



INSPECTION AND OVERSIGHT OF UTILITY WORK WITHIN HIGHWAY RIGHT-OF-WAY

Lee Upkins, Assistant State Utilities Engineer

Georgia Department of Transportation



AMERICAN ASSOCIATION OF
STATE HIGHWAY AND
TRANSPORTATION OFFICIALS

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LAW: PERMIT REQUIREMENT

- **Official Code of Georgia, Annotated, O.C.G.A. § 32-6-174**
 - Provisions for regulation of utility encroachments by the Department are contained in the Official Code of Georgia, Annotated, O.C.G.A. § 32-6-174 which states that "The Department may promulgate reasonable regulations governing the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, tracks, traffic and other such signals, and other equipment and appliances of any Utility in, on, along, over, or under any part of the [State Highway System](#) or any public road project which the Department has undertaken or agreed to undertake or which has been completed by the Department pursuant to its authority."

PERMIT APPLICATION AND APPROVAL

- **Where to Apply**

- Application for utility encroachment permits shall be made utilizing GUPS to the Department's District Utilities Engineer having supervisory responsibility for the area in which the facilities are to be installed

- **Authority to Approve**

- The District Engineer shall have authority to approve applications involving utility encroachments including all applicable permit forms and provisions; except that no approval shall be given until all reviews and concurrences by other offices within the Department or by other agencies has been obtained.
- All applications which are referred to the State Utilities Engineer will be returned to the District Engineer for final action after the necessary reviews have been completed.

ALLOCATION OF COST

- **Permit Fee**

- There shall be no charge for the issuance of the permit except as required by the Department's [Board Rule 672-11](#) promulgated in accordance with [O.C.G.A. § 32-6-174](#).

- **672-11-.02 Long Distance and Trunk Communications Cables; Issuance of Permits:**

- Permit fees shall be assessed as an annual payment to be based on miles of line installed along the rights-of-way of a public road. The annual fee is intended to cover direct costs associated with the administration of the permit, the inspection of work, and all indirect costs associated with continued occupancy by the permitted utility.

ALLOCATION OF COST

- **672-11-.03 Long Distance & Trunk Communications Cables; Permit Fee Schedule:**

- These rates are for a single cable installed aerially on a pole line or underground by direct bury or in conduit. Where conduit is used, one additional conduit may be installed simultaneously for use by the owner for future repairs or replacement of minor cable segments

- **Telecom Companies – 27 Companies Total** -invoice amounts are based on an initial amount that was negotiated and has increased over the years by determining the additional permits received each year.

ALLOCATION OF COST

- **Rule 672-11-.04 Alternate Procedure for Assessing Fees:**
 - In lieu of fees required under paragraphs 672-11-.02 and 672-11-.03, the Department may at its option enter into an agreement with a utility for payment of blanket (lump sum) fees to cover all operations of the utility on State rights-of-way on an annual basis. Such agreements and fees shall take into consideration the mileage of facilities in place and the amount of current and anticipated permit work within the rights-of-way and the estimated costs to the Department of the utility's operations. Any such agreements shall provide for annual adjustments of the fee amount.

ALLOCATION OF COST

- **Rule 672-11-.04 Alternate Procedure for Assessing Fees:**
 - Local Telephone Companies – 36 Companies Total - Lump Sum increase 5% per year
 - EMC Companies – 42 Companies – Lump Sum increase 4% per year
 - Producer Price Index Calculation- 4 Companies – Based on the Economy- based on an initial amount that was negotiated and has increased over the years by utilizing a Producer Price Index formula.
 - Cable Companies – 12 Companies – Per Permit All permits that are to be added to the past years bill will increase the amount.

ALLOCATION OF COST

▪ Fees Usage

- These fees are for all permits applied for and obtained through DEPARTMENT for COMPANY'S use of the right of way and to defray its appropriate share of DEPARTMENT'S costs of administration and incremental costs of operation occasioned by COMPANY'S facilities on public right of way. Therefore all money received is to be exclusively used for the Utilities Office budget purposes.

