

**UTILITY
ACCOMMODATION
REGULATION**

**WYOMING
DEPARTMENT
OF
TRANSPORTATION**

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UTILITY ACCOMMODATION REGULATION

FEDERAL HIGHWAY ADMINISTRATION

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UTILITY ACCOMMODATION
REGULATION
TABLE OF CONTENTS

CHAPTER I - GENERAL PROVISIONS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1	Purpose	1
2	Authority	1
3	Joint Use Concept	1
4	Applicability	1

CHAPTER II - REFERENCES

1	General	2
2	United States Code (U.S.C.)	2
3	Code of Federal Regulations (CFR)	2
4	Department of Transportation - Federal Highway Administration	3
5	Association of State Highway and Transportation Officials	3
6	American National Standard	3
7	Wyoming Statutes	3
8	Wyoming Highway Department (WHD)	7
9	Wyoming Public Service Commission (PSC)	8
10	Wyoming Public Works Standard Specifications	8

CHAPTER III - DEFINITIONS AND TERMS

1	Abbreviations	9
2	Definitions	9

CHAPTER IV - SECONDARY USE OF HIGHWAY RIGHTS-OF-WAY

1	General	14
2	Grant of Right	14
3	Construction Criteria	15
4	Interstate Highways and Other Fully Access Controlled Roads	15
5	Access to a Facility Within a Fully Controlled Road	17
6	Other Roads on the State or Federal Highway System	18
7	Inspection	20

CHAPTER V - LICENSING PROCEDURES, AGREEMENTS, DENIAL OF APPLICATION

1	General	21
2	Application Procedure	21
3	License Form (WHD Form E-54)	22

<u>Section</u>	<u>Title</u>	<u>Page</u>
4	License Agreements - Utility Lines.....	22
5	License Agreements - Railroad Crossings	22
6	License Agreements - Fiber Optics Cables	23
7	License Agreements - Special Situations	23
8	Exhibits for Licenses	23
9	Change of Ownership	25
10	Abandonment of Facilities	25
11	Cancellation of a License, Suspension, Removal of a Facility	25
12	Cause for Removal or Suspension of a License	26
13	Additional Facilities on Existing License	27
14	Additional Facility - Different Owner	27
15	Denial of Request to Construct on Highway Right-of-Way	27
16	Joint Occupancy Agreements	28
17	Relocation/Adjustment Agreement	28
18	Approaches and Driveways	28
19	Groundwater Monitor Wells	29

CHAPTER VI - UTILITY CONSTRUCTION WITHIN HIGHWAY RIGHTS-OF-WAY

1	General	30
2	Clear Roadway Recovery Area	30
3	Roadway Slopes	31
4	Ditches, Culverts, Drainage Pipes, Stockpasses	31
5	Attachment to Existing Bridges or Structures	32
6	Attachment to Proposed Bridges or Structures	32
7	Crossing Underneath Existing Bridges	33
8	Appurtenances and Support Facilities	34
9	Overhanging Aerial Lines	34
10	Buried Facility Crossings	34
11	Casing of Utility Lines	35
12	Bore and Receiving Pits	35
13	Material Storage, Equipment Parking, Access to Work Site	35
14	Wetlands	36
15	Seismographic Activities	36
16	Utility Line Construction by Private Individuals or Developers	36
17	Service Connections to Adjacent Developments	37
18	Traffic Control and Detours	37
19	Restoration of Highway Rights-of-Way	37
20	Access to Utility Facilities for Construction and Maintenance	38
21	Railroad Crossings	38
22	Construction Standards	38
23	Existing Utility Facilities	38
24	Closing of Roads to Traffic	39
25	Construction Supervision by Utility	39

<u>Section</u>	<u>Title</u>	<u>Page</u>
26	“Call Before You Dig”	39
27	Public Telephone Installations	39
28	Adherence to Standards, Workmanship	39
29	High Voltage Line Safety	40

CHAPTER VII - OVERHEAD POWER AND COMMUNICATIONS FACILITIES

1	Design and Construction Provisions	41
2	Specific Provisions	41

CHAPTER VIII - UNDERGROUND POWER AND COMMUNICATIONS FACILITIES

1	Design & Construction Provisions	43
2	Specific Provisions	43
3	Specific Provisions - Fiber Optics Facilities	44
4	Conduit for Street Lighting and Traffic Signals	44

CHAPTER IX - GAS PIPELINES, TRANSMISSION & DISTRIBUTION

1	Design & Construction Provisions	45
2	Definitions	45
3	Specific Provisions	45

CHAPTER X - PETROLEUM, PETROLEUM PRODUCT AND HAZARDOUS LIQUID PIPELINES

1	Design & Construction Provisions	47
2	Definitions	47
3	Specific Provisions	47

CHAPTER XI - WATER LINES, TRANSMISSION & DISTRIBUTION

1	Design & Construction Provisions	49
2	Definitions	49
3	Specific Provisions - Transmission Lines	49
4	Specific Provisions - Distribution Lines	50

CHAPTER XII - SANITARY SEWER AND STORM SEWER LINES

1	Design & Construction Provisions	51
2	Definitions	51
3	Specific Provisions - Sanitary Sewers	51
4	Specific Provisions - Storm Sewers	52

CHAPTER XIII - AGRICULTURAL IRRIGATION FACILITIES

<u>Section</u>	<u>Title</u>	<u>Page</u>
1	Design & Construction Provisions	53
2	Definitions	53
3	Interstate Highways and Other Fully Access Controlled Roads	53
4	Other Roads.....	54
5	All Roads	54

CHAPTER XIV - RAILROAD FACILITIES

1	Design and Construction Provisions	55
2	Definitions	55
3	General	55
4	Separation Structure - Railroad Over Highway	56
5	Separation Structure - Railroad Under Highway	56
6	Grade Crossings	56
7	Signal/Communication Lines	57

DOCUMENTS TO BE FURNISHED UPON REQUEST FOR REVIEW

- 1 Joint Occupancy Agreement
- 2 License Agreement

APPENDIX

- 1 Highway District Boundary Map and Point of Contact List

The following are examples only. The most current version will be used at the time of issuance.

- 2 Detail drawings of where utilities may be located in the highway rights-of-way
- 3 Utility License, Form E-54
- 4 License Attachment - General Construction Stipulations, Form E-54A
- 5 License Attachment - General Construction Stipulations for Fiber Optics, Form E-54B

WYDOT UTILITY ACCOMMODATION REGULATION

UTILITY ACCOMMODATIONS

CHAPTER I

GENERAL PROVISIONS

Section 1. Purpose. The intent of this regulation is to provide guidelines for uniform procedures in the accommodation of utility facilities within the rights-of-way under the jurisdiction of the Wyoming Highway Department.

Section 2. Authority. Chapter II lists the Federal and State laws and rules and regulations that are the basis for this regulation.

Section 3. Joint Use Concept. The Department, as well as the Federal Department of Transportation and the Federal Highway Administration, recognize that it is in the public interest for utility facilities to use the right-of-way of public roads and streets when such use does not interfere with the primary purpose of said right-of-way, which is for a road and its appurtenances, and as long as the occupancy of such a utility facility does not cause expenditure of public funds to the agency administering the public right-of-way.

The Department will continue to work with the utility companies, boards, and municipalities regarding accommodation of their facilities within the streets and highways under Department jurisdiction.

Section 4. Applicability. This regulation shall apply to existing utility installations, additions or modifications to existing installations, to relocations or adjustments of facilities due to highway projects, and all new installations contemplated after the filing of this regulation.

Existing facilities, which are not in compliance with the stipulations of this regulation may remain as they are and where they are until they are in conflict with a Department project, create a hindrance to roadway maintenance activities, and/or create a hazard to the safe operation of a road and therefore have to be relocated.

Corrective measures for the relocation or protection of existing utility facilities that present a hazard to the traveling public are outlined in FHPM 6-6-3-1, Utility Relocation/Adjustment, and FHPM 8-2-3, Highway Safety Improvement Program.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER II

REFERENCES

Section 1. General.

The references listed below are the basis and guidelines for the development of the Department's Basic and Operating policies for accommodation of utility facilities within or crossing the highways under the jurisdiction of the Department.

These laws, guidelines, rules, regulations and industry standards, when referred to herein, shall be considered incorporated by reference, as well as any others enacted subsequent to issuance of this publication and/or revisions and amendments thereto.

Section 2. United States Code (U.S.C).

(a) TITLE 23 - HIGHWAYS

- Section 109: Standards
- Section 111: Interstate Access
- Section 116: Maintenance
- Section 123: Relocation of Utility Facilities
- Section 315: Rules and Regulations

Section 3. Code of Federal Regulations (CFR).

(a) TITLE 23 CFR: HIGHWAYS

Section 1.23: Right-of-Way & Utilities

- (b) Use for highway purposes
- (c) Other use or occupancy

Section 1.27: Maintenance

Section 1.32: Issuance of Directives

Section 1.36: Compliance with Federal laws and regulations

(b) TITLE 49 CFR: TRANSPORTATION

Section 1.48 (b) Delegation to Federal Highway Administrator

Part 192, HAZARDOUS MATERIALS REGULATION BOARD
"Transportation of Natural and Other Gas by Pipeline;
Minimum Safety Standards"

WYDOT UTILITY ACCOMMODATION REGULATION

Part 195, HAZARDOUS MATERIALS REGULATION BOARD
 "Transportation of Liquids by Pipeline;
 Minimum Safety Standards

- (c) Executive Order 11990 and 42 FR 26961

Section 4. Department of Transportation - Federal Highway Administration.

- (a) Federal Aid Highway Program Manual (FHPM)
 Volume 6, Chapter 6, Section 3, Subsection 2
 "Accommodation of Utilities"
- (b) Federal Aid Highway Program Manual (FHPM)
 Volume 6, Chapter 6, Section 3, Subsection 1
 "Utility Relocations, Adjustments and Reimbursement"
- (c) Manual on Uniform Traffic Control Devices for Streets and Highways

Section 5. Association of State Highway and Transportation Officials.

- (a) A guide for Accommodating Utilities within Highway Right-of-Way.
- (b) A Policy on the Accommodation of Utilities within Freeway Right-of-Way.
- (c) Guide for Selecting, Locating and Designing Traffic Barriers.
- (d) Roadside Design Guide.

Section 6. American National Standard.

National Electric Safety Code

Section 7. Wyoming Statutes.

- (a) Wyoming Constitution
 Article 3: Legislative Department
 Section 27: Special and Local Laws Prohibited

- (b) Title 1: Code of Civil Procedures
 Chapter 26: Eminent Domain (all)

Section 1-26-813: Right-of-way along public ways granted; Permission
 necessary for new lines; Granted right for public utilities

Section 1-26-505: Condemnation of property devoted to public use; Agreement
 is mandatory to determine the conditions and extent of the use

WYDOT UTILITY ACCOMMODATION REGULATION

by each party
Section 1-26-516: Inverse Condemnation

- (c) Title 6: Code of Civil Procedures
Chapter 3: Offenses Against Property
Article 2: Property Destruction and Defacement
Section: 6-3-201; Property Destruction and Defacement
Paragraph (a): A person is guilty of property destruction and defacement if he knowingly defaces, injures or destroys property of another without the owners consent.

(Utility companies, sign companies, etc., maintaining facilities located inside or outside of highway right-of-way and thereby causing ruts, erosion, destruction of ditch flow lines, road shoulders, etc., without repairing such damage.)

- (d) Title 15: Cities and Towns
Chapter 7: Public Improvements
Article 2: Electric Current
Section 15-7-204 General Powers
Paragraph (a): Any city or town may:
(ii) Construct an electric transmission line or electric power line upon and over all public roads and state highways if it does not interfere with the public in the use of the public roads and state highways.

- (e) Title 16: City, County, State and Local Powers
Chapter 6: Public Property
Article 1: Public Works and Contracts
Section 16-6-108: Governing of Federal Funds by Federal Law.

The operation of this act (W.S. 16-6-101 through 16-6-118) upon the letting of any public works contract above mentioned, in connection with which funds are granted or advanced by the United States of America, shall be subject to the effect, if any, of related laws of the United States and valid rules and regulations of federal agencies in charge, governing use and payment of the federal funds.

- (f) Title 18: Counties
Chapter 12: Improvement and Service Districts

Summary of Content:

- (i) May be formed in any unincorporated territory in this State
(ii) May acquire, construct, operate and maintain improvements of local necessity and convenience

WYDOT UTILITY ACCOMMODATION REGULATION

- (iii) A district is a separate entity and a political subdivision of the State
- (iv) The criterion for establishing a district shall be the public convenience and necessity

- (g) Title 24: Highways
Chapter 2: State Highway Department
Section 24-2-112: Contracts and agreements with United States Government

Chapter 3: Establishment, Vacation or Alteration of County Highways
Section 24-3-126: Abandonment of portions of highway upon reconstruction or relocation of existing highway; etc.

Summary of Content:

Preserves the right to continue operation of transmission lines and any interest acquired in the right-of-way under the provisions of W.S. 1-26-813. Applies to state highways.

- (h) Title 24: Highways
Chapter 13: Utility Relocation Assistance
Section: 24-13-101 through 24-13-104, and
Chapter XXVIII: Utility Relocation Assistance, State
Highway Department Rules and Regulations.

Summary of Content:

The referenced statute permits the Department to make reimbursement payments to utilities for relocation of facilities from within the right-of-way of Federal-Aid highways. The Chapter of the Rules and Regulations restricts the reimbursement to electric power, telephone, and natural gas lines for suppliers with less than 15,000 customer meters, at a rate of 50 percent.

- (i) Title 37: Public Utilities
Chapter 3: Rate, Interchange of Services and
Safety Regulations
Section 37-3-114: Safety Standards

Summary of Content:

- (i) Electrical facilities shall be in conformance with the current edition of the National Electric Safety Code
- (ii) PSC to have the power to direct the manner in which all utilities shall cross public highways and other utilities and by which public highways shall cross utilities.
- (iii) It shall be the duty of the commission to apportion between the parties, in accordance with justice, the cost and expense of installing and maintaining

WYDOT UTILITY ACCOMMODATION REGULATION

such crossings.

(iv) Cost against a highway within a city or town will be charged against the city or town. If outside of the city or town, against the county.

(j) Title 37: Public Utilities
Chapter 10: Railroad and Public Highway Crossings
Sections 37-10-101 through 37-10-105
Also referred to as the Highway Crossing Protection Account

(k) Title 37: Public Utilities
Chapter 10: Damage to Underground Public Utility Facilities
Sections 37-12-301 through 37-12-304

Summary of Content:

Sets up procedures for locating, showing on plans and notification to utilities prior to starting any excavation.

(l) Title 37: Public Utilities
Article 3: High Voltage Line Safety
Sections 37-3-301 through 37-3-306

Summary of Content:

Sets up safety clear zones around conductors of electric current and procedures for notifying utilities regarding safety measures when work encroaches within the clear zones.

(m) Title 41: Water
Chapter 3: Water Rights; Administration and Control
Article 7: Water Conservancy Districts

Summary of Content:

(i) Has condemnation powers under eminent domain.

(ii) May cross or occupy any public street or highway without impairing the use of the street or highway.

(n) Title 41: Water
Chapter 10: Water and Sewer District Law
Section 41-10-113: Powers of District Board(n) Title 41: Water

Summary of Content:

(i) Has condemnation powers under eminent domain.

(ii) District shall have the right-of-way over existing state highways; District must apply to Highway Department for license.

WYDOT UTILITY ACCOMMODATION REGULATION

- (o) Title 41: Water
Chapter 7: Irrigation Districts
Section 41-7-101 - all
- (p) Title 41: Water
Chapter 8: Watershed Improvement District
Section 41-8-101 - all

Section 8. Wyoming Highway Department (WHD).

(a) Operating Policy

- Policy Number 2-2: Secondary Road Plan
- Policy Number 7-1: Design Standards and Tolerable Controls
SUBJECT: Rural and urban railroad crossing protection criteria
- Policy Number 13-1: Rail/Highway Crossing Protection Program
- Policy Number 17-2: Filing Department Rules
SUBJECT: Administrative Procedures Act
- Policy Number 18-3: Project Development Procedures
- Policy Number 18-8: Work in the Vicinity of Utilities
- Policy Number 19-3: Right-of-Way Encroachments
- Policy Number 19-8: Placement of Utilities on Bridges
- Policy Number 24-3: Authority for Rendering Special Service and other applicable policies that may be issued from time to time.

