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## **200.00 PROJECT DEVELOPMENT PROCESS**

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### **200.70 UTILITIES AND RAILROADS**

Buy America applies to utility and railroad contracts eligible for assistance under the FAHP within the scope of a finding, determination, or decision under NEPA, regardless of funding source, if at least one contract within the scope of the NEPA document is funded with federal funding under the FAHP.

#### Utilities

The CA Agency must ensure utilities affected by FAHP projects are identified during the design phase.

If using federal funds for utility relocation, the CA Agency must obtain design authorization from FHWA and send a utility letter to the utility company identifying utilities located within the project limits before requesting federal funds. After receipt of federal authorization, the CA Agency can authorize the utility company to start work. No utility design or relocation work done before federal authorization will be eligible for federal reimbursement.

When a FAHP project involves either the installation of new utilities or the retention, relocation, or adjustment of existing utilities, the CA Agency must comply with 23 C.F.R. Part 645. Utility coordination must occur during design and continue throughout construction. The CA Agency must coordinate with all utility companies in compliance with ADOT's *Accommodating Utilities on Highway Rights-of-Way* and the Arizona Utility Coordination Committee's *Public Improvement Project Guide*.

The CA Agency must provide written notice to the utility companies when utilities are located within the project limits, explaining and showing the proposed scope of work. The notice includes the scoping document and submission of design plans at phased stages and final PS&E. The CA Agency must obtain the utility clearance letter from the utility company during the project design and comply with the ADOT-approved CA Agency utilities and railroad checklist or ADOT Utilities and Railroad Section Stage Submittal Checklist in Appendix 1 of the *ADOT Utility Coordination Guide for Design Consultants*.

The CA Agency must identify and determine prior rights for all utilities within the project limits. When prior rights for utilities exist, the CA Agency must prepare and execute a formal agreement with the utility company and pay for utility relocation work. If using federal funds for any part of the project, all utility agreements for utilities with prior rights will be in accordance with 23 C.F.R. Part 645 and include Buy America provisions regardless of what funding source is used to fund the relocation.

Before federal authorization for construction, the CA Agency must prepare a utility clearance letter certifying that all utilities have been relocated or arrangements for relocation of all conflicting utilities have been made. The clearance letter includes final relocation dates, mitigation measures, and construction requirements, and certifies that all federal and state laws and regulations have been met. The letter also includes the utility company name, contact person, phone number, description of work, resolution of the utility conflict, and schedule of work to be completed before the construction contractor starts work. The CA Agency must include a statement that the utilities are cleared and there is no conflict or identify what work needs to be completed in the special provisions. Utility design relocations and construction work will be completed in conformance with approved plans and specifications.

For utilities not relocated before bid advertisement, the CA Agency must include the scope and schedule of pending relocations and the contractor's responsibility in the construction contract. Submission of the utility clearance constitutes an affirmative representation by the CA Agency that the CA Agency has performed all acts necessary to accomplish the utility investigation and has completed all necessary utility relocations or has arranged for them to be completed during construction.

### Railroad

The CA Agency must ensure railroads affected by FAHP projects are identified during the design phase. Railroad coordination must occur during design and continue throughout construction. If additional ROW is required, federal authorization for ROW must be obtained through the ADOT PM before contacting the railroad. If no railroads are affected by FAHP projects, a railroad clearance is still required stating that there is no railroad involvement. The CA Agency must request and receive federal authorization for railroad design or construction work. After receipt of federal authorization, the CA Agency can authorize the railroad to start work. No railroad design or construction work done before federal authorization will be eligible for federal reimbursement.

The CA Agency must provide written notice to the railroad companies when railroad ROW is located within the project limits, explaining and showing the proposed scope of work. The notice includes the scoping document and submission of design plans at phased stages and final PS&E. The CA Agency must obtain the railroad clearance letter from the railroad company during the project design and comply with the ADOT-approved CA Agency utilities and railroad checklist or ADOT Utilities and Railroad Section Stage Submittal Checklist in Appendix 1 of the *ADOT Utility Coordination Guide for Design Consultants*.

When a FAHP project impacts a railroad, the CA Agency must coordinate with the railroad to identify additional ROW needs and associated mitigation measures. The CA Agency must comply with the *ADOT Utility Coordination Guide for Design Consultants*. Mitigation measures involving work by railroad forces, on railroad facilities, or in coordination with railroad personnel will be documented in the railroad clearance letter and special provisions. The CA Agency must execute a formal agreement with the railroad company using guidance from the ADOT Utility and Railroad Section. The railroad agreement includes mitigation work and flagging requirements. All railroad agreements will be in accordance with 23 C.F.R. Part 645 and include Buy America provisions.

Signal relocations or other parts of the railroad crossing road surfacing work required under the agreement between the CA Agency and railroad company will be paid through the agreement, as invoiced by the railroad company.

When a CA-administered FAHP project adds or deletes an at-grade crossing, widens an existing crossing, or installs or changes the configuration of protective warning devices, the CA Agency must request an opinion and order from the Arizona Corporation Commission, which has legal jurisdiction over the installation, operation, maintenance, use, and protection of railroad crossings. All adjustments and execution of work will comply with 23 C.F.R. §§ 140.900 through 140.922 and 23 C.F.R. Part 646.

Submission of the railroad clearance constitutes an affirmative representation by the CA Agency that the CA Agency has performed all acts necessary to accomplish the railroad investigation and has completed all necessary railroad work or has arranged for them to be completed during construction.

### Railroad Section 130

When railroad-highway grade crossing safety funds are used in accordance with 23 U.S.C. § 130 (Section 130), the ADOT Utility and Railroad Section will manage and administer the agreements and obtain all federal authorizations for Section 130 projects. The CA Agency must perform all railroad civil activities (i.e., sidewalks, road approaches, ramps, typical roadwork, curb and gutter, median work, signing and striping associated with updated crosswalks, utility relocation, traffic control associated with any of the improvements, and non-railroad work) under Section 130, as detailed in the IGA/JPA between the CA Agency and ADOT.