requirements. The density tests are to be recorded on Form 03-22-0750 "Density and

Moisture Content Work Sheet" and made part of the permanent records of the utility agreement.

#### F. Billing and Reimbursement Phase

1. All invoices shall be processed in accordance with the *Guide to Invoicing Procedures for Utility Relocation Projects*. The appropriate information shall be entered into the invoice database (IN) as the invoice is processed. It is to the DOTD's advantage to process final invoices as quickly as possible while the details are easily obtained; therefore, all parties should make every effort to obtain and process final invoices as soon as possible after the utility adjustments are complete.

##### 2. For actual cost agreements:

a. the utility shall accumulate costs and submit a partial or a final billing to the district utility and permit specialist for verification and approval;

b. the district utility and permit specialist transmits the invoice to the project engineer for verification of major quantities and work, and for approval. Note that the project engineer may elect to approve a portion of the invoice, by taking exception to the remainder. When this occurs, the project engineer must write a letter to the district utility and permit specialist explaining the exception in detail. This letter is used by the headquarters utility and permit section and the audit section to determine and justify the final amount of reimbursement to the utility;

c. after signing the invoice, the project engineer shall return it to the district utility and permit specialist. The district utility and permit specialist shall resolve any problems, sign the invoice, and transmit it to the headquarters utility and permit section. If it is a final billing, the district utility and permit specialist shall complete and attach a final invoice checklist to the invoice, and include the beginning and ending dates with the transmittal. If there is a deviation of 10 percent or more from the latest estimated amount (including all bids, change orders and other revisions), then the district utility and permit specialist must include an explanation of the deviation;

d. the headquarters utility and permit section will pay up to 95 percent of each invoice prior to the audit. Invoices that are complete and final, and that have all of the required information, shall be submitted to the audit section for an audit.

##### 3. For Lump Sum Agreements

a. The utility shall accumulate costs and submit a final billing to the district utility and permit specialist for verification and approval.

b. The district utility and permit specialist transmits the invoice to the project engineer for verification of work, and for approval.

c. After signing the invoice, the project engineer shall return it to the district utility and permit specialist. The district utility and permit specialist shall resolve any problems, sign the invoice, and transmit it to the headquarters

utility and permit section along with a completed final invoice checklist.

4. Utility vouchers are completed and submitted to the financial services section, along with a copy of the invoice, for payment.

5. The financial services section processes the voucher and submits a check to the utility and permit section.

6. The utility and permit section records the check and transmits it to the utility.

7. All files are closed and transmitted to the microfilm unit for storage.

8. A complete and final invoice meeting the requirements of both the utility invoice checklist and the *Guide to Invoicing Procedures for Utility Relocation Projects* must be submitted to the district utility and permit specialist, by the utility for each actual cost agreement.

G. Utility Relocation Assistance Funding (URAF). When a publicly owned, nonprofit utility is not able to bear its share of the cost for adjusting its facilities to accommodate a highway project, it may apply for funding under R.S. 48:381(C). Please refer to the section of the manual entitled "Statutes."

H. Act 258 Compliance. R.S. 38:2223 (ACT 258) is printed in full in this manual. The DOTD interpretation and procedure is as follows.

1. Prior to the full work order being issued to the DOTD's contractor, by the project control section, the headquarters utility and permit section must notify each utility located in an area where a highway project involving utility adjustments is planned.

2. The utility complies with ACT 258 by:

a. if no agreement was executed and no drawings were submitted, the utility must submit a diagram or plat showing the correct location of all of its facilities located near the highway project, in relation to the highway project;

b. the utility is considered in compliance if it submits relocation drawings, informs the headquarters utility and permit section of this in writing, and includes the agreement number or the approved drawings number. The utility should also submit a diagram or plat showing the location of any additional facilities not shown on the original drawings. If the utility fails to comply with Act 258 within 30 days of the notification mentioned in §1329.H.1, the utility assumes full liability for any damage to its facilities resulting from highway construction, until the utility complies with ACT 258.

3. After the project control section issues a full work order, the utility and permit section transmits the drawings submitted by the utilities to the DOTD's contractor. Additional drawings submitted by the utilities are transmitted to the DOTD's contractor. The DOTD's contractor is liable for all damage to utility facilities indicated on the drawings, once they are transmitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, 38:2223.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### §531. Driveway Permits

A. Guidelines. Driveway permits are required in order to assure safe and orderly movement for vehicular traffic entering and leaving the highway; to abolish hazardous and indiscriminate parking adjacent to the roadway surface; to preserve adequate sight distances at intersections; to encourage beautification of property frontage and to insure uniform design and construction of driveways on highway right-of-way. The DOTD's authority to require permits for driveways is set forth in R.S. 48:344. All rules governing the installation of driveways are now located at LAC 70:I.Chapter 15, Access Connection Permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193, 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994), amended by the Department of Transportation and Development, LR 37:353 (January 2011).

### §533. Special Conditions for Permits

A. Guidelines

1. Structure shall be as approved by the district utility and permit specialist.

2. \_\_\_\_ (diameter in inches) culvert is to be used for drainage structure as approved by the district utility and permit specialist.

3. Drainage shall be as approved by the district utility and permit specialist.

4. All conditions contained in the attached letter from the highway contractor are to apply to this permit. All work is to be under the supervision of the DOTD's project engineer, Mr. \_\_\_\_\_, and is to be completed to his satisfaction.

5. The entire highway right-of-way affected by this work shall be restored to as good conditions as existed prior to beginning work.

6. Signing for warning and protection of traffic in instances where excavations are made in the shoulder of the roadway, or in roadway surfacing, or where workmen, equipment or materials are in proximity to the roadway surfacing, shall be in accordance with requirements contained in the DOTD's *Manual on Uniform Traffic Control Devices*.

7. The attached note requiring the use of metallic wire or tape shall apply.

8. Any nonmetallic or nonconductive (electric current) underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. This applies to both parallel installations and crossings. Wire or tape must be connected to all fixtures and appurtenances. All PVC or polyethylene pipe crossings shall be jacked or

bored in minimum of 40 feet lengths centered under the highway and shall have a minimum allowable working pressure of 200 psi. All PVC or polyethylene pipe paralleling state highways shall have a minimum allowable working pressure of 160 psi.

9. Construction/Installation shall comply with DOTD standards and be subject to the approval of the district utility and permit specialist.

10. Trees shall be cut to the ground line and completely removed from the highway right-of-way.

11. Cutting and/or trimming of trees shall comply with regulations contained on the attached supplement.

NOTE: DOTD personnel must be present when trimming is performed.

12. Notify (applicable district utility and permit specialist and address), in writing, before beginning work. This permit prohibits the actual conduct of operations by any vibrating type of equipment within the limits of the right-of-way of any highway covered by this permit. Any cables parallel to the highway shall be placed on back edge of right-of-way in such a manner as not to interfere with normal highway maintenance operations or with ingress or egress facilities of adjacent property owners. Cables shall cross roadway only through and/or under existing culverts or structures and shall be completely removed from the highway right-of-way upon completion of work or as directed by the district utility and permit specialist.

13. Notify (applicable district utility and permit specialist and address) before beginning work and after work is completed. This permit is being issued subject to the permittee obtaining written permission from the highway contractor on any highway under construction prior to doing any geophysical explorations on that highway.