(b) Standard Specifications for Road and Bridge Construction

- 107.04: Restoration of Surfaces Opened by Permit
- 107.07: Railway-Highway Provision
- 107.11: Protection and Restoration of Property and Landscape
- 107.19: Contractor's Responsibility for Utility Procedures and Services
- 109.04: Extra and Force Account Work
- 206.03: Trench Excavation
- 620.01: Water Lines
- 621.01: Sanitary Sewer Lines
- 625.01: Manholes, Inlets, Catch Basins, Diversion Boxes
- 706.01: Non-Metallic Pipe
- 707.01: Metal Pipe

WYDOT UTILITY ACCOMMODATION REGULATION

(c) Traffic Control for Roadway Work Operations Manual

Section 9. Wyoming Public Service Commission (PSC).

Chapter II: General Regulations

Section 236: Paragraph a and b:

Interference of Utility Lines with each other

Section 237: Construction and Maintenance of Utility Facilities

Chapter III: Special Regulations - Electric Utilities

Section 316: Standard Practice

Chapter IV: Special Regulations - Gas Utilities

Section 406: Location of Customer Meters

Section 417: Minimum Gas Pipeline Safety Standards

(Department of Transportation - Natural Gas Pipeline Safety Act)

Chapter XI: Railroad Grade Crossing Regulation

Section 1101 through 1113

Chapter XII: Railroad Separations

Section 1201 through 1209

Chapter XIII: Railroad Clearances

Section 1302 Definitions

Section 1304 Overhead Clearances

Section 1305 Side Clearances

Section 1307 Clearances at Public Roads

Section 10. Wyoming Public Works Standard Specifications.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER III

DEFINITIONS AND TERMS

Section 1. Abbreviations. As used in this regulation, the abbreviations listed below shall have the following meaning:

AAR	Association of American Railroads
AASHTO	American Association of State Highway and Transportation Officials
CFR	Code of Federal Regulations
DOT	Department of Transportation (Federal)
FHWA	Federal Highway Administration of the Department of Transportation
FHPM	Federal Aid Highway Program Manual
MUTCD	Manual on Uniform Traffic Control Devices
NEC	National Electrical Code of the National Fire Protection Association
NESC	National Electrical Safety Code of the American National Standards Institute
PSC	Public Service Commission of Wyoming
R/W	Highway right-of-way under the jurisdiction of the Wyoming Highway Department.
USC	United States Code
WHD	Wyoming Highway Department
WPWSS	Wyoming Public Works Standard Specifications
W.S.	Wyoming Statutes

Section 2. Definitions. As used in this regulation, the definitions listed below shall have the following meaning:

BACKFILL:	The method and/or materials for replacing excavated material in a trench or pit.
BACKSLOPE:	That portion of the roadway template from the bottom of the drainage ditch

WYDOT UTILITY ACCOMMODATION REGULATION

to a point of intercept near the right-of-way line.

- BORE/BORING:** The excavation of an underground circular cavity for the insertion of a pipe or other type of conduit.
- CARRIER PIPE:** The pipe carrying a liquid, gas or slurry commodity.
- CASING:** A protective pipe enclosing a carrier pipe.
- CATHODIC PROTECTION:** A method of controlling corrosion on buried metal structures through use of electric current and sacrificial anodes.
- CLEAR ZONE:** An obstruction free vehicle recovery area adjacent to the road traveled lane. The limits of this area are determined in accordance with the applicable AASHTO and FHWA publications.
- COATING:** Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- COMMISSION:** The Wyoming State Highway Commission
- CONDUCTOR:** Wire carrying electric current.
- CONDUIT:** A casing or encasement for an electrical conductor or telephone line.
- CONTROL OF ACCESS:** The regulation covering ingress and egress to a highway and/or its related right-of-way.
- COVER:** The depth of bury of a facility below natural ground or roadway template.
- CROSSING:** The utility crossing of the highway R/W, including a parallel encroachment not to exceed 500 feet on other than Interstate Highways.
- DEPARTMENT:** The Wyoming Highway Department
- DISTRICT:** Wyoming Highway Department District Office
- EASEMENT:** A non-possessing interest held by one person or company in the land of another whereby the first person is accorded partial use of such land for a specific purpose.
- ENCASEMENT:** Providing a protective casing.
- ENCROACHMENT:** Parallel installation within highway right-of-way (Longitudinal) that may include crossings of the roadway template.

WYDOT UTILITY ACCOMMODATION REGULATION

- ENGINEER:** An employee of the Department who has the responsibility for supervision of utility facility installation within the Department's right-of-way.
- EXHIBIT:** A detailed drawing showing the proposed horizontal and vertical alignment of utility facilities within Department right-of-way, which is attached to and a part of an Occupancy agreement, or Relocation/Adjustment agreement.
- HEAVY WALL THICKNESS PIPE:** Pipe meeting the industry standard for this specific designation.
- FRONTAGE ROAD:** A roadway, located parallel to an access controlled highway which provides for ingress and egress to adjacent property and businesses.
- FULL ACCESS CONTROL:** Federal and state highways where direct access to and from adjoining property has been eliminated and access is only allowed at designated interchanges.
- GROUND BED:** A component part of a cathodic protection system.
- GOVERNMENT FACILITIES:** Any facility that serves only governmental functions is considered to be in the public interest and is not classified as a private facility.
- HIGHWAY:** Any public way used for vehicular traffic, including the associated right-of-way, under the jurisdiction of the Wyoming Highway Commission.
- INSLOPE:** That portion of the roadway embankment between the edge of the pavement and the bottom of the drainage ditch or its intersection with natural ground.
- INSPECTOR:** An employee of the Department who has the responsibility for supervision of facility installation within the Department's right-of-way.
- JACKING:** Pushing a pipe horizontally under a roadway by mechanical means, with or without boring.
- JETTING:** Pushing a pipe through a roadway embankment using water under pressure to create a cavity ahead of the pipe. (This operation is not allowed on Wyoming highways.)
- JOINT USE:** The use of pole lines, trenches, duct systems or other facilities by two or more utilities. Also the concept of allowing utility facilities to occupy transportation rights-of-way.
- LICENSEE:** The applicant for a license to cross or encroach on highway R/W.
- LICENSE/LICENSE AGREEMENT:** The document used to apply for permission to occupy

WYDOT UTILITY ACCOMMODATION REGULATION

highway right-of-way which, upon approval by the Department, becomes the permit to do so.

- MARKER POLES:** A pole placed over or near a buried facility in order to denote the facility's alignment.
- MEDIAN:** The divider strip between traveled ways carrying traffic in opposite directions.
- OCCUPANCY:** The presence of utility lines on, over or under the highway right-of-way.
- OPERATING POLICY:** The policies established by the Department in order to control and assure uniform procedures are followed.
- PAVEMENT CUT:** The removal of an area of pavement for the purpose of placing or maintaining a utility facility.
- PERMIT:** See License/License Agreement.
- PRESSURE:** The internal force acting radially against the wall of a carrier pipe expressed in pounds per square inch gage (psig).
- PRIVATE UTILITY LINES:** Those facilities for transmitting, distributing or producing commodities or services by a private individual or individuals for private consumption or consumption by a group of private individuals and not serving the general public.
- PUBLIC UTILITY LINES:** Those facilities for the purpose of transmitting, distributing or producing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, slurry of all types, police or fire signal systems, street lighting systems, any other similar commodity which directly or indirectly serves the public, whether operated by municipalities, counties, cooperatives, private corporations, as well as the various types of districts and Joint Powers Boards organized under applicable state law.
- REST AREA:** A roadside area for motorist stopping and resting.
- RESTORATION:** The repair of an area within the highway right-of-way, including fences and drainage facilities, disturbed by construction and/ or maintenance activity of a utility.
- RIGHT-OF-WAY or HIGHWAY RIGHT-OF-WAY and abbreviated as R/W:**
All of the property acquired by the Department for the construction, operation, and maintenance of highways and related facilities whether or not

WYDOT UTILITY ACCOMMODATION REGULATION

a highway has been constructed thereon.

ROADWAY TEMPLATE:

The area of the constructed or proposed road embankment from road centerline across the traveled lane(s) and shoulder, then down to a drainage ditch and then up to an intercept with natural ground, in a cut section; or from the shoulder down to an intercept with natural ground, in a fill section.

RURAL AREA: As related to utility accommodation, the term Rural Area refers to any other segment of the State Highway System not defined under Urban Area.

SHOULDER: A portion of the paved roadway adjacent to the traveled lanes.

TRAVELED WAY: That portion of the roadway designated for vehicular traffic, exclusive of the shoulders.

TRENCH: The relatively narrow open excavation for the placement of underground utility facilities.

URBAN AREA: As related to utility accommodation, the term Urban Area is any area where residences or businesses are clustered (not necessarily within a city limits), where frequent approaches, utility lines and drainage facilities are likely to be encountered, and where the potential exists for future widening of the road to a multilane facility.

UTILITY/UTILITIES: This term denotes all private and public entities, associations, boards, districts, or companies conveying heat, power, natural gas, electricity, communications, cable television, water, sanitary and storm sewer, for public use or consumption. Also included are all companies operating pipelines for transmission and collection of natural gas or other gases, oil and petroleum products, and slurry lines of any sort.

UTILITY LICENSE: See License and License Agreements.

VENT: A pipe used to allow venting into the atmosphere any gases or vapors from an underground casing.

WET BORING: To bore using water under pressure at the cutting auger to soften the earth and to sluice out the excavated material.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER IV

SECONDARY USE OF HIGHWAY RIGHTS-OF-WAY

Section 1. General.

(a) By Federal regulations, the rights-of-way of Federal-aid or Direct Federal roads are acquired exclusively for highway purposes which include the construction, reconstruction, maintenance, and safe operation of a highway and related facilities, and include the air rights above the right-of-way.

(b) Federal regulations and Department policy recognize and endorse the joint use of highway rights-of-way with utilities, provided such occupancy is in the public interest and shall not impair the highway or interfere with the free and safe flow of traffic.

(c) The applicant for a license shall allow adequate time for plans or field review of the applicant's project as well as the possibility of redesign in order to be in conformance with Department stipulations.

(d) The applicant shall consider the aesthetic quality of the proposed installation and make maximum use of the terrain to reduce visual clutter. 23 CFR 645.209(h) specifically addresses utility installations in scenic areas, and paragraph (l) addresses utilities in wetland areas.

Section 2. Grant of Right.

(a) When the Department grants a License or executes a License Agreement with a utility company, private entity, or governmental entity for the installation of a facility within or across a highway right-of-way, the Department does not convey an exclusive right or strip of land of specific width to the applicant. The Department merely gives permission to the applicant to occupy highway right-of-way with a facility in the exact location as shown in the proposal (Exhibit) furnished by the applicant, with the provision that the facility be removed by the owner, at the owner's expense, any time the right-of-way is required for highway purposes, unless otherwise provided for by law.

(b) Applicants shall not extend easement widths across the highway right-of-way when preparing exhibits for licenses. These lines add confusion and detract from what is actually being conveyed to the utility or railroad.

(c) Licenses, License Agreements, and Exhibits are covered in detail elsewhere in this regulation.

WYDOT UTILITY ACCOMMODATION REGULATION

Section 3. Construction Criteria.

- (a) The Department has developed specific criteria regarding how and where utility facilities may be constructed within the rights-of-way under its jurisdiction.
- (b) These specific criteria are covered in detail elsewhere in this regulation and are in addition or complimentary to the general text of this section of the regulation.
- (c) The Department reserves the right to operate any tracked or wheeled vehicles typical to highway construction or maintenance at any location in the highway right-of-way at any time without giving prior notice to the licensees.
- (d) Licensees are solely responsible for anticipating this use and its accompanying ramifications in their design and construction by protecting their facilities with casing, heavy wall thickness pipe, below-surface concrete slabs, extra depth of bury, or other previously approved or agreed to methods of protection, not only underneath the roadway template but also across or along the entire length of that portion of the facility occupying the R/W.

Section 4. Interstate Highways and Other Fully Access Controlled Roads.

- (a) Crossings of the Rights-of-Way.
 - (i) Crossing of the right-of-way and the area between the NO ACCESS lines shall be allowed for buried and aerial utility lines whether they are owned and operated by a private, public, or governmental entity.
 - (ii) The specific construction and safety criteria of this regulation shall apply. No above-ground appurtenances that might present a hazard or compromise safety standards shall be allowed between the NO ACCESS lines.
 - (iii) Customer service lines needed to serve a facility or industrial/residential development on the opposite side of a fully access controlled highway right-of-way shall be accomplished by construction of one crossing of sufficient capacity to serve the area instead of multiple individual service connections in several locations.
- (b) Service roads and frontage roads are generally not included within the NO ACCESS lines and may be used for parallel utility facility encroachments as well as placement of facilities connected with a crossing of the adjacent access controlled portion of the right-of-way. Access shall be allowed based on available space and existing facilities.
- (c) All construction and safety provisions of this regulation apply.

WYDOT UTILITY ACCOMMODATION REGULATION

(d) Parallel Encroachments Within the No Access Lines.

(i) Nothing herein, either expressly or implied, limits, encumbers, or otherwise prevents the Department from imposing, requiring, agreeing to, or otherwise conditioning access controlled encroachments on such consideration as allowed by state law whether “in kind” or other negotiated considerations, as the Department deems in the best interests of the State of Wyoming and the Department.

(ii) Parallel encroachments within the NO ACCESS line of a fully access controlled interstate highway may be allowed if special and unique circumstances exist and if such a parallel encroachment does not affect the design, construction, reconstruction, safe operation, and maintenance of the highway.

(iii) Parallel encroachments within the NO ACCESS line of all other fully access controlled highways (non-interstate) may be allowed after Department review.

(iv) Requests for parallel encroachments shall be considered and evaluated by the Department on a case by case basis and shall meet the following minimum criteria:

(A) The facility carries a commodity that is non-flammable, non-corrosive, non-explosive, and non-toxic.

(B) The facility shall not require frequent servicing, maintenance, inspection, or patrolling on foot or by vehicle.

(C) No service connections, testing sites, or metering pits or devices—whether for distribution or transmission—shall be constructed within the highway right-of-way, initially or in the future.

(D) No pump stations, repeaters, transformers, regulators, meters, or facilities of a similar nature shall be located within the no-access lines.

(v) The key tests the Department shall use in determining whether to consider parallel encroachment are the following:

(A) Construction of the facility outside the right-of-way has been refused, in writing, by the adjacent landowner and documented by the utility company or owner in its statement of need.

(B) Construction of the utility facility outside the right-of-way is extremely difficult to implement because of terrain, environmentally or archeologically

WYDOT UTILITY ACCOMMODATION REGULATION

sensitive areas, heavily developed residential or industrial areas, or similar constraints.

(C) Construction outside the right-of-way is unreasonably costly, and based on the size of the utility company, would cause an economic hardship on the utility and its consumers.

(D) Construction outside the right-of-way will cause significant adverse impact on productive agricultural land.

(E) Utility facility construction within the highway right-of-way lines is the most prudent and feasible location available.

(vi) At the time of application, the applicant shall provide the Department with all pertinent documentation supporting the criteria described previously in this section.

(vii) All utility installations shall conform to the requirements of all applicable sections of Title 23 of the Code of Federal Regulations.

Section 5. Access to a Facility Within a Fully Access Controlled Road.

(a) If the Department approves a request for parallel encroachment within a fully access controlled right-of-way, the following steps shall be taken by the Department or Utility Company as applicable:

(i) The Department may, if deemed necessary, establish a new no-access line between the outer limits of the right-of-way and the traveled lanes of the highway that will encompass the proposed utility facility, creating a utility corridor.

(ii) On establishment of a utility corridor, the Department shall designate specific points of access and egress to the corridor for use by the utility company during construction and maintenance of the facility. Whenever possible, such access points shall begin and terminate at existing interchanges or intersecting roads and be tied to the ramps or crossroads.

(iii) If no interchanges or intersecting roads exist in the vicinity of the proposed utility encroachment and access/egress for construction purposes must be provided from the through traveled lanes, the Department, workload permitting and at the expense of the applicant, shall conduct or supervise the design of temporary access from the traveled lanes to the proposed work site.

(iv) The applicant or its contractor shall construct and ultimately remove any temporary access, provide safety signing and traffic control, and restore the disturbed area within the highway right-of-way in accordance with current Department specifications

WYDOT UTILITY ACCOMMODATION REGULATION

and under the supervision of Department personnel.

(b) If the utility requires permanent access to the facility for inspection or maintenance and no interchanges or crossroads are located nearby, the utility shall negotiate an access easement with the adjacent landowner. The access point shall be designated by the Department and a locked gate installed for the utility's access to the facility.

(c) In extreme cases, a permanent approach to the facility or utility corridor may be considered if no other access can be established, and design standards and safety requirements can be met.

(d) In no case shall the utility or its contractor access the facility by leaving or entering the traveled lanes of the road by driving off the shoulder of the roadway. Neither the utility company nor its contractor shall use the shoulder or the clear zone for parking equipment or vehicles.

(e) In no case, whether during construction or maintenance activities, shall personnel of the utility or its contractor cross the median of a divided road or make U-turns across the traveled lanes of any roadway to access the utility's facility or construction site.

