

100 - GENERAL PROVISIONS**SECTION 101 - INTRODUCTION****101.01 Statement of Basis**

The basis of the State Highway Utility Accommodation Code (“Code”) is the need to serve the public good through the safe, efficient and effective joint utilization of State Highway Rights-of-Way (“SH ROW”) for both transportation and utility purposes.

The Code is necessary to establish a uniform, consistent statewide process for accommodating utilities within SH ROW, by means of reasonable regulations which ensure that such accommodations do not adversely affect highway or traffic safety, or otherwise impair the operation or aesthetic quality or maintenance of the transportation facility, or conflict with applicable law.

Utility facilities provide an essential service to the general public, but every accommodation must be compatible with and not adversely affect the existing and future needs of the transportation facility. See, §1.23 and §645.205(a) of Title 23, Code of Federal Regulations (“23 CFR 1.23” and “23 CFR 645.205(a)”).

The Code is being implemented in an effort to conserve limited public resources, preserve future options, and minimize conflicts between highway and utility facilities. The reasonable regulations in the code are needed to ensure such accommodations.

101.02 Specific Statutory Authority

The Code has several sources of specific authority. Section 43-1-225(1), Colorado Revised Statutes, as amended (“43-1-225(1) C.R.S.”), gives the Transportation Commission of Colorado (“Commission”) the authority to make reasonable regulations for the accommodation of certain utilities in, on, along, over, across, through, or under federal-aid highway rights of way. Also, the Colorado Department of Transportation (“Department”) has responsibility and authority under 43-1-110 and 43-2-102, C.R.S., for the design, construction, improvement, maintenance, and management of the state highway system and SH ROW. 43-1-106(8)(k), C.R.S., further authorizes the commission to make all necessary and reasonable regulations with respect to the responsibilities of the Department for the state highway system, and the accommodation of utility facilities within SH ROW is an important part of those responsibilities. Finally, the Commission has authority under the police power to regulate the accommodation of utility facilities within SH ROW to the extent that regulation is necessary to protect the public safety and welfare, and the Code is necessary for that reason as noted above.

The Commission's specific authority is consistent with the concurrent authority granted by the legislature to utilities and to local agencies regarding utility facilities in public highway rights-of-way. While utilities have certain statutory authority to place their facilities in public highway rights-of-way (32-1-1006(1)(c), 32-4-406(1), 32-4-510(1), 38-5-101, and 38-5.5-103(1), C.R.S.), that authority is subject to reasonable regulation by the Department to ensure that the facilities do not unreasonably impair transportation purposes. And, while local agencies have certain authority to allow utilities in streets that are also state highways (43-2-135(1), 31-15-702(1), and 38-5-108, C.R.S.; also Colorado Constitution Article XX), that authority must be construed harmoniously with the primary authority of the Commission and Department to regulate the accommodation of utility facilities in the SH ROW, as provided in the Code in order to ensure statewide uniformity.

101.03 **Purpose**

The main purpose of the Code is to implement, by permit, Commission and Department authority to regulate utility accommodations in SH ROW. The Code establishes a utility permitting system. That system includes uniform procedures and requirements that the Department has determined are needed to allow utility accommodations while also accomplishing the purpose described herein. That system will guide the Department, utilities, and local agencies in the planning and administration of utility accommodations within SH ROW.

Another purpose of the Code is to comply with certain provisions of § 109 of Title 23, United States Code ("23 U.S.C. 109"), regarding appropriate standards for federal-aid rights of way, and with 23 CFR Part 645, Subpart B ("23 CFR 645B"), "Accommodation of Utilities," effective April 1, 2004 on federal-aid highways. The Department must comply with those federal provisions in order to qualify to receive federal-aid highway project funds. To comply with those provisions, the Department must exercise adequate regulation over utility accommodations on such highways. The large majority of state highways are federal-aid highways, and the Department has determined that the Code needs to apply the federal provisions to all state highways and SH ROW to ensure uniformity.

A further purpose of the Code is to formalize and supersede the policies contained in the Department's "Utility Manual," which as a regulatory document had the following limitations: it was not applied consistently statewide, it was difficult to enforce since it did not have the effect of law, it did not provide a well-defined process for appealing and resolving disputes, and it lacked public and utilities' input. The Code is intended to address these limitations. The Code is more complete, it is intended to increase uniformity, and it will provide clarity, credibility, and enforceability to the Department's procedures, criteria, and engineering and technical requirements for utility accommodations in SH ROW.

SECTION 102 - DEFINITIONS AND REFERENCES**102.01 Abbreviations**

As used in this Code these abbreviations shall have the following meaning:

AASHTO: American Association of State Highway and Transportation Officials

CCR: Code of Colorado Regulations, as amended

CDOT: Colorado Department of Transportation

CFR: Code of Federal Regulations. “23 CFR 645.207” means “§ 207, Part 645 of Title 23, CFR.”

C.R.S.: Colorado Revised Statutes, as amended. “43-1-225, C.R.S.” means “§ 225, Article 1 of Title 43, C.R.S., as amended.”

FHWA: Federal Highway Administration

MUTCD: The FHWA “Manual of Uniform Traffic Control Devices” and Colorado supplement thereto as adopted by the Commission pursuant to 42-4-104, C.R.S.

NEC: National Electric Code

NESC: National Electric Safety Code

OSHA: Occupational Safety and Health Administration

PUC: Public Utilities Commission of the State of Colorado

ROW or SH ROW: Highway Right Of Way under CDOT jurisdiction (or State Highway ROW)

SECTION: A cross-referenced section of this Code.

U.S.C.: United States Code. “23 U.S.C. 109” means “ §109, Title 23, U.S.C.”

102.02 Definitions

These definitions are provided and adopted to explain certain technical words and phrases found in the Code. Where a definition is taken verbatim from a federal or state statute or regulation or from an industry code, or standard, or reference, a citation thereto is provided in parentheses immediately after the definition. All words not specifically defined herein shall have their commonly accepted meanings.

AASHTO GUIDE: “A Guide for Accommodating Utilities Within Highway Right-of-Way,” 1994.

AASHTO POLICY: “ A Policy on the Accommodation of Utilities Within Freeway Right-of-Way,” 1989.

ABANDONMENT: The cessation of ownership, use, and operation of a utility facility.

ACCOMMODATE: The act of enabling an accommodation.

ACCOMMODATION: The location, installation, construction, operation, maintenance, repair, renewal, relocation and/or presence of utility facilities.

ADJUSTMENT: A modification of an existing utility facility.

AESTHETIC QUALITY: Those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural or manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter. (23 CFR 645.207)

APPLICANT: The utility owner, or authorized representative of the owner, applying for a utility permit; and as the context provides, may also relate to an action or requirement of a “permittee.”

BACKFILL: Replacement of suitable material compacted as specified around and over a pipe, conduit, casing or gallery. (AASHTO Guide)

BEDDING: Organization of soil or other suitable material to support a pipe, conduit, casing or gallery. (AASHTO Guide)

BETTERMENT: Any upgrading of the facility being relocated that is not attributable to the highway construction and is made solely for the benefit of and at the election of the utility. (23 CFR 645.105)

BORE or BORING: The excavation of an underground circular cavity for the insertion of a pipe or other type of conduit.

BRIDGE: A structure, including supports, erected over a depression or obstruction, such as water, a highway, or railroad, and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than 20 feet between undercopings of abutments or extreme ends of openings for multiple boxes.

CAP: Rigid structural element surmounting a pipe, conduit, casing, or gallery. (AASHTO Guide)

CARRIER: Pipe directly enclosing a transmitted fluid (liquid or gas). (AASHTO Guide)

CASING: A larger pipe enclosing a carrier. (AASHTO Guide). The cell of a box girder does not qualify as a casing. Tunnels or galleries function as casing pipes.

CATHODIC PROTECTION: A method of controlling corrosion on buried metal structures through use of electric current and sacrificial anodes.

CHIEF ENGINEER or ENGINEER: The Chief Engineer of the Colorado Department of Transportation, either acting directly or through duly authorized representatives, who is the chief administrative officer of the Highway Operations

and Maintenance Division or the Engineering, Design, and Construction division, and who has direct control and management of the functions of such divisions. (43-1-110, C.R.S.)

CLEAR ZONE: That portion of the roadside, within the highway right-of-way as established by the highway agency, free of nontraverseable hazards and fixed objects. (23 CFR 645.207)

COATING: Material applied to or wrapped around a pipe (AASHTO Guide) for protection against external corrosion.

CODE: The State Highway Utility Accommodation Code.