14. The exact location of these test holes must be approved by the district utility and permit specialist. Upon request of the DOTD, the casing will be removed and the wells shall be filled to ground level and the affected areas of the highway right-of-way restored to their original condition. This permit does not include the interstate system or any other controlled access highway.

15. Construction shall be in accordance with "Standards for the Installation of Inverted Siphons (Rice Flumes) under State Highways" which is printed on this form.

16. This permit is issued subject to the condition that the applicant shall remove this fence upon the request of the adjacent property owner, and at no cost to the Department of Transportation and Development. The applicant is to provide an opening in the fence in the form of a gate or other suitable facility at any time and at any location requested by the adjacent property owner. The fence must be constructed within one foot of the right-of-way line and, in no case, in a location which will interfere with the maintenance of the highway ditch or backslope. All costs and obligations for construction and satisfactorily maintaining this fence shall be the responsibility of the permittee.

17. This is to be a temporary installation for a period of time not to exceed 90 days from the date of issuance of this permit at which time this temporary line must be completely removed from the highway right-of-way. Line is to be placed on back edge of right-of-way in such a manner as not to interfere with normal highway maintenance operations or with ingress or egress facilities of adjacent property owners.

18. The inner edge of the sign shall be at least 2 feet outside the roadway shoulder. The base of the sign shall be 4 feet to 5 feet above the elevation of the roadway. Beacons are to be aimed a minimum of 2 degrees away from a tangent to the highway.

19. Flashing beacons shall be two faces placed vertically and flashed alternately on each beacon. These beacons shall be in use during school hours only.

20. This is to be a temporary driveway and upon completion of (logging) (drilling) (construction) operations shall be completely removed from the highway right-of-way.

21. Surface drainage shall be downward away from the surface of the roadway.

22. The edge of the bridge adjacent to the highway is not to be nearer than nor higher than the shoulder of the road, and drainage in the ditch is not to be blocked or impeded.

23. The edge of the board surfacing is not to be nearer than 10 feet to the edge of the traveled roadway.

24. This permit is valid only as long as this property remains residential.

25. This permit is issued subject to permittee obtaining written approval for any driveway(s) and producing, upon demand, written permission from abutting property owner, otherwise said driveway(s) shall be completely removed from the highway right-of-way. Driveway(s) is to be used for the maintenance of utilities and is not to be used for other purposes.

26. This permit is issued to allow an in place (installation) (driveway) to remain.

27. This permit is issued subject to the permittee obtaining prior written permission from adjacent owner for encroachment in front of his property and shall be included in and become a part of this permit. In the event that at any time that permission from adjacent owner is rescinded or voided the permittee shall be required to reconstruct driveway(s) to DOTD requirements and specifications.

28. No above ground appurtenances shall be located in state right-of-way by this permit.

29. Base and surface repairs shall be as directed by the district utility and permit specialist.

30. All conditions and provisions contained in Permit No. \_\_\_\_\_ are to apply to this permit which is issued to allow an in place installation to remain. Upon completion of pumping operations and removal of dredge pipe, casing shall be filled with suitable material as directed by the district utility and permit specialist.

31. That all of this work is to be done at no cost to the DOTD. Permittee shall be held responsible for the satisfactory maintenance of these plantings in the median area, and the DOTD reserves the right to effect complete removal should maintenance prove unsatisfactory. The DOTD is not to be held responsible for any damage to these plantings from normal maintenance operations by maintenance personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193, 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

### **§535. Guide for Completing the Agreement for Relocating Utilities**

A. The agreement is made up of the Articles of Agreement, Statement of Work, Estimate of Work to be Performed, and Plan of Work. The following is a guide to help complete the agreement.

1. Attention is directed to Paragraph 6b of DOTD PPM 6-6-3-1. If company is not adequately staffed to perform the work of engineers, land surveyors, architects or other professional services, approval for private consultant services must be given by the department and the Federal Highway Administration before authorization is given to perform these services.

2. The following items should be submitted to the DOTD:

- a. two completed original copies of the agreement form;
- b. six copies of the Statement of Work;
- c. six copies of the Estimate of Cost (Exhibit A);
- d. six copies of the drawings (Exhibit B).

3. Articles of Agreement (two copies). The Articles of Agreement should be completed as follows:

- a. Page 1:
  - i. principal office of the company;
  - ii. name and title of the official representing the company;
- b. Page 3:
  - i. estimated number of working days (Article VIII);
  - ii. method by which the costs will be developed (Article IX);
  - iii. amount of the agreement (Article X);
  - iv. signature of company official, with witnesses;
  - v. street address of location where records may be audited.

4. Statement of Work to be Performed (six copies). The statement of work should be brief but informative and should include but not be limited to:

- a. a short narrative of the work to be performed;
- b. a more complete narrative of individual relocations which would not follow a routine relocation;
- c. a statement that the work will be performed by company forces, continuing contract, competitive bids or other method;
- d. an explanation of betterments if included in the relocation;
- e. estimated number of working days to complete the adjustments;
- f. justification for removal or abandonment of existing facilities, followed by documentation in estimate if necessary.

5. Estimate of Cost (Exhibit A) (six copies). The estimate of cost should clearly show how the cost of the relocation is developed. (Note that the final invoice must be in the same format as the estimate.) The estimate should be developed under the following applicable Subparagraphs:

- a. preliminary engineering;
- b. right-of-way;
- c. temporary construction;
- d. permanent construction;
- e. removal costs;
- f. salvage;
- g. betterment;
- h. supervision and overhead.

6. Each section should show the costs by items, unit hours, man hours, contract unit prices, etc., in the same manner as the actual costs will be charged or that would support a lump sum estimate. A summary or recap of the sections shown above must be included.

7. Plan of Work (Exhibit B) (six copies). The plan of work should present a clear picture of all the work to be performed. The plan should by appropriate symbols and legend show:

- a. Project Features:
  - i. highway centerline;
  - ii. highway stationing;
  - iii. highway right-of-way limits;
  - iv. control of access lines where applicable;
- b. Company Features:
  - i. facilities removed;
  - ii. facilities placed;
  - iii. facilities abandoned, with justification for abandonment included in estimate and/or statement of work;
  - iv. facilities to be adjusted;

- v. facilities in place to remain;
- vi. all existing and new facilities should be identified by highway stationing;
- vii. adequate notation should be made on the drawings, or profile sketches included, showing minimum depth of cover or vertical clearances for all facilities, both parallel and crossings, installed within highway right-of-way;
- viii. distances from new facilities to either highway centerline, edge of roadway or right-of-way line;
- ix. legend for symbols used;
- x. company's title block or other means of identifying drawings (Note: the company's name must appear on all drawings);
- xi. existing and proposed utility right-of-way;
- xii. for existing and proposed gas pipelines subject to minimum federal safety standards:
  - (a). maximum operating pressure, class location and temperature of gas;
  - (b). outside diameter, wall thickness, material specification and minimum yield strength of carrier pipe;
  - (c). outside diameter, minimum yield strength, and wall thickness of casing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193, 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

**§537. Guide to Invoicing Procedures for Utility Relocation Projects**

**A. General Information**

1. When selecting a contractor, the DOTD is not allowed to pay interest, late charges, or any other related penalty fees.
2. The agreement is between the DOTD and the utility, contractors should not contact the DOTD directly about payments.
3. No invoices may be paid until evidence of compensable property is submitted (i.e., copies of right-of-way servitudes, deeds, or an affidavit stating the right to occupy the area).
4. It takes approximately four weeks to produce a check once the headquarters office submits a voucher to accounting.
5. When state funds are used, the project records of all parties involved on a utility adjustment project is subject to audit by DOTD auditors. This includes all utility company, consultant, and contractor records.
6. It takes one to three months for an audit once the headquarters office submits a project to audit. Note that all final invoices for actual cost agreements must be audited.