(f) If access to the facility requires a change in direction of travel for construction equipment, this access shall be accomplished at locations designated by the Department and in compliance with applicable safety requirements.

Section 6. Other Roads on the State or Federal Highway System.

(a) General Requirements. Proposed occupancy of highway rights-of-way for non-highway purposes shall meet the following criteria:

(i) The proposed facility shall directly or indirectly serve the general public. (See Private and Public Utilities and Governmental Facilities under Definitions.)

(ii) Adequate right-of-way is available and the proposed occupancy does not interfere with or restrict in any way the maintenance, operation, upgrading, and reconstruction of the road and its related facilities like: signs, delineators, guardrail, signals, drainage pipes, ditches, slopes, stockpasses, bridges, fences, etc.

(iii) The safety of the public is not impaired in any way during construction, operation, and maintenance of the facility.

(iv) Clear recovery area (clear zone) criteria is not violated.

(v) Major feeder lines of sufficient capacity shall be brought across the R/W to service developing areas instead of individual lines for each customer.

WYDOT UTILITY ACCOMMODATION REGULATION

(b) Private Lines; Highway R/W Owned by the Department.

(i) Crossings

Privately owned facilities which are operated for private purposes may be allowed to cross the R/W.

(ii) Parallel encroachments

Generally not permitted unless unusual hardship or extenuating engineering, environmental, or aesthetic considerations make construction outside of the R/W extremely difficult or costly.

(iii) Construction methods and safety provisions shall be in compliance with this regulation and as directed by the Department.

(c) Private Lines; Highway R/W on Easement. When the Department holds an easement for highway or transportation purposes from a private landowner, privately owned lines that are operated for private purposes may cross or encroach upon the highway easement as in Para. (ii) above. (Previous case law and legal opinions uphold the following: “The highway rights-of-way are held in trust for the use of the citizens of the State of Wyoming as that may be determined by law. The fact a portion of its right-of-way is held by an easement for highway purposes as opposed to a fee simple interest does not create a greater or lesser estate in the public in and to the land embraced within the rights-of-way or create any difference in the way the public may utilize the right-of-way for highway purposes. The State is legally able to utilize the land within the boundaries of the highway for all lawful purposes consistent with every reasonable method of travel, transportation, and communication for which public highways are normally used.” Extract from Opinion No. 88-003, dated January 15, 1988, by Joseph B. Meyer, Attorney General and Lawrence A. Bobbitt, III, Senior Assistant Attorney General, based on Wyoming Statute 1-26-813.)

(d) Private & Public Utility Lines; Highway on Federal Land. When the highway easement is on Federal land, the applicant is required to obtain permission from the applicable Federal agency which administers the land, after the Department has approved the proposed utility line construction.

(e) Private & Public Utility Lines; Highway on Railroad Operating R/W. When the Department's roads cross a railroad operating right-of-way, whether at grade or on a separation structure, the railroad reserves the exclusive right to license secondary use by any type of utility facility. The utility shall first secure permission from the railroad to cross or encroach upon the rights held by the Department and then furnish the railroad's approval to the Department for issuance of a license. Failure to first obtain railroad approval shall jeopardize the rights granted to the Department by the railroad.

WYDOT UTILITY ACCOMMODATION REGULATION

(f) Public Utilities; Highway R/W on Easement or Department Owned.

(i) General

Crossings and parallel encroachments may be granted to companies, corporations, districts, and joint powers boards organized under the laws of the State, Boards of Public Utilities, facilities belonging to the State or Federal Government, and facilities of the various political subdivisions of the State, who are providing a direct or indirect service to the public.

(ii) See Section 6(a) for General Requirements.

(iii) See Section 6(d) for Federal Lands.

(iv) See Section 6(e) for Railroad Operating R/W.

(v) All other applicable provisions of this regulation, the license form, or the license agreement, and other stipulations of the Department shall be complied with.

Section 7. Inspection.

(a) The Department may at any time, at the discretion of the District, assign full or part time inspectors to any utility's project within the right-of-way to assure full compliance with applicable State and Federal laws, rules, regulations, and Department policy.

(b) Such inspection shall be at the expense of the utility which owns the facility being installed. The District shall execute a WHD Form A-32, Authority for Rendering Special Service, with the utility to cover reimbursement of inspection costs incurred by the Department.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER V

LICENSING PROCEDURES, AGREEMENTS, DENIAL OF APPLICATION

Section 1. General.

(a) Wyoming Statute 1-26-813 requires that permission be obtained from the Department prior to constructing any utility facilities along, across, or under the streets, roads, and highways under Department jurisdiction.

(b) The Department has developed a license form and a license agreement, as well as requirements for an exhibit showing what the applicant proposes to construct on the highway right-of-way and where this facility is to be located.

(c) The Department has also developed a Joint Occupancy Agreement for those instances where a utility facility with prior rights may be located within the highway right-of-way.

(d) An Exhibit (Drawing) of the facility's location within the highway right-of-way is required.

(e) The licenses and any agreements executed between the Department and a utility which refer to or authorize occupancy of highway R/W become a permanent part of the Department files and will be used on future highway projects to determine whether a reimbursement is due the utility for relocation.

Section 2. Application Procedure.

(a) Applicants who wish to cross or encroach upon highway rights-of-way under Department jurisdiction may contact the respective WHD District Maintenance Engineer in whose area the facility is to be installed and explain what they wish to do. (See District Boundary Map in Appendix).

(b) The proposal should consist of drawings that show where the facility will be placed relative to the roadway template. (See Exhibits in Appendix).

(c) Upon review and incorporation of WHD District stipulations into the design, the applicant will fill out the License (WHD Form E-54) and submit four signed and dated copies, with an Exhibit attached to each, to the District Maintenance Engineer. (See Appendix for sample form).

(d) After review of the formal application (license with exhibit), the District will either approve the application by signing it or they may opt, depending on the complexity or size of the proposed utility project and/or if the proposed work will be done by contractors working under the utility's supervision, to prepare a License Agreement which will set forth additional criteria to be followed.

WYDOT UTILITY ACCOMMODATION REGULATION

(e) A standard attachment to any license will be WHD Form E-54A which sets forth specific criteria to be followed by the utility or its contractor during construction. (See attachments in Appendix).

Section 3. License Form (WHD Form E-54)

(a) Form E-54, with Form E-54A and a detailed Exhibit is the most often used permit for licensing utility crossings and/or encroachments. Forms are provided by the District Office.

(b) The applicant shall fill in the top portion of page one with the name of the owner of the facility, a description of the proposed installation, the Section, Township, Range, the Highway/Route number, County, and the highway milepost of the proposed facility or the beginning and ending milepost for an encroachment.

In Section 6 indicate the date of the exhibit.

(c) On page two fill in the name of the company or owner of the facility (not the consulting engineer or individual making application on behalf of the owner), mailing address and telephone number, signature of owner or company official and the date it was signed.

(d) Form E-54 may not be used to permit railroad track crossings or water, sanitary sewer, storm sewer, or other municipal systems when the parallel encroachment is located outside of the corporate limits and is over 500 feet in length. (See License Agreement below).

(e) Drilling, blasting or any type of longitudinal (parallel) seismographic investigation will not be allowed within any highway right-of-way. WHD Form M-23, Seismographic Cable Crossing License shall be issued by the District. (See Operating Policy 19-3).

(f) Upon approval of Form E-54, the WHD District Office will return one copy to the applicant with authorization to proceed with construction, retain one copy for the District files, send one copy to the respective WHD Maintenance Foreman, and send one copy to the Utilities Section in Cheyenne for cataloging in the inventory and storing in the Department's permanent files.

Section 4. License Agreements - Utility Lines.

(a) Depending on the complexity, length, and/or if the utility's project is to be constructed by a contractor(s) hired by the utility, the WHD District Office may require that a License Agreement be prepared by the WHD Utilities Section in Cheyenne.

(b) The District Office will transmit all exhibits and information submitted by the applicant, as well as specific stipulations the District wants incorporated, to the Utilities Section for preparation of the Agreement. Copies of the agreement will be sent to the applicant for signatures and upon complete execution by all parties the authorization to proceed with construction will be given by the WHD District.

Section 5. License Agreements - Railroad Crossings.

WYDOT UTILITY ACCOMMODATION REGULATION

(a) When a railroad company or an industry approaches the District regarding the construction of a track crossing, whether at-grade or requiring a separation structure, the District shall review the proposed location and method of construction with the applicant and their engineer, provide stipulations to be incorporated into the applicants design, and send all pertinent information to the Utilities Section in Cheyenne for preparation of an Agreement.

(b) Crossing requests for railroad company owned and operated communications and/or signal systems may be handled with a Form E-54, at the discretion of the District.

Section 6. License Agreements - Fiber Optics Cables.

(a) When a communications company, federal agency, or other governmental agency approaches the District regarding the crossing and/or parallel encroachment of fiber optics facilities, the District shall review their proposed construction, stipulate changes in the proposed construction method and/or location, and furnish Form E-54B (Fiber Optics Construction Standard) to the applicant.

(b) After the Districts recommendations have been incorporated into the applicants design and all other provisions of Department regulations have been met, the District will furnish all pertinent information and exhibits to the Utilities Section in Cheyenne for preparation of a License Agreement.

(c) In cases where the applicant's proposed project consists of crossings and/or encroachments in several locations within a WHD District, one License Agreement may be prepared to cover the entire District instead of each crossing or encroachment separately, at the discretion of the District.

Section 7. License Agreement - Special Situations. Any time the District receives a request for a crossing and/or encroachment that meets all criteria for being placed within the highway right-of-way or involves work by others within the R/W and Form E-54 is not specific enough to cover the proposed work, the pertinent background information, proposal, and exhibits may be sent to the Utilities Section for consultation with the WHD Staff and attorney, as well as preparation of a special agreement.

Section 8. Exhibits for Licenses.

(a) General - All Installations.

(i) Each License Form E-54 and/or License Agreement shall have a drawing(s) attached which shows the current man-made and natural terrain features and how the proposed facility is to be constructed in order to miss obstacles within the highway R/W.

(ii) Exhibits that show straight line construction with a standard offset distance are only acceptable if a field review by the WHD District confirms that construction along straight lines is practical. (See related Section on location within the R/W).

WYDOT UTILITY ACCOMMODATION REGULATION

(iii) If unanticipated or unusual circumstances are encountered during utility construction which force a deviation in excess of two feet from the approved horizontal alignment, the respective District Maintenance Engineer will be contacted prior to making the deviation, for approval of the deviation and an amended exhibit will be filed by the utility.

(iv) As a minimum the exhibit will show the following:

(A) The existing roadway, right-of-way line, right-of-way fence, and cross fences if they are not on the R/W line. Existing approaches, intersecting roads or streets, drainage ditches, irrigation ditches, pipes and culverts that have to be crossed. Existing major utility facilities. The proposed utility alignment with offset distances from either the roadway centerline or right-of-way line.

(B) Land description and accurate ties to the nearest highway milepost. If milepost markers are not available the tie shall be to a highway station.

(C) Location of existing facilities on the highway R/W that are owned and/or operated by the applicant.

(D) Proposed locations of all appurtenances like air relief valves, manholes, pedestals, junction boxes, line markers, vent pipes, guys and anchors, etc.

(E) Size and or capacity of the proposed facility (i.e. kv, cablepairs, pipe diameter), pipe type and wall thickness for carrier and casing, product to be carried, as applicable.

(b) Aerial Crossings.

(i) In addition to the above, the exhibit will show the low sag design clearance above the high point of the roadway.

(ii) Any existing or proposed underbuilt facilities, including those by others.

(iii) Cross-sectional view of highway R/W showing the location of poles or support structures relative to roadway centerline or R/W lines. (Also see additional text).

(c) Buried Crossings.

(i) Cross-sectional view of highway R/W at the crossing, showing the depth of the facility relative to natural ground, roadway drainage ditch and roadway template.

(ii) Location of bore and receiving pits.

(iii) If casing pipe or conduit is used, show where the casing will end.

(iv) If heavy wall thickness pipe is used instead of casing pipe, show where the heavy wall thickness pipe transitions back to normal thickness pipe. (Also see additional text).

WYDOT UTILITY ACCOMMODATION REGULATION

Section 9. Change of Ownership.

If a utility contemplates selling portions or all of their facilities, which include crossing or parallel encroachments on Department R/W, the license holder shall notify the Department in writing of this intent and provide the name, address and telephone number of the buyer, as well as a list itemizing all of the crossings and encroachments involved in the transfer by land description and highway milepost.

The Department may choose to have the new owner sign new License Forms (E-54) if only a few locations are involved, or opt to write a Change of Ownership Agreement, to be executed by all parties, if several crossings/encroachments are involved in numerous locations.

Section 10. Abandonment of Facilities.

(a) If a utility contemplates abandoning or otherwise taking out of service a previously licensed facility, the Department shall be notified in writing, with a listing showing the location(s) of the facility by land description and highway milepost, and if possible a copy of the originally issued license(s).

(b) If the Department, based on engineering judgement and future plans for highway work, determines that the facility should be removed from the highway R/W, the owner will be notified and shall remove the facility and restore the highway R/W as directed by the Department.

(c) If a utility sells their facility to a salvage firm for removal, the salvage contractor is required to contact the respective WHD District Maintenance Engineer who will provide applicable stipulations regarding safety of traffic and restoration of the highway R/W. The utility holding the license will remain responsible until the work is done to the satisfaction of the Department.

(d) The WHD District will notify the Utilities Section when the abandonment and/or removal of a facility has been authorized so that the appropriate notation can be made to the main file copy of the original license.

Section 11. Cancellation of a License, Suspension, Removal of a Facility.

(a) By the Utility.

(i) A utility must cancel a previously granted license if no construction has taken place within 12 months by notifying the respective District Maintenance Engineer and/or the Utilities Section in Cheyenne.

(ii) A utility must cancel a previously granted license after a facility has been taken out of service and removed. (Also see Abandonment).

(b) By the Department.

(i) The Department may cancel a license if construction by the utility has not been

WYDOT UTILITY ACCOMMODATION REGULATION

completed within 12 months after approval has been given by the District, unless prior arrangements for a longer period have been made with the District.

(ii) The Department may cancel a license and direct removal of a facility installed in a location other than approved by the District. (Also see Removal and Suspension in this Section).

(iii) The Department may suspend a license if the facility was placed in a location other than approved by the District. (Also see Removal and Suspension in this Section).

Section 12. Cause for Removal or Suspension of a License.

(a) Removal.

(i) The Department may require removal of a facility when the installation deviates more than two feet horizontally an/or was installed at a shallower depth than approved by the District and thereby causes an unnecessary encumbrance on the operation, maintenance and safety of the highway and the right-of-way.

(ii) If such a removal is necessary in the best engineering judgement of the District, the utility shall be notified by the District of the remedial measures to be taken and the time frame in which the removal will be accomplished. This notification should be sent by Registered Mail.

(iii) Failure by the utility to respond will be prosecuted in accordance with the due process procedures and provisions of the Wyoming Administrative Procedures Act.

(b) Suspension of a License

(i) The Department may suspend a license, for the same violations listed above, when the utility installed facility does not cause an immediate hindrance to operations, maintenance, and safety of the highway and its right-of-way, but is not in compliance with the license.

(ii) The utility will be notified by the District in writing that the facility is not in compliance with the approved license and exhibit and that the utility is required to file an amended exhibit showing the actual location of the facility.

Failure to respond by the utility within the time frame set by the District will cause all other submitted requests for licenses to be held in suspension until the amended exhibits have been received.

(iii) WHD District personnel may suspend a license and stop further construction on a utility project in progress if the utility's practices are in violation of the Department's safety requirements and/or create a hazard to the public.

The utility and/or its contractor will be allowed to continue with construction only after the safety violations have been corrected.

WYDOT UTILITY ACCOMMODATION REGULATION

Section 13. Additional Facilities on Existing License.

- (a) Additional facilities by the same utility may be attached to or located immediately adjacent to an existing licensed facility, provided the existing facility is in compliance with the provisions of this regulation and the additional facility can be installed likewise.
- (b) At the discretion of the District such additional facilities may be authorized for construction upon submittal of an amended exhibit showing the location of the additional line.
- (c) In case of an aerial facility that is being upgraded to a larger capacity, or in case of an underbuilt by the utility holding the existing license, the revised exhibit should show the increased capacity and revised low sag vertical clearance above the high point of the paved portion of the road, which shall be no less than eighteen (18) feet and/or otherwise in compliance with the National Electric Safety Code.

Section 14. Additional Facility-Different Owner.

- (a) A utility may allow secondary use by other utilities provided the utility proposing to underbuild has been granted a license from the Department and the low sag vertical clearance is not less than eighteen (18) feet above the high point of the paved portion of the road and/or otherwise is in compliance with the National Electric Safety Code.
- (b) If a utility is contemplating installing a facility in a joint trench with someone else, licensing procedures shall be followed by all users of the common trench.

