

## **Sub-part 7501 - Maintenance**

### **Chapter 06001 Accommodation of Utilities on Freeway Rights of Way**

#### Purpose

- 100 To establish a policy for issuing permits for accommodating utilities on freeway rights of way to improve and maintain highway safety and operation.
- 101 This rule sets forth a uniform policy establishing the conditions under which public and private utilities may be accommodated on the freeway right-of-way, which does not adversely affect highway or traffic safety, or otherwise impair the highway or its' aesthetic quality, and does not conflict with the provisions of federal, state or local laws or regulations. It is not the intent of this policy to impose restrictions on the future installation of utility crossings that would obstruct the development of expanded areas adjacent to the freeways. The policy recognizes the public interest in avoiding unnecessary and costly operation of public utilities. This policy applies to all highways with full control of access, regardless of system. Also, it has value as a guide for all highways with partial control of access.

#### DEFINITIONS

- 200 Freeway - A divided arterial highway for through traffic with full control of access.
- 201 Department - Mississippi Department of Transportation.

#### INTRODUCTION

- 300 A uniform policy is needed to establish the conditions under which public and private utilities may be accommodated on the freeway right-of-way, which does not adversely affect highway or traffic safety, or otherwise impair the highway or its' aesthetic quality, and does not conflict with the provisions of federal, state or local laws or regulations. Although the primary purpose of this policy is to improve and maintain highway safety and operation, said policy recognizes the public interest in avoiding unnecessary and costly operation of public utilities. It is not the intent of this policy to impose restrictions on the future installation of utility crossings that would obstruct the development of expanded areas adjacent to the freeways. This policy applies to all highways with full control of access, regardless of system. Also, it has value as a guide for all highways with partial control of access.

#### STATEMENT OF POLICY

- 400 Applicability
1. This policy applies to utilities within freeway rights of way. The principles set forth in this policy apply to all public and private utilities including but not limited to communication, electric power, cable television, water, gas, oil, slurry, petroleum

products, sewer, drainage, irrigation and similar facilities. Such utilities may involve construction and maintenance of underground, surface or overhead facilities, either singularly or in combination. This policy does not apply to utilities for servicing facilities needed for operating the freeway.

401 New Utility Installations Along Freeways:

1. Installation of new utilities will not be permitted longitudinally within the control of access lines of any freeway, except that in special cases such installations may be permitted under strictly controlled conditions. The location of such installations, if permitted, will generally be restricted to the outer ten (10) feet of the right of way. Installation of utilities will not be allowed longitudinally within the median area.
2. Some special cases, referenced above, that may warrant accommodation on the right of way are (1) significantly undesirable social, economic, or environmental effects on adjacent property, (2) prohibitively excessive right of way costs on areas adjacent to the freeway, (3) unique nature of adjacent property (irreplaceable historical, parkland, recreational or other function), (4) temporary, short-term emergency needs, or other circumstances that the Mississippi Transportation Commission may specifically authorize.
3. Where such longitudinal installations are requested, the utility owner must in each case show that:
  - a. The accommodation will not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway.
  - b. The accommodation will not be constructed and/or serviced by direct access from the through traffic roadways or connecting ramps.
  - c. The accommodation will not interfere with or impair the present use or future expansion of the freeway; and,
  - d. Any alternative location would be contrary to the public interest. This determination would include an environmental evaluation of the direct and indirect environmental and economic effects covering on and off right of way alternates.

402 Existing Utilities Along Proposed Freeways:

1. Where a utility already exists within the proposed right-of-way of a freeway and it can be serviced, maintained and operated without access from the through traffic roadways or ramps, it may remain as long as it does not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway. Otherwise, it must be relocated.

403 Major Valley or River Crossings:

1. Where a freeway crosses a major valley or river on an existing structure, any utility carried by the structure at the time the highway route is improved may continue to be carried when relocation of the utility would be very costly and provided the utility can be serviced without interference with road users. Expansion of a utility carried by an

existing structure across a major valley or river may be permitted provided the utility can be installed and serviced without interference with road users.

2. New utility installations will not be permitted on a structure across a major valley or river at or after the time the highway route is improved, except for special cases as covered in Section 2 of this policy.

#### 404 Utilities Crossing Freeways:

New utility installations and adjustments or relocation of existing utilities may be permitted to cross a freeway. To the extent feasible and practicable they should cross on a line generally perpendicular to the freeway alignment and preferably under the freeway.

##### 1. Utilities Along Roads or Streets Crossing Freeways

- a. Where a utility follows a crossroad or street which is carried over or under a freeway, provisions should be made for the utility to cross the freeway on the location of the crossroad or street in such manner that the utility can be constructed and/or serviced without access from the freeway roadway or ramps. Generally the utilities are to be located within the right-of-way of the crossroad or street, existing or relocated, and may cross over or under the freeway, provided installation and servicing thereof can be accomplished without access from the freeway roadways or ramps. Utilities will not be permitted to be attached to bridges, except for water lines referenced in Rule 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits, Section 3(a). Where distinct advantage and appreciable cost saving are effected by locating the utilities outside the right-of-way of the crossroads or street they may be so located, in which case they shall be located and treated in the same manner as utility lines crossing the freeway at points removed from grade separation structures as in Section B and C which follow.