7. When invoicing the DOTD, the company must submit three copies of the invoice to the district utility specialist.

8. The purpose of lump sum agreements is to eliminate paper work on projects involving small costs (less than \$25,000 on federal projects or \$75,000 on state projects) to the state. Therefore, partial payments are not made on lump sum agreements.

9. Three copies of a final and complete invoice should be submitted to the district utility specialist, as soon as possible, after completing the utility adjustments specified in the utility agreement.

10. The following DOTD personnel examine, approve, or otherwise handle each partial invoice:

- a. district utility specialist;
- b. project engineer;
- c. headquarters utility specialist;
- d. utility and permit engineer;
- e. DOTD accounting and Division of Administration personnel;
- f. headquarters utility check processing clerks.

**B. Final Invoice—Lump Sum Agreements.** Final invoice requirements for lump sum agreements are as follows.

1. The invoice must be on company letterhead.
2. The first page of the invoice must contain:
  - a. the state project number for construction;
  - b. the agreement number;
  - c. the parish where the project was located;
  - d. a statement that it is a lump sum billing;
  - e. indicate the total amount requested for reimbursement (this amount must match the agreement).

**C. Final Invoice—Actual Costs Agreements.** Final invoice requirements for actual costs agreements are as follows.

1. The invoice must be in the same general format as the estimate (Exhibit A).
2. The invoice must be on company letterhead.
3. The first page of the invoice must contain:
  - a. the state project number for construction;
  - b. the agreement number;
  - c. the parish where the project was located;
  - d. a statement that it is a final billing;
  - e. the total cost of the adjustments, and the total amount requested for reimbursement;
  - f. the beginning and ending dates for the construction.

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4. All supporting data should be attached with the final invoice.

5. If the final costs differ by more than 10 percent from the estimated costs, after adjustments for approved bids and change orders, an explanation for the overrun/underrun should be submitted with the invoice.

D. Partial Invoices (Actual Cost Agreements). Partial payments may be made on projects with actual cost agreements when the amount of state liability exceeds \$25,000. Note that partial payment requests are submitted at the utility's option, and are not required by the state. The following is applicable for partial invoices.

1. Partial payment request for projects exceeding \$25,000 may be made using one of the following procedures.

a. Percentage of the original estimate:

- i. 25 percent invoice;
- ii. 50 percent invoice;
- iii. 95 percent invoice;
- iv. final invoice.

b. Expenditures by item:

- i. preliminary engineering;
- ii. materials and storage;
- iii. right-of-way and clearing;
- iv. total amount (final invoice).

c. Additional partial invoices may be submitted when the state's liability is expected to exceed \$250,000, or if the relocation construction time exceeds one year. However, all partial invoices must be in excess of 10 percent of the total costs of the project.

2. Partial invoices requirements are as follows.

a. The invoice must be on company letterhead.

b. The first page of the invoice must contain:

- i. the state project number for construction;
- ii. the agreement number;
- iii. the parish where the project was located;
- iv. the invoice number (i.e., the first invoice is Number 1, the second is Number 2, etc.);
- v. a statement that it is a partial billing;
- vi. indicate the total amount requested for reimbursement.

c. Supporting data should be attached to each invoice.

E. Utility Estimate

1. The initial estimate for Federal Aid Projects, used to initiate federal funding, is provided by the Federal Aid Unit,

and is a percentage of the right-of-way estimate. The utility section has no input into this estimate.

2. The initial estimate for non-federal aid projects is based on an average expense of \$25,000 per utility per project, with any large expenses, such as electrical substations, added. This estimate is only provided when requested.

3. After the preliminary plans and survey report are received, the district utility and permit specialist contacts each utility company for a rough estimate. Then this estimate is used to request funds from the state/federal aid administrator, for state projects, or the federal aid administrator, for federal projects.

4. The next estimate is prepared when all the utility agreements have been executed; usually about six weeks prior to the letting. This estimate is based on a detailed breakdown of the costs of the adjustments. If there is a significant deviation from the previous estimate, this estimate is used to adjust funds and to update the federal alternate procedure. At this point, the estimate is usually within 10 percent of the actual cost.

5. Additional estimates may be prepared when significant deviations occur during the construction phase.

F. Common Causes for Deviations

1. Additional utility facilities are found. This occurs when the survey list is old, construction plans are changed, when the letting is delayed for an extended period, and when the survey list is inaccurate.

2. Prices increase over time. This occurs when the letting is delayed for an extended period.

3. Additional adjustments are required, due to design modifications and field changes to highway construction, or due to unforeseen conflicts with other utility facilities.

4. The utility's contractor costs increase, usually due to design modifications and field changes to highway construction, or due to unforeseen conflicts with other utility facilities.

5. A high expense item requires adjustment, such as electrical substations, pipelines with special requirements, etc. These items are not apparent during the preliminary estimates, but usually appear in estimate in §537.F.3 and 4 as described above.

6. Insufficient right-of-way increases relocation expense. This occurs when existing utilities are not considered when purchasing right-of-way, when the consultant does not consider utilities when designing the project, and when construction servitudes are purchased instead of right-of-way.

7. Double Moves. Utilities are sometimes required to relocate twice on a project. This occurs in highly congested areas where space is at a premium, and when construction servitudes are purchased instead of right-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.



HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:317 (March 1994).

## Chapter 7. Utility Operator Fees

### §701. Use of Rights-of-Way

A. Following is a schedule of fees for use of highway rights-of-way by utility operators.

Operator Type	Customers	Annual Fee
Class 1	0-100	\$ 20
Class 2	101-500	\$ 50
Class 3	501-6000	\$200
Class 4	more than 6000	\$700
Operator of Transmission Pipelines \$100/Parish; \$1500/Maximum		

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:318 (March 1994).

### §703. Procedure

A. Following is the procedure for the processing of utility operator permit fees.

1. This fee only covers use of highway right-of-way for utility facilities and driveways; it does not cover attachments to structures, leasing excess property or joint use agreements.

2. The fee shall cover all utility facilities owned by the utility operator, regardless of how many different types of facilities are owned by the operator.

3. If, as the result of a highway relocation or other activity performed for the benefit of Department of Transportation and Development, a utility operator that previously had no facilities within highway right-of-way has facilities within highway right-of-way, this operator shall maintain his prior rights, and shall not be liable for this fee, until such time as he places additional facilities within the right-of-way.

4. Class 1 and Class 2 operators who own facilities that cross highways perpendicularly, and that have no facilities located longitudinally within highway right-of-way shall be exempt from this fee.

5. Each operator shall include in his application updated information which may affect the amount of his invoice.

6. Each December the Department of Transportation and Development shall invoice all known utility operators with facilities located within state highway right-of-way.

7. Each operator shall pay the invoice in full by January 31 of the following year.

8. One fee shall be paid by each owner, regardless of how many divisions or types of facilities he owns.

9. Separate companies owned by the same parent company shall each pay separate fees.

10. Issuance of permits to operators failing to submit full payment by February 1 of each year shall be suspended. The operator shall be notified of this deficiency, and shall have 60 days from the date of this notification to submit payment in full. Facilities owned by operators who fail to submit full payment within the 60-day notification period shall be removed from highway right-of-way.