Section 15. Denial of Request to Construct on Highway Right-of-Way. Wyoming Statute 1-26-813 states that public utility facilities and fixtures may be set along, across or under any public roads, streets and waters of this state in such a manner as not to inconvenience the public in their use.

- (a) Based on the provisions of this statute, and the exercise of good engineering judgement weighed against the public good, the Department may deny occupancy of highway right-of-way by utility facilities under the following conditions:
 - (i) The facility will interfere with ongoing maintenance operations.
 - (ii) In backslopes of erosive soils or slopes steeper than 2:1.
 - (iii) Within the roadway template except for buried facilities that cross at a safe distance below the drainage ditch, and except in urban areas or city street roadway templates where poles may be placed behind the sidewalk, slopes permitting, and buried facilities may be placed under the traveled lanes or sidewalk.
 - (iv) In road segments where it is known that road construction will take place in the near future.

WYDOT UTILITY ACCOMMODATION REGULATION

(v) Any other area within the highway right-of-way where, from an engineering, maintenance, or traffic safety point of view, the operations of the Department will be hindered.

(vi) Within the limits of the clear recovery area as determined by use of the AASHTO Guide for Selecting, Locating, and Designing Traffic Barriers and the Roadside Design Guide, or similar criteria normally used in highway design.

Section 16. Joint Occupancy Agreements.

(a) If, during the construction or reconstruction of a road, the facilities of a utility are incorporated within the new highway right-of-way and the utility facilities do not have to be relocated due to conflict with the road construction, the Utilities Section will prepare a Joint Occupancy Agreement which recognizes that the utility had a prior right in the location shown on the exhibit and that future relocation and/or adjustments of the utility, necessitated by future road construction, will be at the expense of the Department.

(b) The same provisions as in (a) above apply to a utility facility that is being incorporated into new highway R/W and must be relocated due to conflicts. The utility may be relocated within the new highway R/W rather than on a new private easement outside of the highway R/W, provided the new location does not interfere with the road's construction and future operations.

(c) The Department will reimburse relocation costs for a facility of the same type and capacity as described in the original Joint Occupancy Agreement.

(d) Issuance of a license (Form E-54) for a facility covered under such an agreement is not required.

Section 17. Relocation/Adjustment Agreement.

(a) If a utility facility is being relocated from a private right-of-way due to a road construction project, the utility may place the relocated facility within the existing or new right-of-way of the subject road providing the stipulations of this regulation can be met.

(b) The relocation/adjustment agreement contains language which stipulates that future relocation of the facility due to highway projects will be reimbursed by the Department for a facility of the same type and capacity as was originally relocated under the agreement.

(c) Issuance of a license (Form-54) for a facility covered under such an agreement is not required.

Section 18. Approaches and Driveways. Access to utility facilities located adjacent to but outside of the highway R/W may be granted by the District Engineer provided the proposed location meets all Department safety criteria and other provisions and policies.

Application should be made to the District by separate procedure.

WYDOT UTILITY ACCOMMODATION REGULATION

Section 19. Groundwater Monitor Wells. Requests for the construction of these wells on highway right-of-way may come from Federal or State agencies as well as from private individuals who have a requirement to monitor groundwater for pollution.

License Form E-54 may be issued for these facilities as long as the well location(s) is not interfering with maintenance activities or anticipated construction/reconstruction of the road, and as long as the location of the facility and the periodic extraction of samples or inspection does not create a hazard to pedestrians or vehicle traffic during and after the placement of the well.

Upon completion of the testing/monitoring activity, the well shall be capped and the site restored by the Licensee as specified by the Department's engineer.

Private use of these wells for irrigation or other purposes after completion of the testing period shall not be permitted.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER VI

UTILITY CONSTRUCTION WITHIN HIGHWAY RIGHTS-OF-WAY

Section 1. General.

(a) There are certain areas within the highway right-of-way that should be kept clear of utility facilities due to the hazard created to vehicular, bicycle and pedestrian traffic and/or the restraints the utility facility imposes on the Department's routine maintenance work as well as roadway safety and widening projects.

(b) Utilities contemplating crossing or encroaching on highway R/W should incorporate the provisions of this regulation into their design in order to avoid redesign and delay in the approval of their license application.

(c) Applicants for a license to place facilities on or across the highway R/W are advised to establish the actual limits of the highway R/W instead of assuming that a fence represents the property line.

(d) If the facility being placed on the R/W causes any sort of damage to the right-of-way, paved areas, or highway appurtenances, during or after construction, the repair of such damage shall be paid for by the owner of the facility.

Section 2. Clear Roadway Recovery Area.

(a) General.

(i) Also referred to as the "Clear Zone". This area, adjacent to the traveled lanes and including the paved shoulder or emergency parking lane, provides for an obstruction free recovery area for a driver to regain steering control should the vehicle leave the traveled lane.

(ii) Highway appurtenances installed within this clear zone, except for barrier rail, are of the yielding or breakaway design.

(iii) Obstructions located within the clear zone that can not be relocated must be protected with barrier rail if the rail provides the least hazard, and steep embankment slopes should be flattened.

(iv) The actual clear zone width for a given segment of road is a function of the road's speed, horizontal curvature, and embankment slopes. It is not a standard fixed distance from the edge of the traveled lane as the often used term "30 ft. clear zone" would imply. However, the Department generally uses the area between the edge of the traveled lane and 40 feet parallel thereto for the installation of guardrail, delineators and traffic signs.

WYDOT UTILITY ACCOMMODATION REGULATION

(v) In any case, and on all types of roads, utility facilities should be located as close as possible to the outer limits of the highway right-of-way. Facilities that have to be located within the limits of the clear recovery area will be of a breakaway design.

(vi) Actual clear zone required at a specific location and road shall be in accordance with the AASHTO Roadside Design Guide.

(b) High Speed Roads - Rural Areas. The Department generally uses the minimum distance of 30 feet from the edge of the traveled way as the transitioning point from a slope of no steeper than 6 to 1 to the steeper slopes required to reach natural ground and/or the drainage ditch.

Guardrail end anchorages, delineators, regulatory signs, and light standards are normally installed within the first 30 feet parallel to the traveled lane with large signs as far as 40 feet away.

The paved roadway, shoulder and the area up to 40 feet measured from the traveled lane shall be kept clear of above ground utility facilities due to the hazard they present, and clear of parallel buried facilities due to the restrictions they place on the Department for maintenance of slopes and shoulders, as well as construction, maintenance and repair of guardrail, delineators, signs, etc., unless the appropriate provisions of the AASHTO Highway Design publications require a more restrictive obstruction free area.

(c) Low Speed Rural Collectors and Rural Local Roads. On this type of road the minimum obstruction free area is 10 feet from the edge of traveled lane and/or 10 feet behind existing or proposed sidewalk and/or bicycle path.

(d) Urban Arterials, Collectors and Locals Streets.

(i) With Curb only - On this type of road the minimum obstruction free area should be 1.50 feet behind the curb.

(ii) With Curb and Sidewalk - The obstruction free area shall extend to behind the existing or pro-posed sidewalk.

Section 3. Roadway Slopes.

(a) The roadway embankment slope (from the clear recovery area break point down to the bottom of the ditch or intercept with natural ground) should be kept clear of parallel encroaching utility lines and supporting facilities of crossing utility lines like guys and anchors, vent pipes, manholes, markers, etc.

(b) The backslope (from the ditch section up to a point of intersection with natural ground) should be kept clear of paralleling utility facilities and supporting structures of crossing utility lines, like guys and anchors, vent pipes, manholes, markers, etc., if the slope is 2:1 or steeper.

Section 4. Ditches, Culverts, Drainage Pipes, Stockpasses.

WYDOT UTILITY ACCOMMODATION REGULATION

- (a) Utility facilities shall not be placed in or attached to any type of drainage pipe, concrete box or stockpass.
- (b) Temporary (short term) use of pipes, boxes, or stockpasses for any noncorrosive or non-combustible utility line may be authorized by the Department's engineer on a case by case basis.
- (c) Parallel installation of utility facilities in roadway ditches is not allowed.
- (d) For buried crossings of drainage ditches, the utility trench will be backfilled and compacted in lifts, and the flowline restored, as directed by the Department's engineer.

Section 5. Attachment to Existing Bridges or Structures.

- (a) General.
 - (i) Attachment of utility facilities to the bridge deck surface, to the top of curbs and sidewalks, or to traffic or pedestrian railings will not be allowed. Open wire electrical or telephone line attachments are not allowed.
 - (ii) Welding of utility attachments to main steel girders or direct attachment to main load carrying girders will not be allowed.
 - (iii) Requests for attachment of utility lines to bridges shall be forwarded by the District Maintenance Engineer to the State Bridge Engineer for review and recommendation regarding the method of attachment.
 - (iv) Prior to requesting attachment to bridges over railroad tracks from the Department, the applicant shall furnish written approval of a permit from the railroad company.

(b) **Volatile and Corrosive Material.** The attachment to a bridge or other structure of utility lines carrying flammable, corrosive, and/or explosive material may be permitted if the following criteria are met:

- (i) Maximum line size shall be four inches of inside diameter.
- (ii) The maximum line pressure shall be 60 psig, which shall be verified in the presence of Department personnel.
- (iii) Each line shall be properly encased and vented.
- (iv) Each line shall have a shutoff valve, that activates automatically when a sudden pressure drop occurs, located within 300 feet of each end of the structure.

Section 6. Attachment to Proposed Bridges or Structures.

- (a) General.

WYDOT UTILITY ACCOMMODATION REGULATION

The provisions of Paragraph (i) & (ii), Section 5 (a) apply.

(b) New Construction, Utility has Prior Right.

When the construction of a new bridge or structure forces the relocation of a utility facility and this relocation is reimbursable, the facility may be attached to the new structure provided the provisions of Chapter IV and Chapter VI, Section 5 can be met.

The Bridge Department will contact the utility during preliminary engineering and enter into an "Authority for Rendering Special Services" (ARS) with the utility. The cost of design, materials, and installation will be billed to the utility as those phases are completed.

Reimbursements due the utility for the bridge attachment shall be prorated by the utility based on the cost of the attachment versus the cost of not attaching to the bridge, and shown in the final billing to the Department for all of the reimbursable work on the project.

(c) New Construction, Utility by License.

When the construction of a new bridge or structure conflicts with an existing utility line that is located on public R/W or otherwise has no reimbursable right; or

If a utility company wishes to attach facilities to a bridge or structure for other reasons, provided the criteria of Section 5 can be met, the Bridge Department will design the appropriate hanger system for the facility and include the installation in the Departments construction contract.

The cost of design, materials, and installation will be billed to the utility company. The request for work and costs shall be covered by an "Authority for Rendering Special Services" (ARS).

Section 7. Crossing Underneath Existing Bridges.

(a) Adjacent to Crossroad.

Buried utility facilities may be allowed to cross adjacent to a crossroad provided there is adequate horizontal clearance between the edge of the existing pavement and the closest bridge piers or slope paving.

Additional depth of bury may be required to allow for the reconstruction of the crossroad and installation of concrete barrier.

If the area underneath a bridge is congested, the utility facility should be bored underneath the adjacent embankment behind the bridge abutments.
(See Detail Drawing).

WYDOT UTILITY ACCOMMODATION REGULATION

Section 8. Appurtenances and Support Facilities.

(a) Above ground support facilities like repeater huts, gas pressure regulator buildings, ground mounted electrical transformers, junction or splice boxes, cathodic protection ground beds and their rectifiers, above ground pipeline shutoff valves and cleanout traps, pressure relief valves, etc., shall not be constructed within the highway right-of-way unless extenuating circumstances exist and the proposed location has expressly been approved by the Department's engineer and the location meets all provisions of this regulation.

(b) Top of manholes, vaults, or other below ground facilities shall be flush with the existing ground and their locations and design must be specifically approved by the Department's engineer.

(c) Access driveways to facilities located outside of but adjacent to the highway R/W may be granted by separate application to the District Traffic Engineer.

(d) Guy wires and anchors for aerial facilities located outside of the highway R/W shall not be permitted on the highway R/W unless extenuating circumstances exist and the location of the guys and anchors meets other criteria of this regulation.

(e) Temporary pole structures for use during stringing of aerial lines shall be placed no closer to the road's traveled way than allowed by the clear zone provisions.

(f) In any case, permitted appurtenances and support facilities shall be located as close as possible (preferably within 15 feet) of the R/W line.

Section 9. Overhanging Aerial Lines.

(a) Utility facilities located outside of the highway R/W that have crossarms and conductor wires or cables which overhang onto the highway R/W shall be covered by a license (Form E-54).

(b) The vertical clearance above ground shall be of sufficient height to allow for the safe operation of maintenance equipment on the highway R/W, and allow for the safe construction and operation of driveways and approaches in those areas where they exist or a need for them can be anticipated in the foreseeable future.

(c) Crossarm and/or conductor encroachment into the highway R/W shall not exceed eight (8) feet.

Section 10. Buried Facility Crossings.

(a) Urban Areas - Depending on the type of facility crossing being proposed and the physical constraints at the site, the Department's engineer may authorize open trenching or require

WYDOT UTILITY ACCOMMODATION REGULATION

a bored crossing of the roadway template and paved surface.

When an open trench is authorized the backfilling and compaction of the trench as well as the replacement of the paved surfaces will be as specified by the Department.

(b) Rural Areas - Utility facility crossings in rural areas, whether across the main roadway or connecting paved sideroads and approaches, shall be bored.

The acceptable methods are boring/drilling, pushing or jacking, and tunneling. The use of a high pressure stream of liquid (jetting) to create a cavity for subsequent placement of a utility line is not permitted.

(c) The diameter of any bore shall not exceed the outside diameter of the pipe being placed by more than five (5) percent.

(d) The applicant's engineer is advised to make arrangements with the Department's engineer regarding a site investigation to determine if boring is feasible in the proposed locations.

Section 11. Casing of Utility Lines.

(a) The Department does not require casing of pipelines crossing the highway R/W as long as heavy wall thickness carrier pipe is used and the pipeline is cathodically protected. (Also see Section on Pipelines).

(b) For crossings of small diameter power, communications, or similar lines that can not be pushed or bored underneath the roadway embankment, a metallic or nonmetallic casing pipe of a wall thickness that can withstand highway loading may be used.

(c) Casing pipe or heavy wall thickness pipe shall extend at a minimum to the face of the bore/receiving pit to allow for future dirt widening of the road embankment and shall be of a wall thickness meeting the criteria for highway loading.

(d) For casing of water, sanitary sewer, and storm water pipelines see the stipulations in Chapters VI and VII of this regulation.

Section 12. Bore and Receiving Pits.

(a) The face of these pits shall be no closer than 15 feet to the bottom of the roadway embankment or ditch flow line and/or no closer than 30 feet to the edge of the traveled way in order to provide for a continuous clear zone and to leave the embankment undisturbed.

(b) On divided roadways where the median is less than 120 feet, no pits will be allowed in the median section of the road.

Section 13. Material Storage, Equipment Parking, Access to Work Site.

WYDOT UTILITY ACCOMMODATION REGULATION

(a) All pipe, conduit, wire, poles, crossarms, or other construction material distributed along the highway right-of-way prior to installation of the facility shall be placed as far away from the traveled lanes as possible and shall not be stored within the highway R/W for longer than two weeks prior to construction unless specifically approved by the Department's engineer.

(b) Equipment used for the construction of the facility, vehicles used during the construction and/or delivering materials and vehicles of the workers and/or inspectors at the work site shall not in any way obstruct the traveled lanes of the road unless a traffic control and traffic safety plan has been approved by the Department's engineer and is in use.

(c) Existing approaches and driveways shall be used as much as possible to access the work site in order to minimize the hazard to the road user and minimize the damage to the roadway, shoulders, embankment slopes, drainage structures, ditches and other existing utility facilities.

Section 14. Wetlands.

(a) Several Federal Regulations address the disturbing of wetlands and the mitigation of impacts caused by construction. It is possible that proposed utility construction within existing highway R/W could impact on existing or proposed wetland areas within the highway R/W.

(b) Construction through such wetland areas shall be avoided by the utility companies by planning alternate routing of their facilities.

(c) Relocation and/or adjustment of utility facilities in connection with proposed Highway Department construction of replacement wetland areas will be handled separately and in conjunction with the construction project and as outlined in FHPM 7-7-7 "Mitigation of Environmental Impacts to Privately Owned Wetlands" or other rules/regulations addressing this topic.

Section 15. Seismographic Activities.

(a) Drilling, blasting, or any type of longitudinal seismographic investigation will not be allowed within the highway rights-of-way under Department jurisdiction.

