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ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: **UTILITY INVOLVEMENT ON RECONDITIONING AND PRESERVATION PROJECTS**

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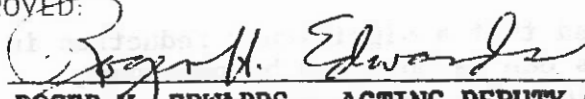
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This Engineering Instruction established guidelines for applying the RULES AND REGULATIONS GOVERNING THE ACCOMMODATION OF UTILITIES WITHIN THE STATE HIGHWAY RIGHT OF WAY TO R & P projects on rural, suburban, and urban highways with no control of access where posted speeds are greater than 35 MPH.

Specifically of interest are Sections 131.8 (a) (1) and 131.11(a). They read as follows:

"Section 131.8 (a) On rural, suburban, and urban highways with no control of access where posted speeds are greater than 35 MPH, the following regulations will govern:

"(1) All non-frangible above-ground utility elements shall be located as near as possible to the right-of-way line, obtaining a minimum distance of 30 feet clearance from the edge of mainline pavement. The Commissioner may consider exceptions to the above criteria on an individual basis in instances where, due to lack of sufficient right-of-way, or for other reasons, it is impractical to achieve the 30 foot desirable clearance. At the Commissioner's discretion, the utility company may be required (i) to provide guide rail or to pay for strengthening proposed or existing guide rail where the subject elements singularly constitute a hazard or (ii) to locate their facilities underground."

"Section 131.11 (a) Active projects. Existing above-ground and underground facilities on active projects which may not have to be relocated due to their lack of conflict with the actual construction may nevertheless be required to relocate because of a finding by the Commissioner that the facility is likely to have a high accident potential."

These guidelines relate to the situations where it is impractical to achieve the desirable clearances noted above. It is anticipated that no extra width of right of way will be acquired for utility purposes on R & P projects. The guidelines follow:

1. Any utility poles remaining behind guiderail shall be positioned so as to be beyond the prescribed deflection of that type guide rail. The specified clear area for guide rail is set forth in Chapter 10 of the Highway Design Manual and is to be considered mandatory.

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2. The location of a pole is not necessarily cause for removal in and of itself. It is the Department's intent to upgrade highways as we rehabilitate them, providing a roadside relatively free of fixed objects. If the removal of the pole will contribute to this, then it should be removed. However, if the pole is just one of many obstacles along the roadside, and it is impractical to move the others, removal of the pole would serve no useful purpose.

Several safety studies have indicated that a significant reduction in the number and severity of accidents can be obtained by providing obstacle free areas up to 30 feet wide adjacent to highways with vehicle speeds of 50 mph or more. Therefore, we intend to provide such areas to the extent feasible when such highways are rehabilitated, whether or not there are accident records for each obstacle.

However, we recognize that there are factors that limit the width of obstacle free areas that can be achieved on existing highways such as insufficient right-of-way and the impracticality or excessive cost of moving some types of fixed objects. Also, we are aware that the rate of accident reduction decreases as the width of recovery area increases. Therefore, the following guideline is to be used in deciding whether or not utility poles should be moved.

If the existing obstacle free area is 20 feet or less in width and if this width can be increased by at least 50% by moving utility poles, the poles should be moved. When poles are moved, they should be moved as far back from the pavement as practical within the right-of-way.

For example: If you have a pole within 8 feet of the pavement, and if you have room within the right-of-way to move it back at least 4 feet, and if there are no unremovable obstacles within 12 feet of the pavement at this particular location, then you should ask the utility company to move the pole back as far as possible within the right-of-way. On the other hand, if you cannot move the pole at least 4 feet further back, or if there are other unremovable obstacles that preclude the widening of the recovery area from 8 feet to 12 feet (50%), it is not necessary to move the pole since it is not likely that the increase in safety benefit would warrant the cost.

3. The legal basis for requiring utilities to pay for new or stiffened guide rail is by virtue of the fact that the laws of the State of New York authorize the Commissioner to make rules and regulations which are enforceable in the courts, as are statutes of law passed by the legislature, when such rules and regulations are properly filed.

The applicability in Section 131.8(a)(1) is to non-frangible above-ground utility elements whether they be new or existing poles which require relocation as determined by this Department. It was not the intent of this office that an element be physically affected by the contract work in order to require relocation.

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It is stressed that physical objects other than utility poles falling within the clearances noted in the above guidelines should also be removed or properly protected where practicable.

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