11. All payments shall be in a lump sum form, and shall be paid by cashier's check, money order, or approved alternative.

12. Upon receipt of all monies, the Department of Transportation and Development shall deposit same in the Right-of-Way Permit Processing Fund. All monies existing in this fund at the end of each fiscal year shall be retained in the Right-of-Way Permit Processing Fund and shall not be deposited in the General Fund

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:318 (March 1994), amended LR 20:1020 (September 1994).

## Chapter 9. Requirement for Utility Companies to Subscribe to Louisiana Regional Notification Center

### §901. General

A. No underground facility shall be permitted within highway right-of-way under the jurisdiction of the Louisiana Department of Transportation and Development unless and until the facility owner subscribes to the services of the Louisiana Regional Notification Center as provided for in R.S. 40:1749 et seq. This subscription must be continued throughout the duration of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 21:706 (July 1995).

### §903. Exceptions

A. Owners of utility distribution facilities serving less than 100 customers shall be exempt from the requirement of subscription to the Regional Notification Center for purposes of installation in rights-of-way controlled by the Department of Transportation and Development.

B. The Department of Transportation and Development headquarters utility and permit engineer may exempt owners of utility distribution facilities within highway project limits when said owners are required to relocate their facilities in order to accommodate highway construction. This exemption shall be determined on a project-by-project basis.

C. Municipalities or parish governments which adopted ordinances exercising their options not to participate in the regional notification program, in accordance with the provisions of R.S. 40:1749.19, shall be exempt from the requirement of subscription to the Regional Notification

Center for purposes of installation in rights-of-way controlled by the Department of Transportation and Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 21:706 (July 1995).

### §905. Sanctions

A. Unless specifically exempted, each owner of utility distribution facilities who does not comply with the requirements set forth herein shall be unable to obtain a permit for activity within highway rights-of-way under the jurisdiction and control of the Department of Transportation and Development. This suspension of the permitting process may be lifted if the owner comes into compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 21:706 (July 1995).

## Chapter 11. Contracts, Leases and Agreements

### §1101. Joint Use Agreements

#### A. Elements of the Lease

1. At the initiation of the lease, DOTD's real estate section will estimate the fair market lease value of the property. That value will be utilized in determining the amount charged as a rental fee. At the conclusion of a five-year term, the market value of the leased property will be reassessed. If the lessee chooses not to renew the lease and pay the revised fair market value as a fee, the lease shall expire.

2. DOTD property that is "excess," or that was expropriated through unfriendly negotiations will not be eligible for lease. DOTD "excess" property shall be disposed of in accordance with R.S. 48:224 and EDSM Number I.1.1.10, and shall not be leased.

3. Property that bears improvements constructed with public funds will not be eligible for lease for a period of 20 years from the date of completion of said improvements.

#### 4. Preference in use of right-of-way is as follows:

- a. highway purposes;
- b. drainage purposes;
- c. legal street connections purposes;
- d. legal driveway connections purposes;
- e. utilities purposes;
- f. joint use (lease) purposes.

5. Preference for availability of joint use leases shall be given to the following entities, in the following order:

a. governmental bodies using the property for the general public and generating no revenue;

- b. governmental bodies;
- c. the land owner from whom the property was expropriated;
- d. adjacent land owners;
- e. general public.

6. Title and control of the area of right-of-way involved will remain with DOTD.

7. Subleasing is prohibited without the prior written consent of DOTD.

8. Use of property shall be in accordance with local building and zoning ordinances and/or codes.

9. DOTD may terminate the lease agreement at any time and require lessee to vacate the premises and remove all improvements. Improvements not removed by lessee within 30 days may be removed by DOTD at lessee's expense.

10. The lease shall be subordinate to any existing agreements between DOTD and other parties affecting the leased property.

11. Illegal activities on the premises conducted by lessee are prohibited and shall trigger automatic termination of the lease.

12. All heavy commercial activity and the serving of alcohol are prohibited on the leased premises.

#### B. Application Procedure

1. Parties interested in leasing state right-of-way must contact the headquarter's utility and permit engineer at the permit office of DOTD.

2. The applicant must submit, in writing to the headquarter's utility and permit engineer, a proposal detailing the use of the property including a location description. The headquarter's utility and permit engineer will distribute copies of the proposal to the district office and other appropriate parties within the department.

3. DOTD will investigate proposed highway improvements in the area and the viability of leasing the property.

4. If a lease agreement is viable, then the applicant must submit:

- a. a layout map of the requested area showing DOTD right-of-way, including a metes and bounds description;
- b. a written metes and bounds description of the area labeled as "Exhibit A";
- c. detailed plans showing any improvements to be placed on the premises including structures, type of material used, appearance, fences which may be required, and any other pertinent information, labeled "Exhibit B";
- d. vertical clearance between area to be used and bottom of overhead structure.

5. DOTD's real estate section will estimate the fair market lease value of the property.

6. If more than one party is interested in leasing the same parcel of property:

a. DOTD shall first attempt to facilitate a cooperative endeavor agreement between the parties, so that the property can be shared;

b. if a cooperative endeavor is not possible, then §1101.A.5 shall be utilized to select a lessee;

c. if two or more parties tie for top choice, then DOTD shall initiate a bidding process as follows:

i. all parties will be informed of the bid situation and given 30 days to prepare bids;

ii. DOTD shall designate a date to receive sealed bids;

iii. the headquarter's utility and permit engineer shall open all bids on the same day;

iv. bids more than 10 percent below the estimated fair market value shall be rejected. All bids for uses that the headquarter's utility and permit engineer deems prohibited, inappropriate, or inconsistent with use of the property by DOTD shall be rejected. If any bids remain, the lease shall be awarded to the highest bid. If no eligible bids remain, then the bid process may be repeated. If there are still no eligible bids, then all proposals shall be discarded. In the event of a tie, the tied parties will be allowed to toss a coin to determine the winning bidder.

7. DOTD performs all required reviews of the request, including an environmental assessment. The applicant may be required to submit corrected and/or additional information.

8. Once the submittal is complete and correct and the environmental clearance is issued, the request is given final approval by the headquarter's utility and permit engineer.

9. The request is then submitted to the Federal Highway Administration (FHWA) for review and becomes effective upon the concurrence of FHWA.

NOTE: FHWA concurrence is not required for some state routes.

#### C. Improvements

1. No improvements or alterations, including landscaping, shall be made upon the premises without written approval of DOTD.

2. The improvements and the property must be maintained by the lessee in good condition. Maintenance must be accomplished so that there is no unreasonable interference with the transportation facility.

3. All plans for construction of any improvements must be reviewed and approved by DOTD. Preliminary plans must be submitted with the initial application.

4. At the conclusion of the lease, all improvements must be removed leaving the property in its original

condition. In special cases improvements may remain with written consent from DOTD, provided there is no expense to DOTD.

#### D. Maintenance and Inspection

1. The lessee shall, at its sole expense, keep and maintain the premises at all times in an orderly, clean, safe, and sanitary condition.

2. If proper maintenance is not performed, DOTD reserves the option to cancel the lease or perform the maintenance and obtain reimbursement from the lessee.

3. The lessee shall maintain the premises at the lessee's own expense, including all driveways, fences, and guardrails, subject to the approval of DOTD. The lessee shall be liable for reimbursement to DOTD for any damage to DOTD property.