(b) The laying of temporary cable across interstate, primary, and secondary roads may be permitted upon receipt of a formal request by the respective District Maintenance Engineer.

(c) The District may issue Form M-23 "Seismograph Cable Crossing License" which outlines specific stipulations to be followed. (Also see Operating Policy 19-3).

Section 16. Utility Line Construction by Private Individuals or Developers.

(a) Construction by private individuals and their contractors shall in all respects meet the construction and safety requirements applicable to public utility companies.

(b) Service connections from public and/or municipal systems to a customer shall be

WYDOT UTILITY ACCOMMODATION REGULATION

constructed by the provider of the commodity or their contractor, and the license shall be issued to the provider of the service, not the customer.

(c) Developers who are constructing utility lines that will ultimately become part of a municipal system shall have the municipality's approval for the design and the license shall be issued to the municipality, not the developer.

(d) Even though some utility services have been deregulated to the point where a customer could start his privately owned service connection at the suppliers main trunk line, such privately owned encroachments and/or crossings are not permitted. The license shall be issued to the supplier and construction across the highway R/W shall be by the supplier of the service or their contractor.

Section 17. Service Connections to Adjacent Developments. If at all possible, individual service line crossings to an industrial or residential development should be avoided.

The utility or municipality shall construct a limited number of major feeder lines across the highway right-of-way and begin distribution and service lines outside of the highway R/W within designated utility corridors, on private property or adjacent city streets.

Section 18. Traffic Control and Detours.

(a) General. If a utility's construction in any way obstructs or interrupts the flow of traffic on the road or restricts the use of the roadway the utility shall furnish the District with a Traffic Control Plan.

The provisions of the "Manual on Uniform Traffic Control Devices" and/or the Department's manual on "Traffic Control for Roadway Work Operations" shall apply.

(b) Detours Within Municipalities for Crossings and Parallel Construction. If the use of the roadway becomes too restricted or hazardous during utility construction, the utility shall coordinate detour routes with the municipality.

(c) Detours Outside of Municipalities for Crossings Only. If the use of the roadway becomes too restricted or hazardous during utility construction of a crossing it may become necessary to provide a traffic detour within the highway R/W.

The design, construction, traffic control, and removal of a detour shall conform to current Department design and construction practices and shall be as directed by a Department engineer.

Section 19. Restoration of Highway Right-of-Way. Any time a utility or municipality enters upon highway R/W to construct, repair or replace all or any portion of a facility, those portions of the highway R/W that have been disturbed or damaged in any way shall be restored as directed by the Department's engineer.

WYDOT UTILITY ACCOMMODATION REGULATION

If frequent maintenance and/or inspection trips by a utility's vehicles cause destruction of vegetation, rutting in the roadway slopes and drainage ditches, or a breakdown of roadway shoulders and pavement taper sections, the Department will direct the utility to make the necessary repairs in compliance with Department specifications.

Section 20. Access to Utility Facilities for Construction and Maintenance.

(a) Interstate Highways or Other Fully Access Controlled Roads. Access for construction and maintenance of facilities shall be in compliance with Chapter IV, Section 5.

(b) All Other Roads. Access for construction and maintenance shall be from existing approaches and driveways or as designated by the Department's engineer. (Also see Section 13 of this regulation).

(c) Utility facilities, advertising signs, and other private facilities located outside of the highway right-of-way in rural areas shall not be maintained, inspected, repaired, or serviced from within the highway R/W.

Damage to the highway R/W due to such activity shall be repaired at the expense of the utility and such trespass may be prosecuted.

Section 21. Railroad Crossings. Requests for the crossing of highway rights-of-way with a railroad mainline or spur tracks, whether requested by a railroad company or an industrial user, and whether for an at-grade crossing or separation structure, shall not be granted by issuance of WHD License Form E-54. All pertinent information shall be submitted to the Utilities Section for preparation of a specific agreement.

Upon execution of the agreement between the Highway Commission and the applicant requesting such a rail crossing, the applicant shall file a copy of the agreement with the Public Service Commission of Wyoming in compliance with their most current rules.

Section 22. Construction Standards.

Utility facilities located on highway right-of-way shall be constructed and maintained in compliance with applicable Federal and State laws, rules, regulations, as well as industry standards and codes, and in accordance with accepted good engineering practices.

Section 23. Existing Utility Facilities. Any utility contemplating construction of a facility within highway R/W shall make every effort to field locate all existing utility lines and facilities in the area of their proposed construction and to safeguard such facilities from damage during construction. (See Wyoming Statutes 37-12-301 thru 304).

Existing utility facilities are to be considered as having a prior right over the facility being proposed and their relocation or adjustment shall not be made at the expense of the Department or utility presently occupying the highway right-of-way.

WYDOT UTILITY ACCOMMODATION REGULATION

Section 24. Closing of Roads to Traffic. No roads under the jurisdiction of the Department may be closed to traffic for utility construction unless specifically authorized by the Department's engineer.

Section 25. Construction Supervision by Utility. The utility shall at all times have an individual at the work site that is aware of the Departments stipulations and approved alignment and has the authority to enforce compliance by the utility's construction forces and/or contractor.

Section 26. "Call Before You Dig". Reference Wyoming Statutes 37-12-301 thru 304. These laws set the requirements to be followed by any "person" contemplating "excavation" and what is required to protect "underground facilities." The law defines the key phrases thusly:

(a) "Excavation" means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced by means of power tools, power equipment or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping and cable or pipe blowing and driving, except tilling of soil and gardening or agricultural purposes.

(b) "Person" means an individual, partnership, municipality, state, county, political subdivision, utility, joint venture or corporation, and includes the employer of an individual.

(c) "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments and those parts of poles below ground.

Section 27. Public Telephone Installations.

(a) If a local telephone company wishes to install public telephones, walk-up or drive-up types, within the highway right-of-way, rest areas, or other Department land, such installations must be specifically approved by the Department's engineer and a License, Form E-54, shall be issued for each location.

(b) General Guidelines for approval are:

(i) The flow of vehicular or pedestrian traffic is not restricted in any way.

(ii) The vehicle movement leaving and reentering the flow of traffic can be performed safely and with the least amount of disruption to the flow of traffic and pedestrians.

(iii) The facility and any turnout does not hinder the operations of the road nor significantly interfere with the maintenance of the road and the right-of-way.

Section 28. Adherence to Standards, Workmanship.

(a) All work performed by utilities on the highway right-of-way, whether with their own

WYDOT UTILITY ACCOMMODATION REGULATION

forces or by a contractor working under the utility's direct supervision, shall be in compliance with the most current Federal and State laws, rules, and regulations, as well as industry standards and the provisions of this regulation.

(b) All work performed by utilities on the highway right-of-way shall be performed by qualified personnel of the utility's own forces or by qualified contractors who are under the direct supervision of qualified personnel of the utility or the utility's engineer.

Section 29. High Voltage Line Safety. The licensee is advised to comply with the provisions of W.S. 37-3-301 through W.S. 37-3-306, titled Wyoming High Voltage Power Lines and Safety Restrictions Act.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER VII

OVERHEAD POWER AND COMMUNICATIONS FACILITIES

Section 1. Design and Construction Provisions. The provisions of Chapter I as to occupancy of and construction within highway rights-of-way shall apply.

The term communications facilities of this section includes, but is not limited to, telephone/telegraph lines, fiber optics lines, cable tv lines, fire alarm/signal lines, telemetry circuits, and any other lines for the purpose of sending - receiving signals and communications, as well as related support equipment.

The term power facilities of this section includes, but is not limited to, transmission and distribution lines for electric current and associated equipment and facilities.

Section 2. Specific Provisions.

(a) Only single pole construction will be allowed for parallel encroachments and for crossings when the poles are located on highway R/W.

(b) Crossing of the highway R/W shall be as close to perpendicular to the roadway centerline as practical.

(c) Construction requirements of the National Electrical Safety Code and/or the National Electrical Code shall apply with a minimum vertical clearance of eighteen (18) feet above the high point of the roadway template, side roads or approaches, roadway turnouts, and roads within scenic overlooks, rest areas, and visitor/information centers, computed at maximum conductor or cable sag.

(d) No poles shall be located in the median portion of divided highways. If extenuating circumstances exist, poles may be allowed in medians of 120 feet or wider.

(e) No poles or guy wires shall be located within the roadway's clear recovery area and inslopes or backslopes of 2:1 and steeper. Poles located within the clear recovery area due to extenuating circumstances shall be of an approved breakaway design.

(f) Guy wires located in highway R/W shall be equipped with guy guards.

(g) Unless extenuating circumstances exist, no poles shall be placed within or through an interchange area.

(h) Crossarms with electrical conductor or communications cable on pole lines built adjacent to but outside of the highway R/W shall not encroach into the highway R/W for more than eight (8) feet.

(i) Poles shall be located as close as possible to the highway R/W line.

WYDOT UTILITY ACCOMMODATION REGULATION

(j) Joint use of poles is encouraged as long as the underbuilt facility's vertical clearance is a minimum of eighteen (18) feet above the high point of the roadway template at low sag, and is otherwise in compliance with all other provisions of the NESC and/or NSC.

(k) No open wire electrical lines will be attached to highway bridges or other highway structures.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER VIII

UNDERGROUND POWER AND COMMUNICATIONS FACILITIES

Section 1. Design & Construction Provisions. The provisions of Chapter I as to occupancy of and construction within highway rights-of-way shall apply.

The term communications facilities of this section includes, but is not limited to, telephone/telegraph lines, fiber optics lines, cable tv lines, fire alarm/signal lines, telemetry circuits, and any other lines for the purpose of sending/receiving signals and communications.

The term power facilities of this section includes, but is not limited to, transmission and distribution lines for electric current and associated equipment and facilities.

Section 2. Specific Provisions.

- (a) Parallel encroachments shall be as close to the highway R/W line as possible.
- (b) Crossings shall be as close to perpendicular to the roadway centerline as practical.
- (c) Casing pipe for pushed or bored crossings shall be of sufficient strength to withstand highway loadings and of sufficient size to allow for future installations.
- (d) Parallel encroachments of direct buried cable underneath the traveled lanes is not allowed. When permitted elsewhere in the highway R/W, direct buried cable shall be a minimum of 36 inches below natural ground and a minimum of 36 inches below ditch flowline for crossings.
- (e) Parallel encroachment of a multiple space duct transmission system and the associated manholes, splice pits, and/or vaults are not encouraged but may be approved for construction under the roadway and/or sidewalk section of urban roads provided the appurtenances are designed to withstand highway loading and allowances are made for future roadway gradeline changes. Distribution systems shall not be placed under the pavement section.
- (f) The construction provisions of the National Electrical Safety Code and/or National Electrical Code shall apply with a minimum depth of cover of 36 inches below top of pavement for parallel construction, and a minimum of 36 inches below roadway ditch flow line for crossings.
- (g) Joint occupancy of duct systems and trenches is encouraged provided the construction provisions of the NESC and/or NEC can be followed.
- (h) The face of the bore pits or receiving pits shall be no closer than fifteen (15) feet to the roadway embankment slope or roadway ditch and in no case closer than 30 feet to the edge of the traveled way and the casing pipe shall at a minimum extend to the face of the pit.

WYDOT UTILITY ACCOMMODATION REGULATION

- (i) The diameter of the bore shall not exceed the outside diameter of the pipe being placed by more than five (5) percent.
- (j) Trenching or plowing from the bore/receiving pit to the R/W line may be authorized at the discretion of the Department's engineer.
- (k) Restoration of the R/W, compaction of trenches, repair of pavement, repair of fences, etc. shall be as directed by the Department's engineer.
- (l) Marker posts shall be placed as close to the R/W line as possible. For parallel encroachments they shall be at 1,000 feet intervals or line of sight and at crossings on both sides of the R/W.
- (m) Parallel installation within the median strip of divided highways is not permitted.
- (n) Deviation from the approved horizontal alignment in excess of two (2) feet shall have prior approval from the Department's engineer and amended exhibit's will be provided.

Section 3. Specific Provisions - Fiber Optics Facilities. These provisions are contained in WHD Form E-54-B "Attachment to License for Fiber Optics Communications Facilities"; copy included in this regulation.

Section 4. Conduit for Street Lighting and Traffic Signals. These conduits, when placed underneath or adjacent to the sidewalk, shall be a minimum of eighteen (18) inches below sidewalk or ground.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER IX

GAS PIPELINES TRANSMISSION AND DISTRIBUTION

Section 1. Design & Construction Provisions. The provisions of Chapters IV and VI as to occupancy of and construction within high- way rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definitions are used:

(a) "Gas" means natural gas, flammable gas, gas which is toxic or corrosive, and carbon dioxide.

(b) "Transmission lines and facilities" means pipelines and facilities for the transportation of gas between states (Interstate) as well as those that transport gas from gathering lines and storage facilities to distribution centers and storage facilities, and directly to large volume customers (Intrastate).

(c) "Gathering lines" means pipelines that transport gas from a production facility (wellhead) to a storage facility or transmission line.

(d) "Distribution Line" (including service lines and distribution mains) means those lines conveying gas to customers from a common source.

Section 3. Specific Provisions.

(a) Design and Construction of all carrier pipe and casing pipe shall be in compliance with the most current provisions of Federal and State laws, rules and regulations, as well as industry standards and the provisions of this regulation.

(b) Casing of pipelines is not required if the carrier pipe is of heavy wall thickness and the line is cathodically protected.

The heavy wall thickness portion of the line, or casing if used, shall extend at a minimum, to the face of the bore pit to allow for future widening of the roadway.

(c) Bore and receiving pits shall be located no closer than fifteen (15) feet to the bottom of the roadway embankment or ditch flow line, but no closer than thirty (30) feet from the edge of traveled way to the face of the pit, in order to allow for a continuous clear zone.

(d) Bore and receiving pits shall not be located in the median strips of divided highways where the median is less than 120 feet wide, unless specifically approved by the Department's engineer due to extenuating circumstances.

(e) No parallel encroachments will be allowed within the median strips of divided

WYDOT UTILITY ACCOMMODATION REGULATION

highways.

(f) No parallel encroachments will be allowed within the highway R/W for transmission and/or gathering lines.

The number of gathering lines crossing the highway R/W shall be held to a minimum by placing large casing pipes in a few locations and running several gathering lines through them.

(g) Distribution systems may be allowed to encroach parallel or cross the highway R/W.

(h) The minimum depth of cover for all lines, whether in urban or rural areas, shall be 36 inches below natural ground and/or below roadway ditch flow line.

If a 36 inch depth is not practical due to rock, additional protective measures, i.e. concrete encasement, concrete cap or slab, etc., shall be considered by the applicant and shall be part of the application for the license.

(i) Pipeline crossings shall be as near to perpendicular to the roadway centerline as practical.

(j) Transmission and gathering line support facilities like storage tanks, valves, clean-out traps, compressors, cathodic protection fields and rectifiers, and similar facilities shall not be located on the highway right-of-way.

NOTE: If extenuating circumstances or site specific conditions prove that a cathodic protection groundbed must be on highway right-of-way (other than Interstate highways) in order to be effective, such an installation may be approved if sufficient justification is presented by the applicant.

If such facilities are located immediately adjacent to the highway R/W and require periodic access, an approach and gate may be applied for at the Department's District office by separate procedure.

(k) Distribution system pressure regulators, whether in huts or vaults as well as metering equipment, shall not be located on highway R/W unless extenuating circumstances exist and the proposed location has been specifically approved.

(l) Vent pipes and marker posts shall be located as close as possible to the R/W line. If their location falls within the clear recovery area, they shall be of a breakaway design.

(m) Abandoned or incomplete bores shall be backfilled and plugged as directed by the Department's engineer.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER X

PETROLEUM, PETROLEUM PRODUCT AND HAZARDOUS LIQUID PIPELINES

Section 1. Design and Construction Provisions. The provisions of Chapter I as to occupancy of and construction within highway rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definitions are used:

(a) "Petroleum products" means "commodity" as defined in Part 195, Transportation of Liquids by Pipeline, of Title 49 CFR, which in turn means "Any hazardous liquid that is subject to Part 195, including both hazardous materials and petroleum". This regulation includes anhydrous ammonia, carbon dioxide, nitrogen & helium, liquified petroleum gases, coal slurry and natural gasoline, for purposes of design and construction of pipelines within highway R/W.

(b) References to "line or pipeline" includes both transmission, whether interstate or intrastate, and gathering pipelines.

Section 3. Specific Provisions.

(a) Design and construction of all carrier pipelines and casing pipe shall be in compliance with the most current provisions of Federal and State laws, rules and regulations, as well as industry standards and the provisions of this regulation.

(b) Casing of pipelines across highway R/W is not required if the carrier pipe is of heavy wall thickness and the line is cathodically protected.

The heavy wall thickness portion of the line, or casing if used, shall extend at a minimum to the face of the bore pit to allow for future widening of the roadway.

