

**UTILITIES
PERFORMANCE SPECIFICATION**

1.0 INTRODUCTION

The Design-Builder may choose to design around existing utilities where not restricted elsewhere; otherwise the Design-Builder will be responsible for executing and coordinating the relocation of any utility conflicts in accordance with Louisiana Department of Transportation and Development (LA DOTD) policies and procedures so that there is no loss of service during the contract period.

2.0 PERFORMANCE GOALS

- A) Design that avoids or minimizes utility conflicts; and
- B) Construction methods that ensure existing utilities are not disrupted.

3.0 STANDARDS AND REFERENCES

The relocation of utilities conflicting with the construction of the Project shall be done in accordance with this Utilities Performance Specification and the relevant requirements of the following standards, unless otherwise stipulated in this performance specification. Standards and references specifically cited in the body of the Utilities Performance Specification establish requirements that shall have precedence over all others. Standards listed are placed in the descending order of precedence. In case of conflict between or among standards listed, the order of precedence established by the LA DOTD shall govern. Listed under references are guidelines that the Design-Builder may use in addressing the requirements as the Design-Builder sees fit. It is the Design-Builder's responsibility to obtain clarification of any unresolved ambiguity prior to proceeding with design or construction.

3.1 STANDARDS

The standards for this Utilities Performance Specification are listed in descending order of precedence. In case of conflict between or among standards, the order of precedence established by the LA DOTD will govern.

- A) Louisiana Revised Statute 48:381.; and
- B) Louisiana Administrative Code, Title 70 – Transportation, Part II – Utilities.
- C) “ASCE Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data.”; CI/ASCE 38-02.
- D) LA DOTD “Standards Manual for Accommodating Utilities, Driveways and Other Facilities on Highway Right-of-Way”; September 1, 1994 edition.

3.2 REFERENCES

None

4.0 SCOPE

If the Design-Builder encounters any utility conflicts during design and/or construction, the Design-Builder shall follow the standards as outlined in this Utilities Performance Specification.

5.0 PERFORMANCE MEASURES

The following are the performance measures for this Utilities Performance Specification:

- A) The Design-Builder's design avoids or minimizes utility conflicts, including utility conflicts with the future build-out;
- B) Where utility conflicts occur, the Design-Builder has executed, or coordinated the execution of, necessary Utility Relocation Agreements (URA) and/or utility permits;
- C) The Design-Builder's construction ensures no disruption to utility services; and
- D) Utility conflicts do not delay the Project and Design-Builder does not request extensions of Contract time.

6.0 REQUIREMENTS

6.1 EXISTING UTILITIES

Subsurface Utility Engineering (SUE) services have been performed throughout the Project corridor and the results are provided in Part 5 - Engineering Data. The Design-Builder is responsible for gathering any additional information as may be required to determine any conflicts between utilities and the scope of the Project.

Utilities may remain in their existing locations within the Project Right-of-Way (ROW) if the existing location will not adversely affect the construction, operation, safety, maintenance and/or use of the Project.

6.2 RELOCATION OF UTILITIES

6.2.1 Coordination

If utility relocation is required, the Design-Builder shall communicate, cooperate, and coordinate with LA DOTD, the utility owners and potentially affected third parties, as necessary for performance of the utility relocation Work.

When utilities are to be relocated, the Design-Builder shall coordinate with the utility owner to determine which of the following three options will be utilized:

- A) The utility owner designs and relocates utility.

- B) The utility owner provides the design for the relocation of the utility and the Design-Builder relocates the utility.
- C) The Design-Builder designs and relocates the utility. Prior to relocation, the utility owner must approve the design.

The Design-Builder must ensure complete satisfaction of the utility owner in the relocation of any utility. The Design-Builder must ensure that the utility owner will accept the utility and responsibility for maintenance and upkeep of the utility once it has been relocated.

6.2.2 Utility Relocation Agreements and Permits

The Design-Builder shall be responsible for coordinating all efforts in the relocation of any utilities located within the LA DOTD ROW that are in conflict with the construction of the Project, including, but not limited to, the verification of existing utilities, and preparing all necessary URAs and permits for such relocation as described below.

6.2.2.1 Utility Relocation Agreements

When a utility conflict is identified, the Design-Builder shall coordinate with the affected utility owner to research whether that utility owner has prior rights. A URA is required whenever a utility with prior rights located within LA DOTD ROW is required to be relocated. The URA must specify the cost distribution and responsibility of the work. Each URA will be executed between the Design-Builder and the affected utility owner. The LA DOTD must approve all URAs prior to execution.

The LA DOTD will not reimburse, as a utility relocation cost, the acquisition of property outside of the Project ROW.

6.2.2.2 Permits

Regardless of whether a URA has been executed, a permit is required whenever a utility is to be relocated inside the LA DOTD ROW. Each permit must be coordinated by the Design-Builder and utility owner; however, each permit must be approved and executed by the LA DOTD. The Design-Builder shall use the LA DOTD's standard permit form, entitled "Utilities Relocation Agreement Permit."

6.2.3 State and Federal Utility Requirements

6.2.3.1 State Utility Requirements

The Design-Builder shall comply with any state laws/codes governing the design and construction of a utility.

6.2.3.2 Federal Utility Requirements

The Project is subject to 23 CFR Part 645 Subpart A (including without limitation its requirements as to plans, specifications, estimates, charges, tracking of costs, credits, billings, records retention, and audit) and the Federal Highway Administration's (FHWA) associated policies. The Design-Builder shall comply (and shall require the utility owners to comply) with 23 CFR Part 645 Subpart A and all associated FHWA policies as necessary for any utility relocation costs. All URAs shall incorporate by reference 23 CFR Part 645 Subpart A. All costs incurred by the Design-Builder in complying with 23 CFR Part 645 Subpart A and the associated FHWA policies are included in the Lump Sum Contract Price.

6.2.4 Documentation

The Design-Builder is responsible for providing written documentation to the LA DOTD of any written URAs and procedures affecting the utilities on the Project.

7.0 COST OF RELOCATING UTILITIES

7.1 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S OBLIGATIONS

The LA DOTD will reimburse the Design-Builder by Change Order for any pre-approved utility relocation costs, in accordance with URAs executed under Section 6.2.2.1 of this Utilities Performance Specification. The LA DOTD will not pay for betterments as a utility relocation cost. The LA DOTD will not reimburse, as a utility relocation cost, the acquisition of property outside of the Project ROW.

7.2 DESIGN-BUILDER'S OBLIGATIONS

The Design-Builder is responsible for all utility relocation costs not assumed by the LA DOTD under this Utilities Performance Specification and not assumed by the affected utility owner.

8.0 SCHEDULE

Any utility relocation must be included in the Design-Builder's schedule. No additional Contract time will be given for utility relocation.