4. On-premise signs, displays, or devices may be authorized by DOTD, but shall be restricted to those indicating ownership and type of activity being conducted in the facility, and shall be subject to reasonable restrictions with respect to number, size, location, and design.

5. Inspections of the property may be performed by a DOTD representative to assure compliance with all the rules set forth in the lease. DOTD specifically reserves the right of entry by any authorized employee, contractor, or agent of DOTD for the purpose of inspecting said premises, or the doing of any and all acts necessary on said premises in connection with protection, maintenance, painting, and operation of structures and appurtenances. DOTD reserves the further right, at its discretion, to immediate entry upon the premises and to take immediate possession of the same only in case of any national or other emergency and for the protection of said structures; and, during said period, lessee shall be relieved from the performance of all conditions of the agreement.

6. All structures shall be of fire resistant construction as defined by the applicable building codes, and will not be utilized for the manufacture of flammable material, or for the storage of materials or other purposes deemed by the DOTD or Federal Highway Administration to be a potential fire or other hazard to the highway.

7. The lessee shall secure all necessary permits required in connection with operations on the premises and shall comply with all federal, state, and local statutes, ordinances, or regulations which may affect the lessee's use of the premises.

#### E. Liability of Lessee

1. The lessee shall occupy and use the property at its own expense, and shall hold DOTD, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person entering upon same with lessee's consent, expressed, or implied.

2. The lessee shall carry liability insurance to indemnify claims resulting from accidents and property damage, which coverage shall be extended to include the

facilities authorized in this agreement, to provide for the payment of any damages occurring to the highway facility and to the public for personal injury, loss of life and property damage resulting from lessee's use of the premises. DOTD shall be named as an additional insured and proof of such required insurance shall be provided to DOTD prior to occupancy. The insurance company and lessee shall notify DOTD, in writing, at least 30 days prior to cancellation of changes affecting the required insurance coverage.

F. Credit Check and Security Deposit

1. DOTD may require a credit check.
2. A security deposit may be required at the discretion of the DOTD.

G. Payment

1. Payment will be due on the first day of every year. If the lease begins in the middle of the year, the rent will be prorated for that year according to the number of days remaining in that year.
2. At the discretion of DOTD, payment may be due on a monthly basis.
3. Payments must be made by check, money order, or certified check.
4. If a lessee submits a bad check for payment, he will no longer be allowed to pay with personal checks. Future payments must be made by certified checks or money orders.

H. Governmental Entities

1. The fees may be waived for governmental entities if there is no revenue derived by the use of the property.
2. If the revenue generated is not sufficient to cover operating expenses and the joint use fee, the rent may be reduced to 10 percent of the gross revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 24:1135 (June 1998).

## Chapter 13. Permits for Rural Water Districts

### §1301. Exemptions

A. All parish and municipal facilities are exempt from payment of annual permit fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381 (E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:228 (March 1996).

### §1303. Expense Reimbursement

A. The Department of Transportation and Development shall reimburse any reasonable expenses incurred by the rural water districts during an inspection and issue permits insofar as funding for such expense is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:228 (March 1996).

### §1305. Inspection Fee Reimbursement

A. Rural water districts shall comply with the following regulations if inspection fees are to be reimbursed.

1. A cost estimate per unit break-down shall accompany each permit request. The minimum cost reimbursable estimate shall be one inspector-hour.

2. The rural water district shall notify DOTD within 72 hours of completing work, and DOTD shall arrange for a final inspection. Failure to notify DOTD within the time limit specified shall relieve DOTD of any responsibility for reimbursement of inspection fees.

3. The rural water district shall submit the detailed invoice to DOTD within one week of the final inspection.

4. Upon receipt of the above information, DOTD shall schedule an audit of the rural water district's records. Upon completion of audit, all verifiable inspection expenses shall be paid by DOTD. Any expenses which cannot be verified by the DOTD auditor will not be approved for reimbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:228 (March 1996).

### §1307. Fees Covering Expenses

A. Reasonable inspection fees include one rural water district representative for the on-site inspection by DOTD, and other expenses incurred as a result of DOTD requests, such as surveying, excavating, probing, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381 (E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:228 (March 1996).

### §1309. Expenses Not Reimbursed

A. DOTD shall not reimburse expenses associated with highway relocation projects or expenses incurred after the permitted work has been completed.

B. Rural water districts that have received or requested Utility Relocation Assistance Funds (URAF) shall not be eligible for reimbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:228 (March 1996).

## Chapter 15. DOTD Wireless Telecommunications Permit

### §1501. Purpose

A. In accordance with the provisions R.S. 48:381.2, the chief engineer of the Department of Transportation and Development, or his designee, may issue nonexclusive permits, on a competitively neutral and nondiscriminatory basis for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:96 (January 1999).

### §1503. General Conditions and Standards

A. Any facilities placed within the highway right-of-way shall be placed in accordance with existing federal, state, or local laws and the standards of the department. Environmental clearances may also be necessary and are the responsibility of the permit applicant.

B. All facilities, after having been erected, shall at all times be subject to inspection and the department may require such changes, additions, repairs, relocations and removal as may at anytime be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway and to provide proper and safe protection to life and property on or adjacent to the highway, or in the interest of safety to traffic on the highway. The cost of making such changes, additions, repairs and relocations shall be borne by the permit applicant, and all cost of the work to be accomplished under this permit shall be borne by the permit applicant.

C. The proposed facilities, their operation or maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits for use and occupancy of the highway right-of-way, and the proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy.

D. It is the duty of the applicant to determine the existence and location of all facilities within the highway right-of-way by reviewing departmental records for previous permits in the applicable area.

E. Installations within the highway right-of-way shall be in accordance with applicable provisions contained in the following: AASHTO Guide for Accommodating Utilities within Highway Right-of-Way, Code of Federal Regulations 23 (CFR 23), National Electrical Safety Code C2, 1996 Federal Telecommunications Act. Those facilities not included in the above mentioned documents shall be in accordance with accepted practice. Where standards of the department exceed those of the above cited codes, the standards of the department shall apply. The department

reserves the right to modify its policies as may be required if conditions warrant.

F. Data relative to the proposed location, relocation and design of fixtures or appurtenances as may be required by the department shall be furnished to the department by the applicant free of cost. The permit applicant shall make any and all changes or additions necessary to make the proposed facilities satisfactory to the department.

G. Cutting and trimming of trees, shrubs, etc., shall be in accordance with the department's EDSM IV.2.1.6 and vegetation manual, as revised.

H. The applicant agrees to defend, indemnify, and hold harmless the department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of their permit, whether or not the same may have been caused by the negligence of the department, its agents or employees, provided, however, that the provisions of this last clause (whether or not the same may have been caused by the negligence of the department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the department, its agents or employees, unless such sole negligence shall consist or shall have consisted entirely and only of negligence in the granting of a permit.

I. The permit applicant agrees to provide proof of liability insurance sufficient to indemnify the department from claims resulting from accidents associated with the use of the applicable permit. The applicant and its insurer shall notify the department in writing at least 30 days prior to cancellation of the insurance or prior to any other changes affecting the insurance coverage.

J. The applicant is the owner of the facility for which a permit is requested and is responsible for maintenance of the facility. Any permit granted by the department is granted only insofar as the department possesses the power and right to grant the same.

K. Any permit granted by the department is subject to revocation at any time.

L. Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surfacing, shall be in accordance with requirements contained in the department's manual on uniform traffic control devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stock-piled on any highway, median, or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side.