(c) Bore and receiving pits shall be located no closer than fifteen (15) feet to the bottom of the roadway embankment or ditch flow line, but no closer than thirty (30) feet from the edge of traveled way to the face of the pit, in order to allow for a continuous clear zone.

(d) Bore and receiving pits shall not be located in the median strips of divided highways where the median is less than 120 feet wide, unless specifically approved by the Department's engineer due to extenuating circumstances.

(e) No parallel encroachments will be allowed within the median strips of divided highways.

(f) No parallel encroachments will be allowed within highway R/W for transmission or gathering lines.

WYDOT UTILITY ACCOMMODATION REGULATION

The number of gathering lines crossing the highway R/W shall be held to a minimum by placing large casing pipes in a few locations and running several gathering lines through them.

(g) The minimum depth of cover, whether in urban or rural areas, shall be 36 inches below natural ground and/or below roadway ditch flow line, except Liquid Petroleum Gas (LPG) lines which shall have 48 inches of cover.

If a 36 inch or 48 inch depth is not practical due to rock, additional protective measures, i.e. concrete encasement, concrete cap or slab, etc., shall be considered by the applicant and shall be part of the application for the license.

(h) Pipeline crossings shall be as near to perpendicular to the roadway centerline as practical.

(i) Transmission and gathering line support facilities like storage tanks, valves, clean out traps, pumps, cathodic protection fields and rectifiers, and similar facilities shall not be located on the highway right-of-way.

NOTE: If extenuating circumstances or site specific conditions prove that a cathodic protection groundbed must be on highway right-of-way (other than Interstate highways) in order to be effective, such an installation may be approved if sufficient justification is presented by the applicant.

If such facilities are located immediately adjacent to the highway R/W and require periodic access, an approach and gate may be applied for at the Department's District office by separate procedure.

(j) Vent pipes and marker posts shall be located as close as possible to the R/W line. If their location falls within the clear recovery area they shall be of a breakaway design.

(k) Abandoned or incomplete bores shall be backfilled and plugged as directed by the Department's engineer.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER XI

WATER LINES TRANSMISSION AND DISTRIBUTION

Section 1. Design and Construction Provisions. The provisions of Chapter I as to occupancy of and construction within high- way rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definitions are used:

(a) "Transmission line" means any pipeline conveying raw or treated water from a well field or remote storage facility to a treatment plant and/or distribution storage tank.

(b) "Distribution line", including individual customer connections and distribution mains, means those lines conveying water to customers and fire protection systems from a common source.

Section 3. Specific Provisions - Transmission Lines.

(a) Transmission lines shall not be allowed parallel encroachments in narrow highway rights-of-way, especially if roadway reconstruction, widening or slope modification is contemplated in the foreseeable future.

(b) When parallel encroachment is allowed, the line shall be located as close to the highway R/W line as possible.

(c) Crossings of the roadway and/or paved side streets and approaches may be made by either boring a casing pipe or heavy wall thickness pipe under the roadway template. Crossings of roadway templates shall be as near to perpendicular to the roadway centerline as possible.

The requirement for casing of the road crossing shall be specifically discussed between the applicant's engineer and the Department's engineer, and shall among other things, depend on the pipeline materials used and the system's operating pressure.

(d) Depth of cover shall, at a minimum, be below frost line but not less than four (4) feet below natural ground or roadway ditch flow line.

(e) Shallow depth of cover below natural ground with a dirt fill over the pipeline for frost protection shall not be allowed.

(f) Carrier pipe and casing pipe shall be able to withstand highway loading, as determined by pipe manufacturers data for the type and size proposed and the anticipated operating pressure, and be of the most durable and maintenance free material. The lines shall be cathodically protected.

(g) All manholes for vacuum breakers, air relief valves, meters, etc. shall be constructed flush with the surrounding terrain, and if in the paved portion of the roadway in a manner that allows

WYDOT UTILITY ACCOMMODATION REGULATION

for adjustment for future changes in pavement thickness.

(h) Vent pipes and marker posts shall be located at the R/W line. If they fall within the roadway's clear recovery area they shall be of a break away design.

(i) Blow off valves shall be located near the highway R/W line and near an existing water course of sufficient size to minimize flooding of the road and erosion damage.

The blow off valve shall be oriented away from the roadway and permanent structures.

(j) If trenching across paved areas has been specifically approved by the Department's engineer, backfill compaction, pavement repair, and restoration of the highway R/W shall be as directed by the Department.

(k) Bore and receiving pits shall be no closer than fifteen (15) feet to the bottom of the roadway embankment or ditch flow line, but no closer than thirty (30) feet from the edge of traveled way to the face of the pit.

Section 4. Specific Provisions - Distribution Lines.

(a) Pertinent portions of Section 3 apply to this section as well.

(b) Service connection crossings to customers shall be held to a minimum by installing major feeder lines across the highway R/W and starting distribution on the other side of the highway.

(c) Hydrants, meter boxes and service line shut off valves shall be located off the highway R/W whenever possible.

(d) Service connections to customers and lines to hydrants shall, at a minimum, be constructed below frost line but not less than four (4) feet below the top of the roadway or adjacent natural ground.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER XII

SANITARY SEWER AND STORM SEWER LINES

Section 1. Design and Construction Provisions. The provisions of Chapter I as to occupancy of and construction within high- way rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definitions are used:

(a) "Sanitary sewer lines" means individual customer connections, collection trunk lines and outfall lines to treatment facilities.

(b) "Storm sewer lines" means the total collection system from drop inlet to trunk lines to outfall lines. This does not include lines for highway drainage.

Section 3. Specific Provisions - Sanitary Sewers.

(a) Major trunk lines and outfall lines shall not be allowed parallel encroachment in narrow highway rights-of-way, especially if roadway reconstruction, widening, or slope modification is contemplated in the foreseeable future.

(b) When parallel encroachment is allowed, the line shall be located as close to the right-of-way line as possible.

(c) Crossings of the roadway and/or paved side streets and approaches may be made by either boring a casing pipe or heavy wall thickness carrier pipe under the roadway template. Crossing of the roadway template shall be as near to perpendicular to the roadway centerline as possible.

NOTE: The requirement for casing of the road crossing shall be specifically discussed between the applicant's engineer and the Department's engineer, and shall, among other things, depend on the pipeline materials used and the system's operating pressure.

(d) Depth of cover shall, at a minimum, be four (4) feet below natural ground or roadway ditch flow line to allow for future installation of storm sewer lines without interfering.

(e) Shallow depth of cover with a protective dirt berm over the top shall not be allowed.

(f) When parallel encroachment within the roadway template and/or the pavement section is unavoidable, the pipe and manholes used shall be able to withstand highway loading, as determined by manufacturers data, and be of the most durable and maintenance free material.

When applicable, large mains and outfall lines shall be cathodically protected.

(g) All manholes shall be constructed flush with the surrounding terrain and if in the

WYDOT UTILITY ACCOMMODATION REGULATION

paved portion of the roadway in a manner that allows for adjustment for future changes in pavement thickness.

Lift stations shall not be located on the highway right-of-way.

(h) When trenching across the roadway template, paved side streets, or approaches has been specifically approved by the Department's engineer, backfill compaction, pavement repair, and restoration of the highway R/W shall be as directed by the Department.

(i) Bore pits shall be located as described in Chapter 6, Section 13.

Section 4. Specific Provisions - Storm Sewers.

(a) Connections to Department storm sewer systems shall only be allowed if the system has the capacity to handle the additional inflow. Construction of the connection and restoration of pavement and right-of-way shall be as directed by the engineer.

(b) Major trunk lines and outfall lines, not connected with highway drainage, shall not be allowed parallel encroachment in narrow highway rights-of-way, especially if roadway reconstruction, widening or slope modification is contemplated in the foreseeable future.

(c) When parallel encroachment is allowed the line shall be located as close to the R/W line as possible.

(d) Crossings of the roadway and/or paved side streets and approaches may be made by either boring a casing pipe or heavy wall thickness carrier pipe under the roadway template. Crossings of the roadway template shall be as near to perpendicular to the roadway centerline as possible.

NOTE: The requirement for casing of the road crossing shall be specifically discussed between the applicant's engineer and the Department's engineer and shall among other things depend on the pipeline materials used and the system's operating pressure.

(e) Depth of cover shall be a minimum of four (4) feet below natural ground or roadway ditch flow line.

(f) Shallow depth of cover with a protective dirt berm over the top shall not be allowed.

(g) When parallel encroachment within the roadway template and/or the pavement section is unavoidable, the pipe and manholes used shall be able to withstand highway loading, as determined by manufacturers data, and be of the most durable and maintenance free material.

(h) All manholes shall be constructed flush with the surrounding terrain and if in the paved portion of the roadway in a manner that allows for adjustment for future changes in pavement thickness.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER XIII

AGRICULTURAL IRRIGATION FACILITIES

Section 1. Design and Construction Provisions. The provisions of Chapter I as to occupancy of and construction within high- way rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definition applies:

"Agricultural irrigation facilities" means canals, ditches, pipes, culverts, flumes, siphons, headgates, diversion boxes, and ditch rider roads, as well as waste water return ditches, whether privately owned and operated or as a part of the system of an Irrigation Company or District.

Section 3. Interstate Highways and Other Fully Access Controlled Roads.

(a) Crossing of the Right-of-Way.

(i) Crossings shall be as close to perpendicular to the roadway centerline as practical.

(ii) Vertical clearance between top of irrigation pipe and bottom of ditch or the natural ground shall be three (3) feet.

(iii) Open ditches shall not be allowed between the NO ACCESS lines.

(iv) Headgates, diversion boxes and the beginning and end of siphons, shall be located outside of the highway right-of-way.

(v) Ditch rider or maintenance roads shall terminate at the R/W fence.

(vi) Parallel encroachment of ditches within the R/W is not permitted.

(vii) Overhead pipes or flumes shall not be permitted unless extenuating circumstances exist.

Any proposal from an Irrigation District for overhead piping across the highway R/W shall be submitted to the State Bridge Engineer for a design review.

The minimum vertical clearance above the high point of the roadway template shall be 20 feet.

The preferred method of crossing the highway R/W is the installation of a siphon with watertight joints.

WYDOT UTILITY ACCOMMODATION REGULATION

(viii) Under no circumstances shall irrigation water or irrigation waste water be conducted through highway drainage ditches or facilities.

(ix) Bore pits shall be located as described in Section 106.12.

Section 4. Other Roads.

(a) Crossing of the Right-of-Way.

(i) The provisions of Section 3 (a) i, ii, iv, vii, viii and ix shall apply.

(ii) Open ditches may be allowed if they do not fall within the clear roadway recovery area and extenuating circumstances prevent the installation of the ditches outside of the highway R/W.

If open ditches are allowed on the highway R/W, they shall be concrete lined and located as close to the highway R/W line as possible.

(iii) Ditch rider or maintenance road approaches to the highway shall be constructed to Department specifications and in a location that meets all safety requirements, and may require the placement of gates and/or cattle guards at the R/W line.

Section 5. All Roads. If an agricultural operation adjacent to the highway R/W changes from surface irrigation to pumped, pipeline, or sprinkler irrigation, any existing irrigation culverts may be used as a casing for the irrigation pipeline.

Location of the pipeline, depth of cover, filling of open ditches, and restoration of the highway R/W shall be as directed by the Department's engineer.

WYDOT UTILITY ACCOMMODATION REGULATION

CHAPTER XIV

RAILROAD FACILITIES

Section 1. Design and Construction Provisions. The provisions of Chapter I as to construction within highway rights-of-way shall apply.

Section 2. Definitions. For the purpose of this regulation the following definitions are used:

(a) "Railroad company or railroad" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever owning, operating or managing any railroad in this State, including the Department of Defense and other Federal Agencies.

(b) "Grade crossing" means any crossing where the street, highway or roadway and the railroad are at the same elevation.

(c) "Separation or grade separation" means a separation structure of any kind where the street, highway or roadway and the railroad do not cross at the same elevation and at which either the street, highway or roadway is completely separated above or below the railroad.

Section 3. General.

(a) Requests for the crossing of highway rights-of-way with a railroad mainline or industrial/military spur tracks, whether requested by a railroad company, industrial user or government agency, and whether for a grade crossing or separation structure, shall not be granted by issuance of WHD License Form E-54.

All pertinent information received by the District office shall be sent to the Utilities Section in Cheyenne for review by the staff, coordination with other departments and ultimately the preparation of specific agreements that spell out the design and construction criteria as well as future maintenance of the facility.

(b) Upon execution of the crossing agreement between the Highway Commission and the applicant, the applicant shall file a copy of the agreement and pertinent plan sheets with the Public Service Commission of Wyoming and seek their approval prior to starting construction.

(c) The Highway Commission, in the interest of public safety and convenience, has endeavored to eliminate grade crossings and to replace them with separation structures as part of its own projects, whenever practical.

Applications for new track crossings will be reviewed in the same light, with consideration given to the constraints of the crossing site and the amount of track usage and the affected highway traffic.

WYDOT UTILITY ACCOMMODATION REGULATION

Section 4. Separation Structure - Railroad Over Highway.

(a) The applicant shall be responsible for the design of the structure and shall work closely with the Department's Bridge Engineer to assure compliance with applicable Federal and State laws, rules and regulations, especially items like bridge type, vertical/horizontal clearance requirements and drainage requirements.

(b) The Utilities Section, in conjunction with the Traffic Design Branch, will provide traffic control and/or highway detour criteria as well as any other pertinent provisions for inclusion in the applicants plans and specifications.

(c) The applicant or his engineer shall be responsible for the acquisition of the required land adjacent to the highway R/W and shall bear the cost of relocation or adjustment of existing utility facilities on and off the highway R/W.

(d) The cost of any work performed by the Department for the applicant shall be reimbursed by the applicant. The Department will prepare Form A-32, "Authority for Rendering Special Services, (ARS)" for signature by the applicant and charge all costs against that project number for billing purposes.

(e) The crossing of the highway R/W by supporting facilities like signal and communications lines shall be as outlined in Chapters VII and VIII.

Section 5. Separation Structure - Railroad Under Highway.

(a) The Department will prepare Form A-32, "Authority for Rendering Special Services, (ARS)" for signature by the applicant and enter into an agreement which spells out the responsibility of each party.

(b) The Department shall design the separation structure as well as the approaching roadway and any detours with its own forces or through the use of a consulting engineer.

(c) The crossing of the highway R/W by supporting facilities like communications and signal lines shall be as outlined in Chapters VII and VIII.

Section 6. Grade Crossings.

(a) The Department and the applicant shall enter into an agreement setting forth the responsibilities of each party for initial construction and future maintenance.

(b) The Utilities Section, in conjunction with the Traffic Design Branch, will provide recommendations regarding location, type and width of crossing surfacing, type of protective devices to be installed, detours, and traffic control during construction.

(c) The applicant shall construct the track crossing and related work with qualified personnel of his own forces or through a qualified contractor working under the supervision of a

WYDOT UTILITY ACCOMMODATION REGULATION

qualified engineer.

(d) Any work on the roadway related to the track crossing shall be in compliance with Department specifications as well as the provisions of Public Service Commission of Wyoming rules and regulations.

(e) The Department will prepare Form A-32 "Authority for Rendering Special Services, (ARS), for signature by the applicant to cover any cost incurred by the Department in connection with the applicant's project.

(f) The applicant shall secure any required land outside of the highway R/W for it's track as well as any detours required during construction of the crossing.

Section 7. Signal/Communication Lines. The crossing of the highway R/W by supporting facilities like signal and communications lines shall be as outlined in Chapters I and II.

