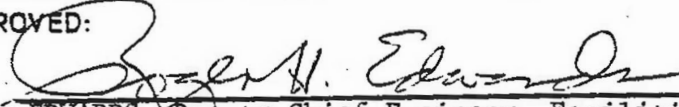
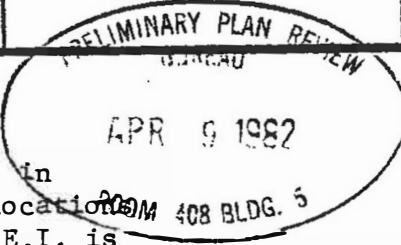


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| TO: Director, Preliminary Plan Review Bureau | <h1>ENGINEERING INSTRUCTION</h1> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> |
| SUPERSEDED BY EB 01-010 EFFECTIVE 2/6/01 | SUBJECT: MUNICIPAL UTILITY RELOCATIONS ON FEDERAL AID OFF-STATE SYSTEM HIGHWAY PROJECTS Subject Code: 7.29 |
| Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special | Code: EI 82-21 Date: April 2, 1982 |
| APPROVED:  R. H. EDWARDS, Deputy Chief Engineer, Facilities Design Division | Supersedes:  |

There seems to be some inconsistency throughout the State in dealing with State participation in municipal utility relocation on Federal Aid Off-System Projects. The purpose of this E.I. is to clarify the Department's position on this matter.

The Office of Legal Affairs has indicated that Section 81 and Section 10, Subdivision 24 of the Highway Law, in combination, permits the Commissioner to use State and Federal funds to participate in the cost of adjusting municipal utility facilities located within the existing right-of-way on Federal Aid Off-State System Projects. Therefore, the Commissioner has decided that we will treat relocation of municipal utilities on such projects in the same manner as projects on the State System. If it is necessary to relocate, remove, replace or reconstruct municipal utilities as a result of highway work, the cost may be included as an eligible share of the highway project. However, the municipalities must pay for any betterments in accordance with our standard procedures.

Effective immediately, you should not require that municipalities pay for necessary utility adjustments as a prerequisite for advancing Federal Aid Off-System Projects. However, you may enter into such agreements with municipalities if they want to assume this responsibility on a voluntary basis in order to get more highway work done with the limited State and Federal funds available to them.

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| PREL | FINAL |
| DESIGN | LANDSCAPE |
| RECEIVED FACILITIES DESIGN DIVISION APR 9 1982 | |
| CIRC. | FILE |