COMMISSION: The Transportation Commission of Colorado. (43-1-106, C.R.S.)

CONDUCTOR: Wire carrying electric current.

CONDUIT or DUCT: An enclosed tubular runway for protecting wires or cables. (AASHTO Guide)

COST OF RELOCATION: The entire amount paid by or on behalf of the utility properly attributable to the relocation after deducting from that amount any increase in value of the facility, and any salvage value derived from the old facility. (23 CFR 645.105(c); 43-1-225, C.R.S.)

COVER or COVER DEPTH or DEPTH OF COVER: The depth of top of pipe, conduit, casing or gallery below grade of roadway or ditch. (AASHTO Guide)

CRADLE: Rigid structural element below and supporting a pipe. (AASHTO Guide)

CROSSING: The utility crossing of the right of way, plus isolated segments of utility lines which may parallel the highway for up to 500 feet.

DEPARTMENT: The Colorado Department of Transportation.

DESIGN-BUILD CONTRACT: The procurement of both the design and the construction of a transportation project in a single contract with a single design-build firm or a combination of such firms that are capable of providing the necessary design and construction services.

DESIGNATED REPRESENTATIVE: A duly authorized representative of the Department, local agency, or permittee.

DIVIDED HIGHWAY: A highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual. (42-1-102, C.R.S.)

DRAIN: Appurtenance to discharge liquid contaminants from casings. (AASHTO Guide)

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.

EMERGENCY: Where circumstances imperatively require immediate action to comply with a state or federal law or federal regulation or for the preservation of the public health, safety, or welfare. (24-4-103(6) C.R.S.)

ENCASEMENT: Structural element surrounding a pipe (AASHTO Guide). May include boxing or jacketing (applicable to trenched installations), or grouting (applicable to untrenched installations).

FEDERAL AID HIGHWAY: A highway or portion thereof which is or has been developed, constructed, or improved as part of a federal aid highway project as defined herein.

FEDERAL AID HIGHWAY PROJECTS: Those active or completed highway projects administered by or through a state highway agency which involve or have involved the use of federal aid highway funds for the development, acquisition of right of way, construction, or improvement of highway or related facilities, including highway beautification projects under 23 U.S.C. 319, Landscaping and Scenic Enhancement. (23 CFR 645.207)

FLEXIBLE PIPE: A plastic, fiberglass, or metallic pipe having large ratio diameter to wall thickness which can be deformed without undue stress. (AASHTO Guide)

FLOWABLE BACKFILL: A low-cement-content aggregate mix developed as an alternative to conventional trench backfilling methods, to facilitate the backfilling operation and expedite the restoration of a pavement surface.

FREEWAY: A divided arterial highway for through traffic with full control of access and generally with grade separations at major intersections.

FRONTAGE ROAD: A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access. (AASHTO Guide)

FULL CONTROL OF ACCESS: The authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only by prohibiting crossings at grade or direct private driveway connections. (AASHTO Guide)

GALLERY: An underpass for two or more utility lines. (AASHTO Guide)

GRADE SEPARATION: A crossing of two roadways, or a roadway and railroad, at different levels.

GROUT: A cement mortar or a slurry of fine sand or clay.

HEAVY WALL THICKNESS PIPE: Pipe meeting the industry standard for this specific designation.

HIGHWAY: The entire width between boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state. (42-1-102, C.R.S.)

HIGHWAY AGENCY: That department, agency, commission, board, or official of any state or political subdivision thereof, charged by its law with the responsibility for highway administration. (23 CFR 645.207)

HIGHWAY PURPOSE: Pertaining to the planning, design, construction, operation, maintenance, or improvement of any portion of the highway facility or function thereof, or to any lawful duty or act of a highway agency.

HIGHWAY PROPERTY: SH ROW and all improvements constructed thereon for highway purposes, including but not limited to such elements as: roadway template; pavement and subgrade; roadside areas; curbing and traffic barriers; highway structures; landscaping; irrigation and drainage systems; lighting and traffic signal systems; delineation and pavement markings; and survey monumentation.

HIGHWAY STRUCTURE: Any structure constructed for the purpose of carrying vehicular, rail, or pedestrian traffic over a depression, stream, obstacle, roadway, walkway, or railroad.