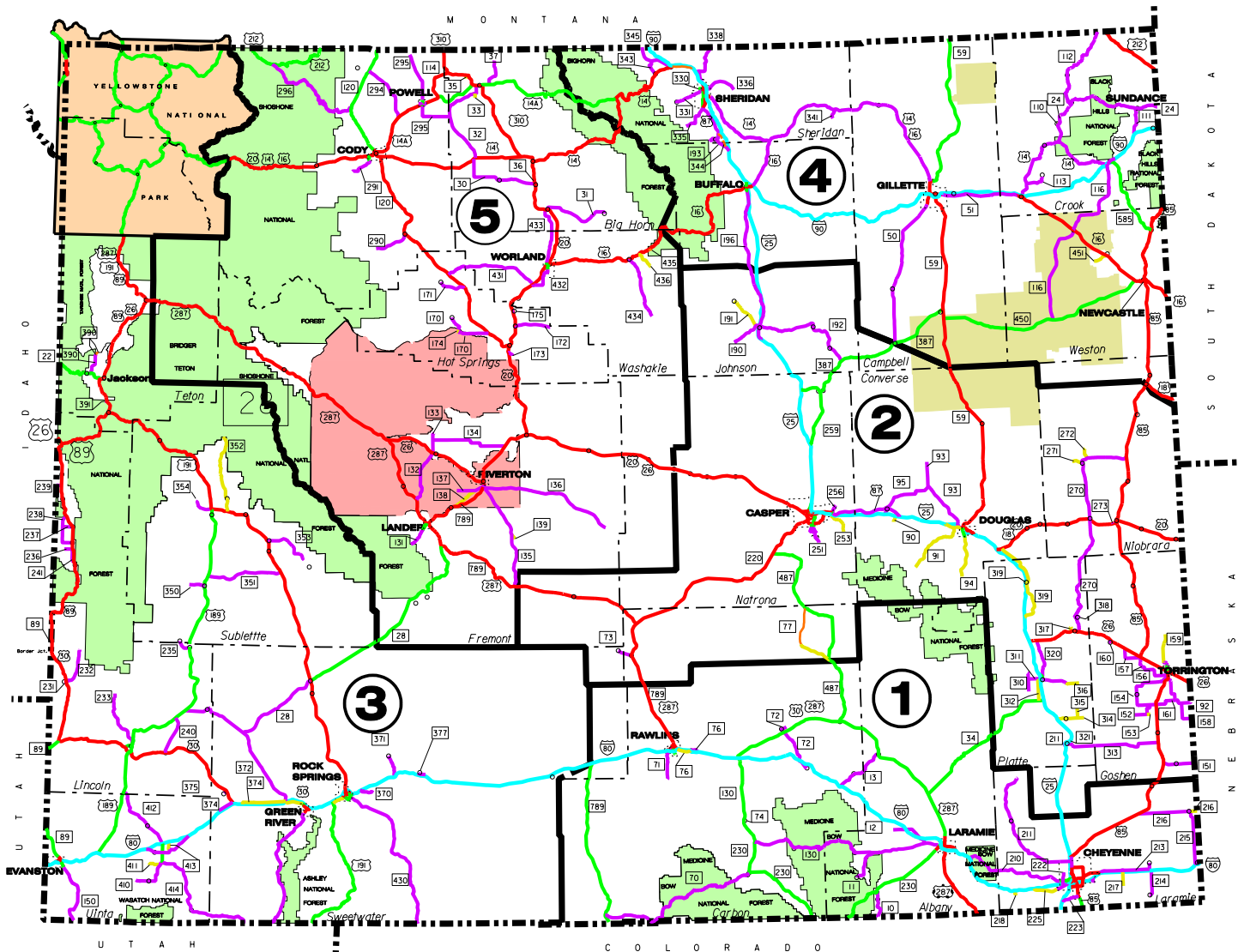
APPENDIX
TO
WYDOT
UTILITY ACCOMMODATION
REGULATION

STATE OF WYOMING

PREPARED BY THE WYOMING DEPARTMENT OF TRANSPORTATION

LISTING OF WYDOT DISTRICT OFFICES TO CONTACT FOR UTILITY LICENSES

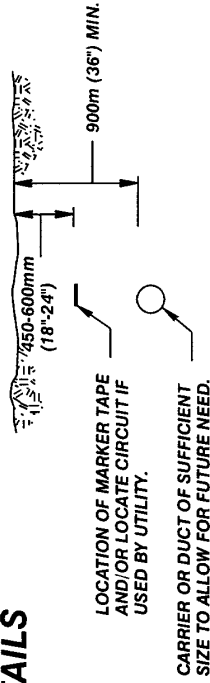
DISTRICT NUMBER	DISTRICT CONTACT	MAILING ADDRESS	TELEPHONE NUMBER
1	CONTACT THE DISTRICT MAINTENANCE ENGINEER IN THE DISTRICT OFFICE NEAREST THE WORK	3411 S. 3RD STREET, SUITE 1, LARAMIE, WY 82070	307 745-2100
2		P.O. BOX 2189, CASPER, WY 82602	307 473-3200
3		P.O. BOX 1260, ROCK SPRINGS, WY 82902-1260	307 352-3000
4		P.O. BOX 668, SHERIDAN, WY 82801	307 674-2300
5		P.O. BOX 461, BASIN, WY 82410	307 568-3400



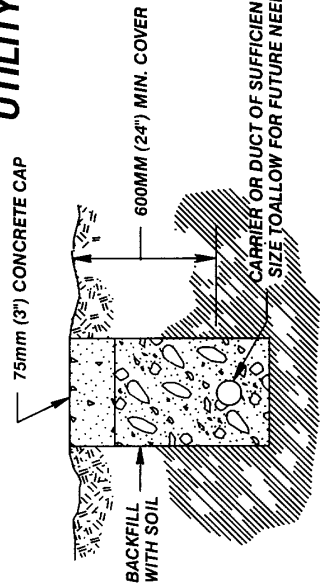
WYOMING DEPARTMENT OF TRANSPORTATION GENERAL UTILITY CONSTRUCTION DETAILS DETAIL "A"

(NO SCALE)

NATURAL GROUND RESTORATION
AS PER DEPARTMENT STANDARDS.



DIRECT BURIED CONSTRUCTION IN SOIL

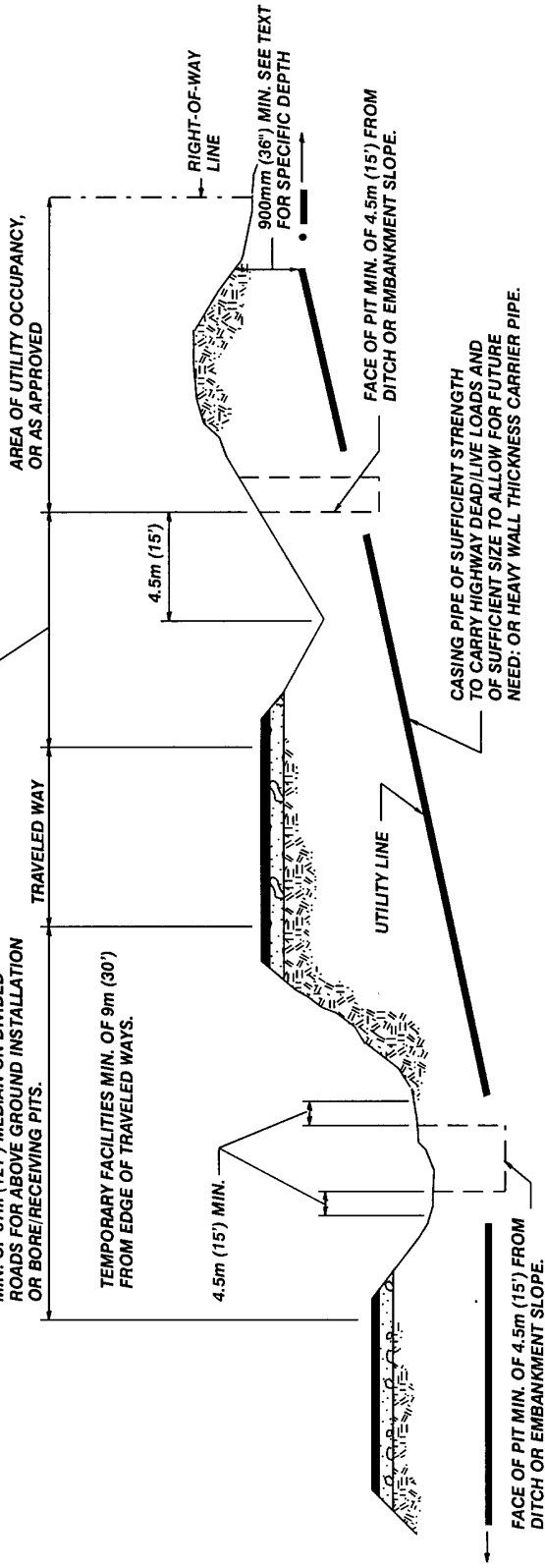


BURIED CONSTRUCTION IN ROCK

NO PARALLEL OR ABOVE GROUND FACILITIES
WITHIN 12m (40') OF EDGE OF TRAVELED WAY AND
SLOPES OF 1:2 (2:1) OR STEEPER

MIN. OF 37m (121') MEDIAN ON DIVIDED
ROADS FOR ABOVE GROUND INSTALLATION
OR BORE/RECEIVING PITS.

TEMPORARY FACILITIES MIN. OF 9m (30')
FROM EDGE OF TRAVELED WAYS.



FACE OF PIT MIN. OF 4.5m (15') FROM
DITCH OR EMBANKMENT SLOPE.

CASING PIPE OF SUFFICIENT STRENGTH
TO CARRY HIGHWAY DEAD/LIVE LOADS AND
OF SUFFICIENT SIZE TO ALLOW FOR FUTURE
NEED: OR HEAVY WALL THICKNESS CARRIER PIPE.

900mm (36") MIN. SEE TEXT
FOR SPECIFIC DEPTH

RIGHT-OF-WAY
LINE

AREA OF UTILITY OCCUPANCY,
OR AS APPROVED

TRAVELED WAY

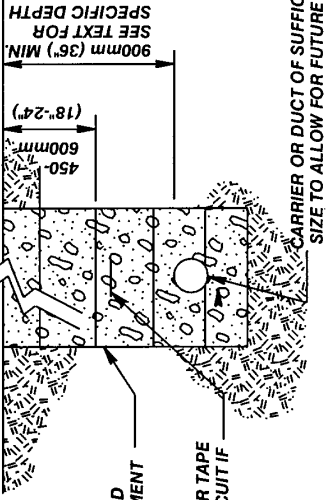
UTILITY LINE

FACE OF PIT MIN. OF 4.5m (15') FROM
DITCH OR EMBANKMENT SLOPE.

WYOMING DEPARTMENT OF TRANSPORTATION GENERAL UTILITY CONSTRUCTION DETAILS DETAIL "B"

(NO SCALE)

NATURAL GROUND OR PAVEMENT
RESTORATION AS PER DEPARTMENT
STANDARDS.

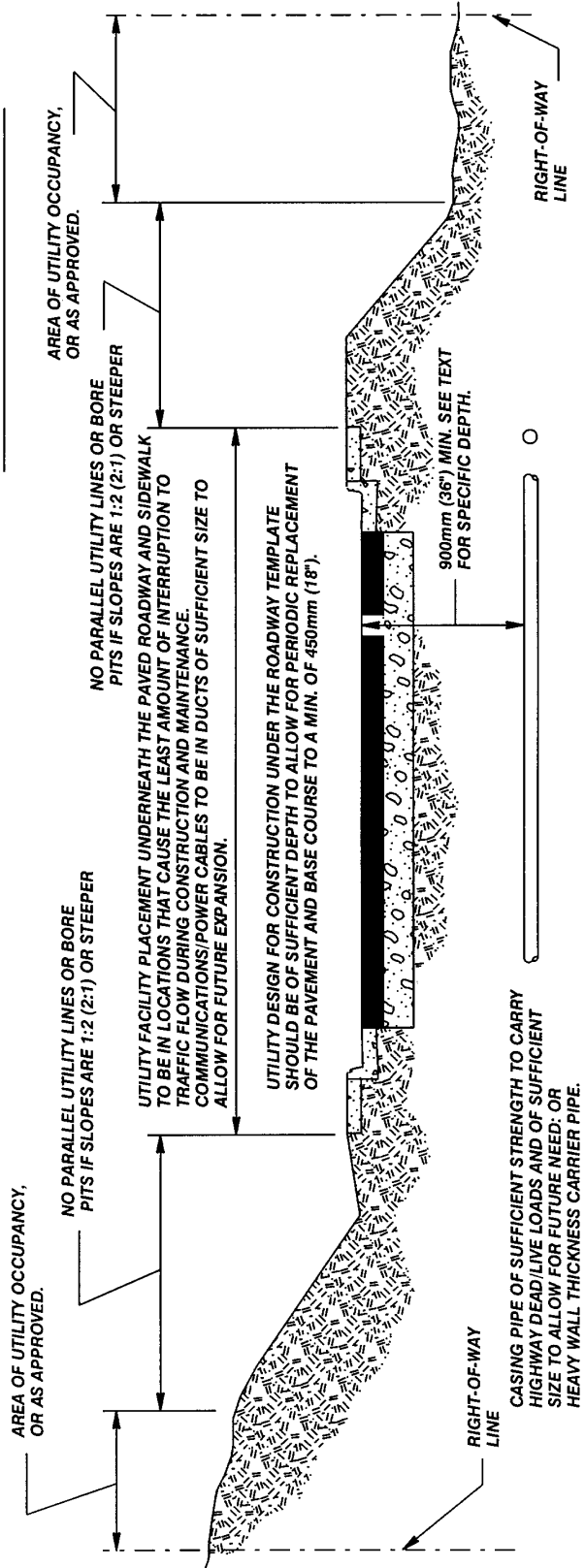


TRENCH BACKFILL IN LIFTS AND
COMPACTED AS PER DEPARTMENT
STANDARDS.

LOCATION OF MARKER TAPE
AND/OR LOCATE CIRCUIT IF
USED BY THE UTILITY.

CARRIER OR DUCT OF SUFFICIENT
SIZE TO ALLOW FOR FUTURE NEED.

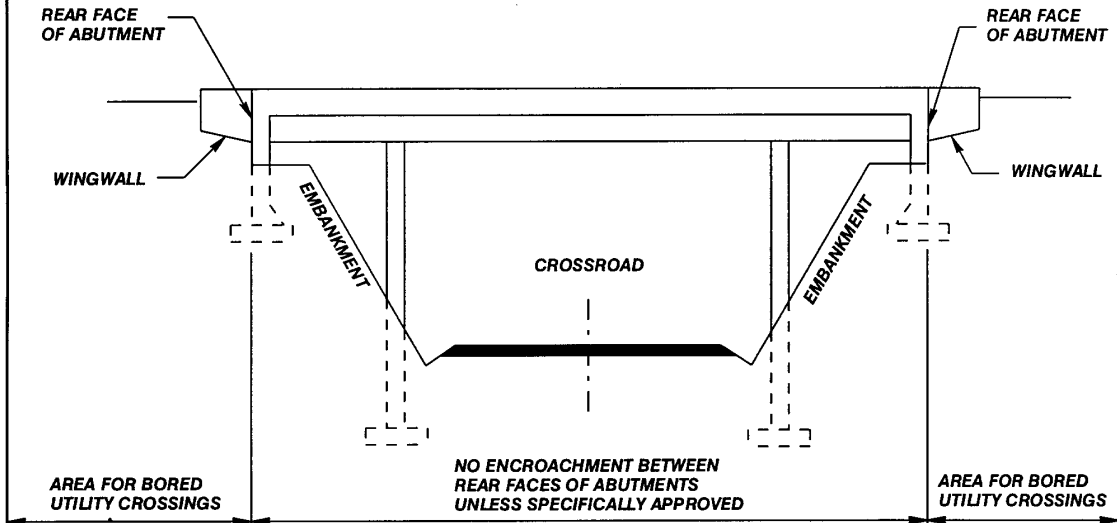
TRENCH CONSTRUCTION



CASING PIPE OF SUFFICIENT STRENGTH TO CARRY
HIGHWAY DEAD/LIVE LOADS AND OF SUFFICIENT
SIZE TO ALLOW FOR FUTURE NEED; OR
HEAVY WALL THICKNESS CARRIER PIPE.

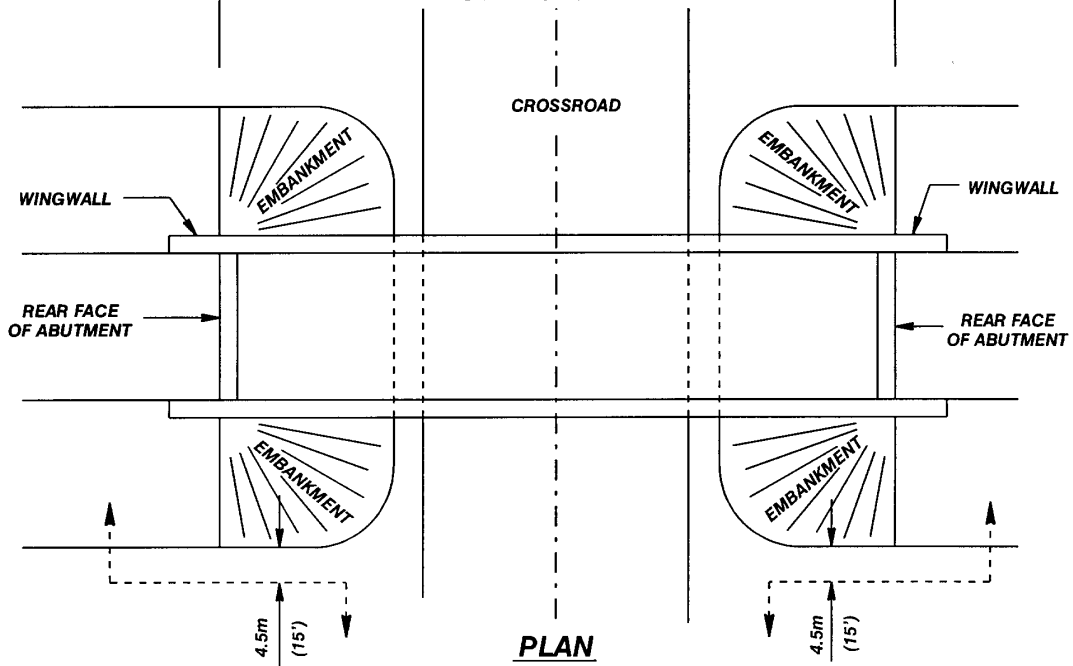
**WYOMING DEPARTMENT OF TRANSPORTATION
UTILITY ENCROACHMENT
AT
GRADE SEPARATION
DETAIL "C"**

(NO SCALE)



ELEVATION

TYPICAL FOR SINGLE OR TWIN STRUCTURES



PLAN

LICENSE

THE WYOMING DEPARTMENT OF TRANSPORTATION, (hereinafter called the "Department") hereby grants a License to _____, (hereinafter called the "Licensee").

