

Council Policy 3

Effective Date: 6/18/2004

Revised: 6/2013, 9/2018, 12/2022, 12/2025

Expiration: 12/2028

**INCLUSION OF UTILITY WORK UNDER A FEDERAL-AID PROJECT****Purpose:**

Local Jurisdictions need to be able to determine the cost eligible for Federal funding in order to properly plan projects. Federal regulation provides general guidance but lacks the detail needed for consistent and fair application of utility relocation costs. It is the intent of this policy to provide interpretation of the Federal regulation so the responsibility of costs for utility relocation can be appropriately identified.

Additional Authority:

23CFR 635b, 645, 710b

Idaho Code 40-2403(2) “LHTAC has the authority to develop uniform standards and procedures that may be recommended to its member jurisdictions for the construction, maintenance, use, operation and administration of local highways”.

The Idaho Transportation Department and Local Highway Technical Assistance Council Stewardship Agreement outlines responsibilities regarding approval authority. In the stewardship agreement LHTAC has the responsibility of preparing and approving all utility agreements, waivers, and hardships.

POLICY**Policy Statement:**

The Local Highway Jurisdiction (LHJ) has the authority to allow utilities within their right-of-way. LHTAC may extend federal-aid assistance for utility work on Federal-aid projects.

Procedure:

1. Utility relocation costs will not be eligible for Federal funding on projects if the utility is within the public right-of-way at the permission of the owner.
2. Utilities within property owned by the utility (public or private) are eligible for reimbursement of costs if the Federal-aid project requires relocation of the utility.
3. In extreme cases of utility hardship, LHTAC Council gives the LHTAC Administrator the authority to fund utility relocation as allowable project costs when justification of such hardship can be substantiated with Utility Hearing Authorization and the necessary information as outlined here.

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4. All match funding requirements shall be the responsibility of the LHJ to recover from the utility.
5. Any appeal shall be to the LHTAC Council, and their decision shall be final

A handwritten signature in black ink, appearing to read "Kevin Renfrow", is written over a horizontal line.

Kevin Renfrow, Chair

Local Highway Technical Assistance Council