M. All provisions and standards contained herein relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

N. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way

affected by work under a permit must be restored to its preexisting condition, and shall be approved by the department's right-of-way permits engineer.

O. Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all facilities.

P. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities, such as cable or conduits, the applicant must be a member of Louisiana One-Call.

Q. A copy of the permit applicant's FCC license and registration number shall be submitted with the permit application. For towers in excess of 200 feet in height, a copy of FAA approval shall also be submitted to DOTD. All registration numbers shall be posted on the tower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:96 (January 1999).

**§1505. Specific Standards for Installation and Operation of Wireless Telecommunication Tower Facilities**

A. All materials and workmanship shall conform to the requirements of the applicable industry codes and to department specifications.

B. All safety precautions for the protection of the traveling public shall be observed. Delays to traffic will be minimized to the maximum extent possible during construction of wireless telecommunication facilities. Acceptable delays will be determined and approved by the DOTD permit engineer. Thereafter, no traffic delays are permissible. These precautions shall be in force and effect not only during the construction phase of the installation, but shall also be in force and effect at all times that maintenance is required. (See Manual on Uniform Traffic Control Devices-MUTCD.)

C. There shall be no unsupported, aerial installation of horizontal or longitudinal overhead power lines, wireless transmission lines, or other overhead wire lines, except within the confines of the wireless operator's facility as described herein.

1. Coaxial transmission lines, tower light power cables, and other wires or cables necessary for the proper and safe operation of the telecommunication facility required to crossover from the operator's equipment pad, shelter, or other means of communications equipment housing, to the vertical tower structure, shall be supported along their entire horizontal length by a structural cable trough and shall not exceed 25 feet in length.

2. Electrical utility lines, wireline telephone lines, and other utility services transmitted via wireline shall be installed

underground in accordance with the National Electrical Code, and the department's specifications.

3. It is the responsibility of the wireless facility operator to negotiate with owners of preexisting utilities in order to have the preexisting lines relocated to accommodate these new installations.

4. Joint use agreements and existing permits and servitudes will be taken into consideration in determining areas for installations.

D. All excavations within the limits of the right-of-way shall be backfilled and tamped in 6 inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week. Where existing soil material is, at the discretion of the department, unsuitable for backfill, select material shall be furnished in lieu thereof, and the existing material shall be disposed of by approved methods.

E. Where total clearing and grubbing is required by the telecommunication facility operator, the operator is authorized to retain all cleared timber and shall be responsible for removing all cleared timber from the right-of-way. The operator must follow-up with submittal of a landscape plan which may include an erosion control seeding plan approved by DOTD.

F. Installations through drainage structures are strictly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January 1999).

**§1507. Order of Preference in Location Selection (to be Determined by the Department)**

- A. Rest areas and stationary weigh stations;
- B. power poles and light standards;
- C. on longitudinal elevated structures;
- D. co-located on DOTD-owned communications tower facilities;
- E. inside interchange loops and adjacent on/off ramps.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January 1999).

**§1509. Fees**

A. The following fees shall apply to wireless telecommunications installations placed within state highway rights-of-way.

Type of Tower	Annual Fee
Self-Supporting Tower/Antenna	\$3,500
Monopole/Antenna	\$2,000
Attachments to Existing Utility/Light Poles	\$1,500
Co-Location on DOTD Tower	\$3,500

Video Cameras	Supply feed to DOTD
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B. All permit fees must be paid to the department by check or money order. The department will not accept cash.

C. All permits will be in force and effect for a period of one year, but may be renewed for the same fee each year for a maximum of 10 years.

D. The department may waive fees in exchange for shared resources.

E. The department may waive fees for those permit applicants who erect facilities, attachments or cameras for the use of the department or other state agencies or political subdivisions to conduct departmental or state work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January, 1999), amended LR 30:272 (February 2004).

### §1511. Types of Towers Permitted

A. In rest areas, weigh stations, maintenance units, and other large tracts of property:

1. 350 ft. (maximum) self supporting lattice type towers;
2. 195 ft. (maximum) monopole tower;
3. lighted monopole tower replacement of light standard;
4. existing communication tower.

B. Other acceptable areas:

1. 195 ft. (maximum) monopole tower;
2. lighted monopole tower replacement of light standard;
3. elevated structure;
4. 350 ft. (maximum) self supporting lattice type towers;
5. existing communication tower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:99 (January 1999).

### §1513. Co-Location

A. DOTD communications equipment shall be allowed to co-locate on wireless facility towers, at no cost to DOTD, provided that the tower's structural capacity is adequate to safely support such additional use; the existing space on the tower is at the height DOTD desires; and no technical factors exist which would prohibit such a co-location.

B. Wireless facility operators, in certain instances, may be permitted to strengthen DOTD-owned towers, at the sole cost of the wireless facility operator, to provide additional structural capacity for multiple users. Alternatively, the tower

structure may be replaced, rather than modified. Ownership of the new or modified tower and responsibility for maintaining the tower shall be negotiated prior to issuance of the permit, and shall be stated on the front of the permit. Applicant shall submit a structural analysis with the permit application. DOTD retains the right in perpetuity to have its antennae, pre-existing or added subsequent to permit issue, mounted on the new or modified tower.

C. Each wireless facility operator which co-locates on existing wireless telecommunication facilities operating within DOTD rights-of-way shall be subject to the same conditions and requirements which apply to the owner of the tower. The co-locator shall meet all departmental standards and policies and shall access the facility only after receiving prior written permission from the department.

D. When co-locating on an existing wireless telecommunication facility, each installation must be permitted separately by the co-locating facility owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:99 (January 1999), amended LR 30:272 (February 2004).

### §1515. Attachments to Existing Bridge Structures

A. No authorized attachment to an existing structure shall cause technical interference with any equipment on the facility.

B. Plans will be submitted to the bridge design engineer and the structures and facilities maintenance engineer for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:99 (January 1999).

### §1517. Access Requirements

A. Repairs under the roadway will not be allowed if such repairs necessitate open cutting the highway. If a problem occurs with a line crossing, the applicant must install a new crossing. The applicant must bear 100 percent of the cost.

B. Prior to the start of construction of wireless telecommunication facilities, the District Permit Office shall be contacted and notified of the required construction time to complete the wireless facility. The permit engineer may provide the operator with a specific authorized duration for access to the construction site.

C. Facilities Requiring Less than Six Accesses per Year

1. Access to the telecommunication facilities located adjacent to controlled access highways shall be first from the land side, second from the interchange (longitudinally) and third from the highway (to be approved in each instance). This shall not apply to those facilities with pre-existing access, such as rest areas, weigh stations or district offices.

D. The applicant shall contact the DOTD District Permit Office and obtain approval for each time that the facility must

be accessed, including routine maintenance and meter reading, as well as any other access. For non-emergency accesses, the applicant shall give at least two days notice, and no more than 10 days notice. The applicant shall give as much notice as possible for emergency access; and shall inform the DOTD District Permit Office after the fact when it is not possible to give advanced notice.

E. Facilities Requiring Six or More Accesses per Year

1. Access to the facility shall meet all standard driveway requirements. Access to facilities located adjacent to controlled access highways shall be from the land side. This shall not apply to those facilities with pre-existing access, such as rest areas, weigh stations or district offices.

2. The applicant shall contact the DOTD District Permit Office and obtain approval for any change in the structure or configuration of the facility. Approval from DOTD is not required for routine maintenance or minor changes to the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:99 (January 1999).