HOLIDAY: Holidays recognized by the State of Colorado are:

- New Year's Day
- Dr. Martin Luther King Jr. Birthday (observed)
- President's Day
- Memorial Day
- Independence Day

Labor Day
Columbus Day
Veteran’s Day
Thanksgiving Day
Christmas Day

When New Year’s Day, Independence Day or Christmas Day fall on Sunday, the following Monday shall be considered a holiday.

Department Directors have the discretion to grant requests for César Chávez Day (March 31) in lieu of another holiday within the same fiscal year.

Additional legal holidays, when designated by the Governor or the President of the United States, will also be recognized by the State.

When a local agency has issuing authority for a permit, such other day(s) as it may designate shall also be considered holiday(s) for the purpose of that permit.

INSPECTOR: A designated representative of the Department who is assigned to make detailed inspections of utility permit activities in order to ascertain compliance with this Code and with the terms and conditions of an approved permit.

INSTALLATION: A utility facility or portion thereof, which is placed within highway right of way, or the act of making same.

INTERCHANGE: A facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structure and the ramps are considered part of the interchange.

INTERSTATE: Any highway that is included as part of the national system of interstate and defense highways as authorized and designated in accordance with section 7 of the “Federal-Aid Highway Act of 1944” (58 Stat. 838) and any other subsequent acts of congress. (43-2-101(2), C.R.S.)

ISSUING AUTHORITY: The authority vested in the appropriate government agency to issue a permit in accordance with this code to accommodate a utility in SH ROW.

JACKET or BOX: Encasement by concrete poured around a pipe. (AASHTO Guide)

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.

JOINT USE: The use of pole line, trenches, duct systems, or other facilities by two or more utilities in order to conserve ROW.

LEAK-PROOF CONSTRUCTION: Methods to ensure against leakage in pipelines, including welded or mechanical leak-proof joints, and/or quality assurance measures such as radiographic or hydrostatic testing and certification of welds and joints.

LOCAL AGENCY: The city, city and county, or incorporated town within the jurisdiction of which the utility will be accommodated in the ROW of a street that is also a state highway. (43-2-135, C.R.S.) The term shall also include the government of any Indian lands.

LOCAL STREET: A municipal street as provided in §43-2-123 to §43-2-125, C.R.S.

LONGITUDINAL: Parallel or nearly parallel to the approximate alignment of the highway for more than 500 feet.

MAINTENANCE: The servicing and repair of an existing facility as necessary to keep the facility in safe and acceptable operating condition.

MAJOR CHANGE: An alteration in the scope, location, nature, or cost of the work and includes but is not limited to: (1) changing a facility from aerial to underground; (2) changing the location of a highway crossing; (3) a shift from one side of the highway to another; (4) any increasing of plant capacity; and (5) changing from boring to open cut installation.

MANHOLE: An opening in an underground system which workmen, or others may enter for the purpose of making installations, repairs, connections, or tests. (AASHTO Guide)

MARKER: A pole or other object placed over or near a buried facility to denote the facility's alignment.

MEDIAN: That portion of the highway separating the opposing traffic flows.

METHOD OF HANDLING TRAFFIC ("MHT"): A discrete element of a Traffic Control Plan that describes the traffic control measures that may or will be taken in a particular phase of a permit operation, or in a particular situation that may be encountered.

NIGHT: The period between sunset and sunrise when lighted lamps are required on vehicles pursuant to §43-4-203, C.R.S.

PAVEMENT CUT: The removal of an area of pavement for the purpose of placing or maintaining a utility facility.

PAVEMENT STRUCTURE: The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed. (AASHTO Guide)

PERMIT: The written document by which the Department regulates and/or gives approval of the use and occupancy of the highway right of way by utility facilities or private lines, and which sets forth the approved terms and conditions under which a utility or utility facility may be accommodated within state highway right of way. A permit is a license that does not convey any compensable property interest to the permittee.

PERMITTEE: The entity that owns and operates the utility facility, and that is responsible for fulfilling all the terms and conditions of the permit; or, as accepted by the Department, the utility owner's designated representative that has been authorized by the owner to carry out any or all permitted activities; and as the context provides, may also relate to an action or requirement of an "applicant."

