



<b>TO:</b> Director, Preliminary Plan Review Bureau  <b>SUPERSEDED BY EB 01-030</b> <b>EFFECTIVE 5/30/2001</b>	 <b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION  <b>SUBJECT:</b> UTILITY RELOCATION FOR TRANSPORTATION PROJECTS - MUNICIPAL AGREEMENTS  Subject Code: 7.29
<b>Distribution:</b> 9B <input checked="" type="checkbox"/> Main Office             9E <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	<b>Code:</b> <u>ET 74-38</u> <b>Date:</b> <u>4/29/74</u>
<b>APPROVED:</b>  <u>Deputy Chief Engineer, Facilities Design Subdivision</u>	<b>Supersedes:</b>

This Engineering Instruction will clarify the need for compliance with the following statement found on Page 7 of the Manual of Procedure for Reimbursement on Utility Agreements:

"Utility work covered by a Municipal Agreement shall not be commenced until the Agreement has been approved by the Department and the State Comptroller."

In an effort to commence and expedite utility work prior to approval of the Municipal Agreement, a revision to this statement was sought from our Office of Legal Affairs which would allow such action subsequent to approval of the Preliminary Utility Work Agreement and authorization to process the utility work, but prior to approval of the Municipal Agreement. That office has upheld the necessity of the State Comptroller's approval of the Municipal Agreement prior to commencement of the utility work.

The foregoing applies to those cases where the utility adjustments will require the preparation of the Preliminary Utility Work Agreement followed by the execution of the Municipal Agreement. Both are to be fully executed prior to the start of actual reimbursable utility work. It is suggested that the processing of the required data begin at an earlier date than is now common in order to minimize conflicts with construction contract operations and adhere to this Engineering Instruction. Improved coordination on the part of Regional Utilities personnel with the preparation of final contract plans is one means by which this may be accomplished.

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 FACILITIES DESIGN SUBDIVISION  
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