**§1519. Security Requirements**

A. Fences, parking, and other security measures may be permitted in accordance with other DOTD standards.

B. Traffic barriers and/or crash mitigation structures shall be installed as deemed necessary by the permit engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:100 (January 1999).

**Chapter 17. Fiber Optic Permit Rules**

**§1701. General Permit Conditions and Standards**

A. The rights and privileges granted to applicant shall be non-exclusive and shall not be construed to be any broader than those expressly set forth in Louisiana law. Any facilities placed on the highway right-of-way shall be placed in accordance with existing laws and the standards of the department.

B. All facilities, after having been erected, shall at all times be subject to inspection. The department reserves the right to require such changes, additions, repairs, relocations and removal as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway, to provide proper and safe protection of life and property on or adjacent to the highway, or to insure the safety of traffic on the highway. The cost of making such changes, additions, repairs and relocations shall be borne by the applicant, and all of the cost of the work to be accomplished under the permit shall be borne by the applicant.

C. The proposed facilities, their operation and maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy. The proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy. Departmental records of prior permits are available for inspection. It is the duty of the applicant to determine the existence and location of all facilities within the highway right-of-way.

D. Installations within the highway right-of-way shall be established in accordance with applicable provisions contained in the following:

1. AASHTO Guide for Accommodating Utilities within Highway Right-of-Way;

2. Code of Federal Regulations, 23 CFR 23;

3. National Electrical Safety Code (C2); and

4. 1996 Federal Telecommunications Act.

E. Those facilities not included in the above mentioned documents shall be established in accordance with accepted practice. Where standards of the department exceed those of the above cited codes, the standards of the department shall apply. The department reserves the right to modify its policies, as may be required, if conditions warrant.

F. Data relative to the proposed location, relocation and design of fixtures or appurtenances, as may be required by the department, shall be furnished to the department by the applicant free of cost. The applicant shall make any and all changes or additions necessary in order to receive departmental approval.

G. Cutting and trimming of trees, shrubs, etc., shall be in accordance with the department's EDSM (Engineering Directives and Standards Manual) IV.2.1.6 and Vegetation Manual, as revised.

H. The applicant must agree to defend, indemnify, and hold harmless the department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of the permit, whether or not the same may have been caused by the negligence of the department, its agents or employees, provided, however, the provisions of this last clause (whether or not the same may have been caused by the negligence of the department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the department, its agents or employees, unless such sole negligence consists or shall have consisted entirely and only of negligence in the granting of a project permit or project permits.

I. The applicant is the owner of the facility for which a permit is requested, and is responsible for maintenance of the facility. Any permit granted by the department is granted only insofar as the department had the power and right to grant the



permit. Permits shall not be assigned to another company without the express written consent of the department.

J. Any permit granted by the department is subject to revocation at any time.

K. Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surface, shall be in accordance with requirements contained in the manual on uniform traffic control devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stockpiled on any highway or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side, including the median of any divided highway.

L. All provisions and standards contained in the permit relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

M. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way affected by work under a permit must be restored to the satisfaction of the department.

N. Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all facilities.

O. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities such as cable or conduits, the applicant must be a member of Louisiana One-Call.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:2463 (December 1999).

### **§1703. Specific Standards for Installation of Fiber-Optic Cable**

A. All materials and workmanship shall conform to the requirements of the applicable industry code and to department specifications.

B. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

C. All excavations within the limits of the right-of-way shall be backfilled and tamped in 6 inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week of the original disturbance. Where existing spoil material is, at the discretion of the department, unsuitable for backfill, select material shall be furnished in lieu thereof, and the existing material shall be disposed of by approved methods.

D. Any clearing and grubbing which may be required by the applicant shall be represented by a plan covering any such actions. Such plans shall also be submitted for erosion control

measures which may be required to vegetate the area under such clearing and grubbing. The applicant is authorized to retain all cleared timber. The applicant shall follow up with an erosion control, seeding plan approved by the department.

E. Access to the permitted installation shall be made in the following order of priority:

1. first from the land side;
2. second from the interchange (longitudinally); and
3. third from the highway.

F. Each occasion of access shall be pre-approved by the appropriate DOTD District Permit Office.

G. Repairs beneath the roadway shall not be allowed if such repairs necessitate open cutting (open trenches) the highway. If a problem occurs with a line crossing, the utility company must install a new crossing. The utility company must bear the total cost.

H. The DOTD District Permit Office shall be contacted and notified and shall give departmental approval whenever the installation must be accessed, including access for routine maintenance. For routine maintenance, three days' notice shall be given. In emergency situations, as much notice as possible must be given.

I. Repeater boxes shall be placed outside of the right-of-way, unless otherwise approved by the department.

J. Parallel installations shall be located on a uniform alignment to the right-of-way line and within 6 inches of the approved alignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:2464 (December 1999).

### **§1705. Cables Installed Parallel to the Highway**

A. In addition to the requirements enumerated above, the following requirements shall apply to cables installed parallel to the highway.

1. Installations shall occupy available space within the back 10 feet of the right-of-way (located on the side most distant from the traveled roadway), except where, upon showing of actual necessity, a permit is issued for another location.

2. Installations shall have a minimum earth cover of 36 inches.

3. Installations shall have a minimum clearance of 24 inches below existing or proposed drainage structures, unless otherwise approved by the department.

4. There shall be no installation of cable within the median.

B. In general, installation of cable shall be as close to the right-of-way line as possible. The order of preferred locations for installing cable shall be:

1. between the control-of-access and the right-of-way;
2. between control-of-access right-of-way and shoulder if environmental conditions allow;
3. on longitudinal elevated structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:2465 (December 1999).

#### **§1707. Cables Crossing the Highway**

A. Crossings shall have at least 5 feet of cover below the roadway and 24 inches of cover below ditches or drainage structures.

B. Crossings shall be made at as nearly right angles to the highway as possible. No existing drainage structure under the highway may be used for this purpose.

C. Construction methods used shall be in accordance with the following requirements.

1. Cutting the surface or tunneling under it is specifically prohibited.

2. Installation shall be made either by boring or jacking under the highway from ditch bottom to ditch bottom. In the absence of ditches, or along sections of highway with curb or gutter, boring or jacking shall extend beyond the outside edge of the traveled way to a point at least equal to three times the vertical difference between the elevation of the roadway surfacing and the elevation of the top of the cable. Where width of right-of-way is insufficient to enable compliance with this requirement or where it is necessary to make a connection to an existing parallel facility which precludes compliance, the distance shall be computed to the right-of-way line or to the parallel facility. Any voids or overbreaks resulting from this task shall be backfilled with grout consisting of a cement mortar or a slurry of fine sand or clay, as conditions require. Excavating an open ditch to the edge of the pavement and boring and jacking the remainder of the distance is prohibited. Jacking and boring shall be done in accordance with Section 728 of the Louisiana Standard Specifications for Roads and Bridges, latest edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:2465 (December 1999).

#### **§1709. Fees**

A. A flat fee of \$5,000 per mile shall apply to fiber optic telecommunications installations placed within state controlled access highway rights-of-way.

B. The department may reduce fees in exchange for shared resources.

C. The department may reduce fees for its agents, i.e., those applicants who erect facilities on behalf of the department in order to conduct departmental work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:2465 (December 1999).

## **Chapter 19. Pipe Bursting/Crushing**

### **§1901. Definition**

A. The pipe bursting process is defined as the reconstruction of pipeline by installing an approved pipe material, by means of one of the pre-approved processes set forth in this specification.