##### 2. Overhead Utility Crossings

- a. Overhead utility lines crossing a freeway at points removed from grade separation structures, or those crossing near a grade separation but not within the right-of-way of a crossroad or street, in general, should be adjusted so that supporting structures are located outside the outer edges of freeway roadway side slopes and preferably outside the control of access lines. In any case supporting poles shall not be placed within the clear zone as determined using procedures in the AASHTO Roadside Design Guide, Current Edition. Supporting poles may be placed in medians of sufficient width to provide the above referenced clear zone from the edges of both traveled ways. If additional lanes are planned, the clear zone shall be determined from the ultimate edges of the traveled way. Where right-of-way lines and control of access lines are not one and the same, as where frontage roads are provided, supporting poles may be located in the area between them with appropriate shielding. In extraordinary cases where such spanning of the roadways is not feasible, consideration may be given to conversion to underground facilities to cross the freeway.

b. At interchange areas, in general, support for overhead utilities should be permitted only where all of the following conditions are met: (i) the clear zone with respect to the freeway through-traffic lanes and the clear zone from the edge of ramp is provided as designated in the AASHTO Roadside Design Guide, Current Edition, (ii) essential sight distance is not impaired, and (iii) the conditions of Section 6 of this policy, "Access for Servicing Utilities," are satisfied. The vertical clearance to overhead utility lines crossing freeways shall be determined by the Department but in no case shall be less than the clearance required by the National Electrical Safety Code.

c. Underground Utility Crossings

Utilities crossing freeways underground shall be of durable materials and so installed as to virtually preclude any necessity for disturbing the roadways to perform maintenance or expansion operations. The design and types of materials shall conform to appropriate governmental codes and specifications. Utility access holes and other points of access to underground utilities may be permitted within the right-of-way of a freeway only when they are located beyond the shoulders of the freeway or ramps as planned for later widening. This access may be permitted provided the conditions of Section 6 are satisfied.

d. Provisions for Expansion of Utilities

When existing utilities are relocated or adjusted in conjunction with construction of a freeway, provision may be made for known and planned expansion of the utility facilities, particularly those underground. They should be planned to avoid interference with traffic at some future date when additional or new overhead or underground lines are installed.

405 Access for Servicing Utilities:

1. Access for servicing a utility along or across a freeway should be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads and streets, or (c) trails along or near the highway right-of-way lines, connecting only to an intersecting road.
2. In those special cases where utility supports, manholes, or other appurtenances are located in medians or interchange areas, access to them from through-traffic roadways or ramps may be permitted, but only by permits issued by the Department to the utility owner setting forth the conditions for policing and other controls to protect highway users.
3. Where utilities are located outside the control of access line and where such utilities may require maintenance from within the freeway right-of-way, a permit must be obtained from the Department. Advance arrangements should also be made between the utility and the Department for emergency maintenance procedures.

406 Construction and Location Details:

1. The Department has the right to preview and approve or reject the location and design of all utility installations and adjustments affecting the highway and issue permits for the contemplated work.

407 Manner of Making Utility Installations and Adjustments:

1. In general, utility installations and adjustments are to be made with due consideration to highway and utility costs and in a manner that will provide maximum safety to the highway users, will cause the least possible interference with the highway facility and its operation, and will not increase the difficulty of or cost of maintenance of the highway.

408 Wetlands

1. Utility owners will be required to comply with the Corps of Engineers regulations for wetlands and to obtain any necessary permits prior to performing any work on the right of way.

409 Traffic Control

1. The applicant accepts the responsibility for the safety of the traveling public and his/her workers and agrees to furnish, place and maintain traffic control devices, if required, in accordance with Part 6 of the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition, as a minimum. A special traffic control plan is including ion this application if special traffic control details are required.

410 Safety

1. The installation of any utility shall not be permitted which would adversely affect safety.

411 Scenic Strips, Overlooks, Landscaped Areas, Welcome Centers, Rest Areas Recreation Areas, etc.

1. New utility installations, except those needed for highway purposes, such as for highway lighting or to serve a weigh station, rest area, recreation area, welcome center, etc., are not permitted on highway right of way or other lands which are located within or adjacent to areas of scenic enhancement and natural beauty.

2. The Departments' Chief Engineer may permit exceptions provided the following conditions are met:
  - a. New underground or aerial installations may be permitted only when they do not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
  - b. Aerial installations may be permitted only when (1) other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality, (2) placement underground is not technically feasible or is unreasonably costly, and (3) the proposed installation will be made

at a location, and will employ suitable designs and materials, which give the greatest weight to the aesthetic qualities of the area being traversed.

**REFERENCES (All references herein to other materials are as to the most current version of that particular document.)**

- 500 United States Code of Federal Regulations (CFR), Title 23, Part 645B, Accommodation of Utilities, Current Edition.
- 501 AASHTO-A Guide for Accommodating Utilities Within Highway Right-of-Way, Current Edition.
- 502 AASHTO-A Policy on the Accommodation of Utilities Within Freeway Right-of-Way, Current Edition.
- 503 AASHTO Roadside Design Guide Current Edition.
- 504 National Electrical Safety Code, Current Edition.
- 505 United States Corps of Engineers Wetland Regulations, Current Edition.
- 506 Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.
- 507 37.I.7501.04002, Right of Way Encroachment Permits.
- 508 37.I.7501.04015, Parallel Utility Lines and Overhead Crossing Encroachment Permits.
- 509 37.I.7501.04001, Underground Utility Crossings.
- 510 37.I.7501.04017, Location of Above Utility or Other Structures Affecting Traffic Safety and Scenic Enhancement.
- 511 For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
- 512 For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)
- 513 For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and [www.fhwa.dot.gov](http://www.fhwa.dot.gov)
- 514 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT