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ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: Utility Connections Done Under Section
10 Subdivision 24-b of the Highway Law

Subject Code: 7.30

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Regions Special

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APPROVED:


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The purpose of this Instruction is to clarify the process for submitting orders-on-contracts and releases for various utility connections done under the authority of Section 10 Subdivision 24-b of the Highway Law.

As most of you are aware, the highway law was recently changed to allow the State to provide for the removal, relocation, replacement or reconstruction of privately, publicly or cooperatively owned facilities located within State Highway Right-of-Way or on privately owned property, and in certain instances, the facilities of utility corporations affected by highway construction. By law, such action must have the approval of the Director of the Budget when these facilities are located on State Highway Right-of-Way, and, by administrative agreement, releases executed with the affected owners must have the approval of the Department, the Division of Budget, the Attorney General, and the Comptroller.

For all future projects, the approvals and releases will be obtained during the Design stage and all necessary work will be included in the contract as bid items. However, there exist some ongoing contracts which are covered by the law and such contracts will require releases and orders-on-contract to accomplish the necessary work. The procedure for handling the releases and processing the orders is described below. Such procedure will also be used anytime in the future when it is determined that work beyond that contemplated during the design phase is necessary.

Once the need for such work is determined, the Region Construction Group shall immediately begin to acquire the necessary releases from the property owners and prepare the related order-on-contract.

Advice concerning the release forms can be obtained from the Utilities Section of the Preliminary Plan Review Bureau.

This work may be accomplished by force account or via an agreed price.

In either case, we recommend that this work be submitted via a separate order-on-contract and, in the case of an agreed price item, the order should be left un-numbered, in the same manner as force accounts are now submitted. This order should be transmitted to the Construction Subdivision via memorandum, with a copy to the Utilities Section.

Upon receipt of the order, the Construction Subdivision will review it for acceptability and then place it in a hold file. The order will remain in this hold status until

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all necessary releases have been obtained by the Region, forwarded to the Utilities Section, and approval of the Director of the Budget, as required by law, is obtained.

When the Construction Subdivision is notified that Division of Budget approval has been obtained, the order will be removed from the hold file and normal processing will be resumed. In the case of an un-numbered agreed price order-on-contract, the Construction Subdivision will contact the Region to assign a number prior to the resumption of processing. From this point on the order-on-contract will be processed in the normal manner.

After the releases have been approved by the Attorney General and Department of Audit and Control, two completed copies of the releases shall be returned by the Utilities Section to the Region for inclusion in the project file; one copy will be retained in the Utilities Section.

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