B. The process involves one of the following methods:

1. the use of a hydraulic "moling" device or pneumatic hammer, suitable in size to break out the old pipe; or

2. the use of a modified boring "knife" with a flared plug that implodes and crushes the existing sewer pipe;

3. forward progress of the "mole" or the "knife" may be aided by the use of a hydraulic winch, as specified in the patented process;

4. the replacement pipe is either pulled or pushed by means of hydraulic force into place, size on size and/or upsizing two pipe sizes or upsizing according to manufacturer specifications;

5. the size hammer to be used shall be the minimum diameter necessary to facilitate the restoration process. Oversized hammers shall not be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005).

### **§1903. Applicability and Liability**

A. Pipe bursting will only apply to water or sewer pipes, with the recommendation of the District Permit Specialist and with the approval of the Headquarters Permit Engineer.

B. If allowed, the fragments of the old pipe remaining in the soil shall not be considered abandoned until such time as the replacement pipe is abandoned.

C. The fragments of the old pipe, as well as the replacement pipe, both remain the liabilities of the permittee, and can only be abandoned as provided for in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005).

### **§1905. Responsibility for Overflows and Spills**

A. It shall be the responsibility of the permittee to schedule and perform the work in a manner that does not cause or contribute to incidents of overflows or spills of sewage from the sewer system.

B. In the event that the work activities of the permittee contribute to overflows or spills, the permittee shall immediately take appropriate action as follows:

1. contain and stop the overflow;
2. clean the spillage;
3. disinfect the area affected by the overflow or spill; and
4. notify the owner in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005).

**§1907. Indemnification**

A. The permittee will indemnify and hold harmless the DOTD for any fines or third-party claims for personal or property damage arising out of a spill or overflow that is fully or partially the responsibility of the permittee, including legal, engineering, and administrative expenses of the DOTD in defending such fines and claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005).

**§1909. Materials**

A. The replacement pipe used in pipe bursting operations shall be High Density Polyethylene (HDPE) Pipe manufactured from a high density, high molecular weight polyethylene resin which conforms to ASTM D-1248 and meets the requirements for Type III, Class A, Grade P34, Category 5, and has a PPI rating of PE 3408, when compounded.

B. The pipe produced from this resin shall have a minimum cell classification of 345434D or E (inner wall shall be light in color) under ASTM D3350.

C. All pipe shall be made from virgin material. No reworked material shall be used except that obtained from the manufacturer's own production of the same formulation.

D. Before commencement of work, the permittee shall submit to the DOTD for approval, the vendor's specific technical data with complete physical properties of pipe and pipe dimensions pertinent to the job.

E. The Standard Dimension Ratio (SDR) Classification for various depths shall be as follows.

1. The Standard Dimension Ratio (SDR), which is the ratio of the outside diameter (OD) of the pipe to its minimum wall thickness, shall be specified for the various depths listed in Table I.

2. The depth shall be measured from the upstream and downstream manhole rim to the invert of the existing sewer in the pipe segment to be replaced.

3. The SDR shall be selected for the deeper of the two manholes for a given pipe segment.

<b>Table I</b>	
<b>Polyethylene Pipe SDR</b>	
<b>(Applicable SDR for Depth Range)</b>	
<b>HDPE Pipe SDR</b>	<b>Maximum Depth (Feet)</b>
21	10
17	20

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005).

**§1911. Backfill**

A. All excavations within the limits of the right-of-way shall be backfilled and tamped in layers to the density of the adjacent undisturbed soil.

B. Where sod is removed or destroyed, it shall be replaced.

C. Where it is necessary to make excavations in the shoulder, the top 6 inches of backfill shall be with like shoulder material.

D. Existing soil materials declared unsuitable for backfill by the DOTD shall be disposed of by approved methods and replaced with select material as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005).

**§1913. Pre-Installation Preparation**

A. The permittee shall submit a work plan with the permit application to the DOTD for review and acceptance. The work plan shall address the following minimum preparation/steps, unless approved otherwise by the DOTD.

1. It is the responsibility of the permittee to examine the proposed line segment and notify the DOTD if conditions exist that could cause problems with the pipe bursting/crushing method. These could include nearby services that could be damaged by the operations, existing slabs that could be damaged, or less than acceptable depth of cover.

2. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities such as cable or conduits, the applicant must be a member of Louisiana One-Call.

3. When pipe bursting under a roadway, the pipe being replaced must be a minimum depth of 8 feet below the roadway. Therefore, all adjacent underground utilities must be located by the permittee. Pipe bursting will not be allowed within a distance of 3 feet or 3 times the diameter of the replacement pipe, whichever is greater, from existing underground utilities.

## TRANSPORTATION

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005).

### §1915. Pre-Installation CCTV Inspection

A. It shall be the responsibility of the permittee to televise the sewer pipe immediately before the pipe bursting/crushing to assure that the existing pipe conditions are acceptable for pipe bursting/crushing.

B. If Pre-Installation CCTV inspection reveals a sag in the existing sewer that is greater than one-half the diameter of the existing pipe, it shall be the responsibility of permittee to install the replacement pipe so that the result is an acceptable grade without the sag. The permittee shall take the necessary measures to eliminate these sags by one of the following measures:

1. pipe replacement
2. digging a sag elimination pit and bringing the bottom of the pipe trench to a uniform grade in line with the existing pipe invert, or
3. by other measures approved by the DOTD.

C. Eliminating sags under the roadway will not be allowed if it necessitates open cutting the roadway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005).

### §1917. Bypassing Sewage

A. When required for acceptable completion of the pipe bursting/crushing process, the permittee shall provide for continuous sewage flow around the section(s) of pipe designated for the installation of replacement pipe.

B. The pump bypass lines shall be of adequate capacity and size to handle the flow.

C. Bypass pumping shall be considered incidental to the installation of the replacement pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005).

### §1919. Access to Worksite and Traffic Control

A. Access to the work area shall be from the main roadway or ramps or from the adjacent property, as safety dictates.

B. The permittee shall conduct his operation in accordance with DOTD Maintenance Traffic Control Handbook and shall utilize appropriate traffic control devices.

C. The disturbed access areas shall be restored to original condition upon completion of the work.

D. Work will be performed only during regular daylight hours, Monday through Friday excluding legal holidays, when the department is open.

E. When a lane closure on a state highway is necessary, the department shall ensure, whenever feasible, that work is not performed between the hours of 7 a.m. and 9 a.m. or between the hours of 3 p.m. and 6 p.m.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005).

### §1921. Installation Process

A. The permittee shall submit information, in detail, on the procedure and steps to be followed for the installation of the pipe bursting/crushing method selected, even if the process is named in the specification.

B. All such instructions and procedures submitted shall be carefully followed during installation.

C. Any proposed changes in installation procedures shall require submittal of revised procedures and acceptance by the DOTD.

D. If the roadway is damaged, permittee is responsible for repairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005).

### §1923. Insertion Pits

A. The location and number of insertion pits shall be planned by the permittee and submitted in writing for approval by the DOTD prior to excavation.

B. The pits shall be located in a manner that their total number shall be minimized and the length of replacement pipe installed in a single pull shall be maximized.

C. Repairs under the roadway will not be allowed if it necessitates open cutting the roadway. If difficulty with the crossing is experienced, the utility company must install and bear the total cost of a new crossing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005).