PIPE: A tubular product made as a production item and for sale as such. Cylinders formed from plate in the course of fabrication of auxiliary equipment are not pipe as defined herein. (AASHTO Guide)

PLOWING: Direct burial of utility lines by means of a "plow" type mechanism which breaks the ground, places the utility line and closes the break in the ground in a single operation. (AASHTO Guide)

PRESSURE: Relative internal pressure in psig (pounds per square inch gauge). (AASHTO Guide)

PRIVATE LINE: Privately owned facilities, which convey or transmit the commodities outlined in the definition herein for "utility facility," but devoted exclusively for private use (23 CFR 645.207).

REGION: A geographical subdivision of the State of Colorado established by CDOT for administrative purposes.

REGIONAL TRANSPORTATION DIRECTOR: An authorized representative of the Chief Engineer who is in responsible charge of engineering, design, construction, operations, maintenance, and safety activities within a CDOT region, or the designated representative of said director.

RELOCATION: The adjustment of utility facilities required by the highway project or other highway purpose. It includes removing and reinstalling the facility, including necessary temporary facilities, acquiring necessary right of way on the new location, moving, rearranging or changing the type of existing facilities and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that is both functionally equivalent to the

existing facility and necessary for the continuous operation of the utility service, the project economy, or sequence of highway construction. (23 CFR 645.105(l))

REST AREA: A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest for short periods. It may include drinking water, toilets, tables and benches, telephones, information and other facilities for travelers.

RETIREMENT: The cessation of use and operation of a utility facility that remains under the utility's ownership.

RIGHT OF WAY: Real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of the state highway system. (23 CFR 645.207)

ROADSIDE: A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside. (AASHTO Guide)

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively. (42-1-102(67), C.R.S.)

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, 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: Any segment of the state highway system not considered to be in an urban area.

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

SLAB, FLOATING: slab between but not contacting pipe or pavement. (AASHTO Guide)

SPECIAL PROVISIONS: Terms and conditions of a permit, imposed by the Department, which are consistent with but not otherwise set forth in this Code and which address unique or variable circumstances peculiar to a given installation.

STANDARD PROVISIONS: Standardized terms and conditions of a permit that reflect specific Code requirements and which apply in most situations.

STATE: The State of Colorado, or the Department as a duly constituted agency thereof, or the Commission as the context may require.

STATE HIGHWAY: A highway on the state highway system.

STATE HIGHWAY SYSTEM: All highways under CDOT jurisdiction and control and declared as such by the Commission pursuant to 43-2-101, C.R.S.

STRUCTURE ATTACHMENT: A utility line attached to or installed within a highway structure such as a bridge or culvert.

TIME: All time periods allowed by these rules and shall be computed in accordance with Rule 6(a) of the Rules of Civil Procedure, Volume 7A, C.R.S.

TRAFFIC CONTROL PLAN (“TCP”): The planned utilization of Methods of Handling Traffic, and of traffic control devices, as necessary to ensure the safe and expeditious movement of traffic around and through the utility work site, and the safety of the utility work force.

TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes. (AASHTO Guide)

TRENCHED: Installed in a narrow open excavation. (AASHTO Guide)

TRENCHLESS: Installed using a method where no trench is excavated – such as microtunneling, jacking, or horizontal directional drilling.

UNDERGROUNDING: The act of burying a line, cable, or conduit, and in context may refer in particular to the act of replacing an existing aerial facility with a buried facility.

UNTRENCHED: Installed without breaking ground or pavement surface, such as by jacking or boring.

URBAN AREA: An area where residences or businesses are clustered, not necessarily within municipal boundaries, where frequent approaches, utility lines, and drainage facilities are likely to be encountered, and where potential exists for future widening of the road to accommodate anticipated traffic growth.

UTILITY or UTILITY FACILITY: Privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any substantially owned or controlled subsidiary. For the purposes of this Code, the term includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility includes those

facilities used solely by the utility which are part of its operating plant. (23 CFR 645.207). As the context provides, the term utility may also relate to an action or requirement of an “applicant” or “permittee.”

VARIANCE: A deviation from a specific requirement of this Code, requested by an applicant, that if approved, is deemed consistent with the purpose and intent of the Code, and is reasonably necessary for the convenience, safety, and welfare of the public.

VEHICLE: Any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes any bicycle, but such term does not include any wheelchair or any such other device as specifically exempted in 42-1-102(112), C.R.S.

VENT: Apparatus to discharge gaseous contaminants from casing. (AASHTO Guide)

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

WORKING DAY: Any day that the permittee can perform a normal day of work exclusive of delays which result from inclement weather, labor disputes, material shortages, and other factors beyond the permittee’s control. It does not include weekends and legal holidays.

102.03 Incorporations by Reference

- (a) The following regulations and standards are incorporated as part of this Code by this reference, but only to the extent they are consistent with the express provisions of the Code. The Code does not include later amendments to or editions of the incorporated material.

Federal Regulations and Standards.

- (1) [Title 23 - Highways] 23 CFR 1.23, “Rights of Way,” April 1, 2004.
- (2) 23 CFR Part 645A, “Utility Relocations, Adjustments, and Reimbursement,” April 1, 2004.
- (3) 23 CFR Part 645 B, “Accommodation of Utilities,” April 1, 2004.
- (4) [Title 49 - Transportation] 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards,” Hazardous Materials Regulation Board, October 1, 2003.

- (5) 49 CFR Part 195, “Transportation of Liquids by Pipeline; Minimum Safety Standards,” Hazardous Materials Regulation Board, October 1, 2004.

National and Industry Standards.

- (6) “A Guide For Accommodating Utilities Within Highway right-of-Way,” AASHTO, 1994.
- (7) “A Policy on the Accommodation of Utilities Within Freeway Right-of-Way,” AASHTO, February, 1989.
- (8) “Roadside Design Guide”, AASHTO, 2002.
- (9) “National Electric Code”, National Fire Protection Association, Inc., Quincy, MA 02269, 2002.
- (10) “National Electric Safety Code,” Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, NY 10017, 2002.
- (11) “Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways,” American Petroleum Institute, Division of Transportation, API Recommended Practice 1102, July, 2002.
- (12) “B31.4 – 2002 Pipeline Transportation Systems for Liquid Hydrocarbons and other Liquids”, American Society of Mechanical Engineers, 2002
- (13) “B31.8 – 2003-2004 Gas Transmission and Distribution Piping Systems”, American Society of Mechanical Engineers, 2004
- (14) “B31.11 – 2002-2003 Slurry Transportation Piping Systems”, American Society of Mechanical Engineers, 2004
- (b) Certified copies of these regulations and standards are maintained by the CDOT State Utilities Engineer and are available for public inspection during regular business hours at the Colorado Department of Transportation, Utilities Unit, 4201 East Arkansas Avenue, EP 770, Denver, CO 80222. Copies will be provided at cost upon request.
- (c) A copy of all material incorporated herein by reference has also been provided to the state publications depository and distribution center, for retainage by the state librarian and for public inspection and interlibrary loans.

SECTION 103 - APPLICABILITY AND GENERAL PROVISIONS

- (a) The Code shall apply only to utility accommodations on state highway system rights of way. The Code shall apply to all such accommodations.
- (b) The Chief Engineer through the Region Transportation Directors, or designee(s), shall implement the Code for the Department.
- (c) Applications for utility permits, utility permits and utility relocation permits, shall be on CDOT-prescribed forms, unless issuing authority for permits has been delegated to a local agency.
- (d) The utility shall comply with all applicable requirements of the Code, and if a permit is issued, with all terms and conditions of that permit.
- (e) A utility shall not perform any accommodation work without first obtaining final approval of a permit from the Department.
- (f) The Department will issue a permit only if the accommodation complies with the Code, and is not otherwise detrimental to the highway facility or to the health, welfare, and safety of the public.
- (g) The Department may include in a permit any terms and conditions which it determines are reasonably necessary to give effect to the purpose, scope, or requirements of the Code.
- (h) Where language of the Code requires particular action to be taken or omitted but does not specifically identify the party responsible for the actions, such requirements shall apply to, and be the sole responsibility of, the utility, as the context provides.
- (i) Where the language of the Code does not impose a particular obligation, but expressly indicates that a requirement or condition “will be specified,” or “otherwise approved,” or “may be required,” or “may be necessary,” or that the “Department may require a utility to take further action,” the Code anticipates that such requirement or condition or action (if any) will be described by the Department in the permit. Such a requirement, condition, or action will be applicable to the utility only if specifically described in the permit.
- (j) This Code does not invalidate utility permits or agreements issued or entered into prior to the effective date of the Code. However, to the extent the Code requires a utility to take action that is reasonably necessary to protect the public health, welfare, and safety, or to prevent unreasonable interference with a state highway, existing utilities shall be subject to such requirements. The utility must take such actions upon notice from the Department.