For the installation of _____

located in: Section _____ Township _____ Range _____ Route _____
Section _____ Township _____ Range _____ County _____
Section _____ Township _____ Range _____ Maintenance Section _____

ACCESS CONTROLLED: Yes _____ No _____ MILE POST _____

upon the property the Department acquired for and/or utilized in the operation and maintenance of a state highway.

The Licensee hereby acknowledges and agrees as follows:

1. This license is issued pursuant to §1-26-813 and grants permission for the Licensee to occupy a portion of the right-of-way controlled by the Department. This permission is limited by the type of controlling interest held by the Department. Responsibility to satisfy any other fee (deeded) interest rests with the Licensee.
2. Any future alterations, modifications, or removals of the facility within the highway right-of-way, required and requested by the Department, shall be completed without delay. Adjustments will be accomplished at no expense to the Department, unless otherwise provided for by law. Any costs due to delays or lack of response, to the Department or a Department contractor, resulting from the failure of the Licensee to perform the required adjustments necessitated by a highway construction project or maintenance activities, will be borne by the Licensee.
3. This License will not be modified, transferred, or assigned without the written consent of the Department. This license does not allow for installation of additional facilities, nor does this license set aside a strip of land of specific width for the exclusive use by the Licensee.
4. The Licensee is required to notify the Department in writing to cancel and/or nullify any issued license if the described facility is not constructed within the prescribed time limits, scheduled to be removed, or taken out of service. The Department will determine if placing the facility in an out of service category will hinder the Department's future operations. A facility placed out of service must be removed one year after placement into this category if it has not been reactivated. No facility will be allowed to be abandoned in place. The facility must be removed at the time of abandonment.
5. As a condition of approval for this license, the Licensee agrees to locate the facility identified by this license at the Licensee's expense, in accordance with §37-12-301 et. seq., to include the nature, location and depth of the facility. The location and depth will be described on an engineering drawing, using three dimensional planes and a datum reference determined by the Department.
6. The facility will be placed in a manner conforming to recognized standards, applicable federal, state, or local laws, codes, ordinances, and regulations; in the exact location shown on the attached "Exhibit A"; and as directed by the Department. Placing the facility in a location other than originally approved without obtaining prior Department approval by submitting a revised "Exhibit A", may void the license.
7. Attached to this license is a plan sheet(s) labeled "Exhibit A", dated _____, which clearly shows the facility's alignment, grade, vertical and horizontal clearances, type of material, operating pressure and/or capacity, land and highway milepost ties, as well as dimensions from the proposed facility to the roadway centerline and/or right-of-way line, which by this reference is made a part thereof.
8. The maintenance, use, inspection, and access to the facility shall be accomplished from locations outside of the lines of no access or access control. Ingress or egress to and from the facility from the traveled ways of an access controlled road is hereby expressly forbidden.
9. The Licensee agrees to the standards for traffic control as outlined in the Department's "Traffic Control For Roadway Work Operations" manual. Standards developed by the Licensee may be substituted for the cited manual provided they

have been approved by the State Traffic Engineer-Operations. The Licensee must cease all operations if they do not comply with traffic control standards. Traffic control plans and road closure plans will be submitted to the Department's engineer for approval prior to starting any work on highway right-of-way.

- 10. The Licensee agrees to forever indemnify the Department and save it harmless from all liability for damages to property, or injury to or death of persons, including all costs and expenses related thereto, arising wholly or in part, or in connection with the existence, construction, alteration, maintenance, surveillance, repair, renewal, use, or removal of the facility by the Licensee or his agents, for those facilities located within the State or Federal highway system described or noted herein.

If the Licensee is a political subdivision of the State, the following provision applies in lieu of the above cited paragraph:

The Licensee hereby agrees to indemnify and hold harmless the Department against all loss, liability, and damage that arises out of any activities of the Licensee, it's agents, employees, and contractors in the performance of any construction, maintenance, repair, or other work on the Department's property.

Allegations or proof of negligence or other legal fault on the part of the Department will not defeat the Department's rights under this provision or relieve the Licensee, it's contractors, and agents of their duty to indemnify and hold harmless the Department, but the Department will be responsible for any percentage of fault that may be attributable to it pursuant to law, and the obligation of the Licensee, it's contractors and agents to indemnify and hold harmless the Department will be reduced by the percentage of fault attributable to the Department.

Neither party to this agreement shall be taken to have waived their sovereign immunity by signing this agreement.

- 11. This license will be null and void if construction of the described facility does not commence within six (6) months of approval, unless prior arrangements have been made specifying a construction period.
- 12. Based upon the complexity, construction methods or other concerns, the Department may assign part-time or full-time inspector(s) to the Licensee's project. The cost of such inspection will be at the sole expense of the Licensee, and the Department's District Offices will initiate an "Authority for Rendering Special Services (ARS)", as provided in Operating Policy 24-3, to cover such costs.
- 13. The Licensee is hereby advised that any work operation in the vicinity of electric power lines shall be in compliance with §37-3-301 through §37-3-306, titled Wyoming High Voltage Power Lines and Safety Restrictions Act, and the Licensee is further advised to comply with the provisions of §37-12-301 through §37-12-304, titled Damage to Underground Public Utilities Facilities.
- 14. The license is issued with the understanding that conventional construction methods like: trenching, plowing, boring, pole setting by truck, etc. will be used. Activities like blasting, erection of poles or structures by helicopter, other non-conventional methods will require specific prior approval by the Department's engineer.
- 15. Addition specific stipulations may be attached to this form by the Department. The Licensee agrees to incorporate the applicable requirements into the design of the facility and assures compliance with these requirements during the construction of the facility. Non-compliance will void this permit.

The undersigned, Licensee/Owner of the facility, hereby accepts this License, subject to the terms and conditions stated herein.

LICENSEE/OWNER

Company Name: _____

Print name: _____
Signature: _____

Address: _____

Telephone No. () _____
Date: _____

By: _____
District Engineer Date

By: _____
District Maintenance Engineer Date

By: _____
District Construction Engineer Date

The following stipulations which have been checked are applicable to the attached license:

- _____ The maintenance foreman at _____ shall be notified before any work is begun and after work is completed.
- _____ All disturbed areas are to be returned to their original condition. All surface debris, boulders, etc., as a result of construction activity are to be removed from the right-of-way.
- _____ The licensee shall be responsible for any damage to the highway and its appurtenances as a result of this installation at any time such damage occurs.
- _____ The minimum depth of placement is to be _____ inches below the bottom of ditch.
- _____ All pedestals, vents, etc., are to be installed at the right-of-way line, or as agreed and/or approved.
- _____ Subsequent leakage of any ditches breached by this installation which results in damage to the roadway and/or appurtenances or results in drainage problems on the right-of-way, are the responsibility of the licensee, and will be promptly repaired upon notification by WYDOT.
- _____ Crossing of the roadway is to be made by jacking, dry boring or mining _____ from the roadway edge.
- _____ Crossing of all paved approaches encountered along the route of the installation shall be _____.
- _____ Casing type and method of installation shall be reviewed by the D.M.E. in _____ prior to installation and shall be capable of withstanding the traffic and roadbed loads. The casing or conduit shall be installed in a manner to prevent the formation of a waterway under the highway, and if used, shall run right-of-way to right-of-way, or as determined by the WYDOT district office based on field conditions.
- _____ Where casing ends are below ground they should be suitably installed to protect the entrance of foreign matter which would prevent removal of the carrier.
- _____ An open trench method of installation is approved.
- _____ The trench is to be backfilled and compacted daily, no open trenching is to be left overnight.
- _____ The backfill is to be compacted to 95 percent density as shown on the enclosed diagram and resurfaced as indicated. Temporary surfacing may be installed as needed but must be brought up to standard upon completion of the work.
- _____ Gravel surfaces in paved travel lanes must be surfaced within three days.
- _____ All anchors and pole locations must be installed outside the highway right-of-way.
- _____ Minimum vertical clearance for overhead crossings will be 18 feet for all crossings.
- _____ A letter specifying the name and location of an individual who will be representing the licensee on the job and is capable of instituting immediate changes in traffic control or work operation to bring them into compliance with the terms of the license.
- _____ No materials or equipment will be stockpiled or parked (within the R/W) (within 30' of the traveled way).
- _____ No work will be conducted from the roadway surface.
- _____ A preconstruction conference will be scheduled with prior to commencing work.
- _____ The electrical lines must be marked as indicated on the attached sheet.

**ATTACHMENT TO LICENSE
FOR
FIBER OPTICS COMMUNICATIONS FACILITIES**

I. REQUIREMENTS FOR HIGHWAY CROSSINGS AND ENCROACHMENTS

A. Boring of Crossing

1. All crossings of highways, roads and paved approaches shall be bored or have a casing pushed under the roadway embankment (template).
2. The diameter of the bore shall not exceed the casing diameter by more than five percent (5%).
3. The face of the boring and/or receiving pit shall be located no closer than 15 feet to the constructed roadway embankment (template), and/or no closer than 30 feet to the edge of the traveled way. (See Detail Sheets)
4. Casing material shall be of a yield strength and wall thickness to withstand a combination of highway dead and live loading.
5. Abandoned or unusable bores shall be filled with a sand slurry or grout.
6. On divided highways no boring and/or receiving pit will be allowed in the median if the median strip is less than 120 feet wide, measured between the edge of the traveled ways of the inside lanes. (See Detail Sheets)

B. Depth of Facility, Trenching Details, Ducts

1. The facility shall be placed at a depth of not less than forty-eight inches (48") below existing ground or pavements, except for solid rock. (See Detail Sheet)
2. At crossings of drainage pipes, culverts, boxes, stockpasses, irrigation pipes or siphons and related ditches, the facility shall be a minimum of forty-eight inches (48") below the pipe and/or ditch flow line.
3. The typical construction detailed drawings shall apply as follows:
 - a. Rural Areas (Detail A)
 - (1) For crossing of the right-of-way
The facility may be plowed to the location of the Bore/Receiving Pit.
 - (2) Under the Roadway Embankment
A casing pipe, of a size to allow for future cables, shall be bored under the full width of the embankment.
 - (3) At Grade Separations
When crossing under a structure, the cross-road may be followed to the embankment. Then a casing pipe must be bored in a location outside of the area between rear faces of abutments to allow for future bridge and cross-road widening. (See Detail "C")
 - (4) Parallel encroachments within the right-of-way shall be confined to within 15 feet of the right-of-way line, unless otherwise approved. The facility may be plowed in at the specified depth. (See Detail Sheet)
 - (5) Parallel encroachments will not be allowed in slopes of 2:1 or steeper, areas of frequent slope maintenance activity or erosive soil.
 - (6) Parallel encroachments are not allowed within 40 feet of the edge of the traveled way to allow for a 30 foot safety zone, for ongoing maintenance and minor widening; and an additional 10 feet for placement of highway signs and guardrail.

(7) Buried facility construction in non-rippable rock shall be as per the detail sheet.

b. Urban Areas (Detail B)

(1) Parallel installations shall be as close to the right-of-way line as possible.

(2) Installations under the existing pavement or sidewalk shall be in existing ducts or newly installed ducts of sufficient size to accommodate future cable placement. Parallel installations will be in a duct of sufficient size to allow for future addition of cables and roadway widening.

(3) Parallel encroachments will not be allowed in slopes of 2:1 or steeper, areas of frequent slope maintenance or erosive soils.

(4) Parallel encroachments are not allowed within 10 feet from the back of sidewalk to allow for highway sign and guardrail placement.

4. The Licensee shall bury a marker tape and/or locate circuit between 18" and 24" below the top of ground or pavement (except for bored crossings) in order to assist in accurate locating and to provide warning to anyone digging. (See Detail Sheets)

5. Backfill of all trenches and/or boring pits within the highway right-of-way shall be placed in lifts and compacted to obtain a density no less than that of the adjacent undisturbed ground.

6. Pavement cuts, when approved by the District Engineer, shall be repaired to the Department's current standard.

C. Location of Facility within Highway Right-of-Way (Details "A" and "B")

1. Should any change in cable location occur during construction, in excess of two feet (2') from what is shown on the location plans submitted as Exhibit "A" with this license and/or agreement, prior written approval shall be obtained from the Department's Engineers, and the corrected location shall be noted on the "As Constructed Plans."

2. Manhole locations shall be shown on the Exhibit or as a detail sheet addendum to the Exhibit. Manhole tops shall be flush with the surrounding terrain. Casing vents, if used, shall be located at the right-of-way fence.

3. Amplifier sites and/or any facility requiring frequent or periodic access shall be located off the highway right-of-way. If a new approach is needed for access to such a site, application must be made to the Department's District Office by separate procedure.

4. The Licensee shall place cable marker posts at both sides of the highway right-of-way at crossings, as well as at 1,000 foot intervals or line of sight, whichever is shorter, for parallel encroachments.

D. Restoration of Highway Right-of-Way

1. The Licensee shall restore the highway right-of-way to its original condition upon completion of the initial construction, as well as any time thereafter when facility maintenance and/or repair has taken place and the ground has been disturbed, as directed by the Department's Engineer.

2. Drainage ditches disturbed by the cable placement shall be restored and the soil compacted to assure proper flow to prevent future erosion.

3. Should the Department's normal maintenance discover that erosion has taken place in the Licensee's previous work area or due to the Licensee's maintenance activities, the Department shall notify the Licensee of the problem and the Licensee shall take corrective action within thirty (30) days from the date of notification.

4. Fence cuts shall be repaired to Department Standards. Temporary fence may be required during construction, as directed by the District Maintenance Engineer.

5. Reseeding of disturbed ground shall be in accordance with the Department's specifications and as directed by the Department's Engineer.

E. As Constructed Plans

Upon completion of construction, the Licensee shall provide two (2) copies of "As Constructed Plans" to the District Maintenance Engineer. These plans shall reflect the actual location of the facilities installed relative to the roadway centerline, as well as updated details of any road crossings. (Also see Exhibit)

F. Exhibits

Exhibits showing the proposed alignment of the facility shall accompany all applications, whether for a crossing or for a parallel encroachment. The Exhibit shall consist of the following:

1. Plan view sheets showing the existing road and highway right-of-way line, with the location of the proposed facility plotted relative to and with dimensions to either the roadway centerline or right-of-way line.
2. Land Description (¼ Section, Section, Township, Range) and an accurate distance tie to a highway station or a highway milepost.
3. Location of all appurtenances like manholes, pedestals, junction boxes, line markers, etc.
4. Depth of bury, location and length of casing on road bores, type and size of casing pipe, location of casing vents (if applicable).
5. Cross sectional view of roadway template at crossings, and the relative location of the proposed facility to the roadway template, ditch and right-of-way line.

II. EXCEPTIONS TO THIS POLICY

- A. The provisions of construction Detail Sheets shall not be deviated from without specific written approval of the Department's Staff.
- B. When extenuating circumstances exist (whether environmental, economical, engineering/design related, difficult terrain, or other situations) the Department's Engineer may vary from the requirements of construction Details "A", "B" and "C", on a case by case basis, and upon making a thorough review of the specific situation.
- C. The intent of this policy is to safeguard the facility, as well as not to unreasonably encumber the public right-of-way involved nor to unreasonably restrict the further use of the public right-of-way by the Department or other existing or future tenants.

III. URBAN AND RURAL AREAS DEFINED

- A. Urban Area
As related to utility accommodation, the term Urban Area is any area where residences and/or businesses are clustered (not necessarily within the city limits), where frequent approaches, utility lines and drainage facilities are likely to be encountered, and where the potential exists for future widening of the road to a multi-lane facility.
- B. Rural Area
Any other segment of the State highway system not falling within the 'Urban Area' description.