▪ Installation Costs

- The entire cost of installing, maintaining, repairing, operating, or using the pole-line, buried cable, pipeline, or miscellaneous utility facility, performing miscellaneous operations and any other expense whatsoever incidental to the facilities or operations authorized by the permit, shall be paid by the Utility

ALLOCATION OF COST

▪ Reimbursement of Department Expense

- If the Department is required to incur additional or unusual expense to insure compliance with the terms of the permit due to extraordinary inspection requirements or the Utility's inadequate control procedures, the Utility shall reimburse the Department for such additional cost of inspection and any repairs the Department must make to the highway. Said reimbursement shall be due whether the additional or unusual expense is incurred through services by Department personnel or by the Department's contractor.

▪ Insurance Coverages

- The Utility shall purchase and have the authorized agent state on the insurance certificate that the following types of insurance coverages, not inconsistent with the policies and requirements of [O.C.G.A. §50-21-37](#), have been purchased by the Utility.

LIABILITY AND CONTROL

- **Inspection of Facilities –**

- The Department reserves the right to inspect the facilities during such periods as the Engineer deems necessary to check compliance with the permit. The Utility shall facilitate access to the facility for the inspection in accordance with the Department's schedule. At such time the Utility shall make known to the Department any reasonable security measures. The Department's agents, employees, and independent contractors may at any time, upon 24 hours advanced notice, and during regular business hours, conduct such inspections and physical engineering studies as the Department deems appropriate upon the facilities of the Utility located in, on, along, over, or under any part of the [State Highway System](#) or any public road project within the State of Georgia (the "Property"), including, but not limited to, facilities located within manholes, vaults, valves, etc.

LIABILITY AND CONTROL

- **Inspection of Facilities – Three Types**
- **Permit Inspector** - Maintenance Activities and New Installation by Utility Owner on State Routes. This inspection can be done by the Area Permit Inspector or Area Construction Inspector as deems necessary by Area Engineer.
- **Active Construction Project relocation work** - This inspection can be done by the Area Construction Inspector or by our Utility Construction Inspector (UCI) as deems necessary by the District Utilities Engineer or Area Engineer. (Discussed more by GDOT UCI consultant - So-Deep).
- **New Installation on Active Construction Project** - This inspection can be done by the Area Construction Inspector or by our Utility Construction Inspector (UCI) as deems necessary by the District Utilities Engineer or Area Engineer. (Discussed more by GDOT UCI consultant - So-Deep).

LIABILITY AND CONTROL

• **Utility Stop Work Order**

- Situation may occur during permit performance that causes the Department to order a suspension of work or a work stoppage. The Department is authorized to issue a Utility Stop Work Order form, by the Utility Engineer, Area Engineer, Permit Inspector or Construction Inspector, whenever a violation of the permit is occurring or imminent danger exists. A Stop Work Order shall be in writing and shall be given to the Utility involved, the Utility's agent, or to the Utility's contractor engaged in the activity suspected of the violation.

LIABILITY AND CONTROL

• Utility Stop Work Order

- The Utility receiving a Stop Work Order will be required to cease all utility/construction activities on the right-of-way. The Utility shall remove all equipment and materials from the site and only perform work which shall prevent damage or deterioration of the site or for the safety of the public. This Stop Work Order will be in effect until the Department confirms that corrective measures or permit compliance has been satisfactorily addressed by the [Area Engineer](#) or Permit Inspector. Promptly after issuing the Stop Work Order, the Permit Inspector should forward a copy to and discuss the Stop Work Order with the [District Utilities Engineer](#). Failure by the Utility to address the violation in a timely manner can result in permit revocation and jeopardize any future permit applications..

LIABILITY AND CONTROL

• **When to Use a Stop Work Order**

One of the following conditions must be present before a Stop Work Order is issued:

- Inadequate erosion control
- Inadequate traffic control
- Utility damages others facilities
- Utility damages the Department's right-of-way
- The Department views it as an Imminent Danger situation
- Utility is not installing their facilities in accordance with the approved permit
- The Department has no other immediate option to get the situation corrected.

There shall be no retributive actions for invoking a legitimate stop-work order, even if it is determined later that the actual hazard severity or potential was insufficient to justify the action.

LIABILITY AND CONTROL

▪ Return to Work

- The District Utilities Engineer shall determine if and when the Utility may resume activities after a stop work action. This decision shall be based on the Permit Inspector's investigation and any other pertinent information. A Utility Return to Work Order form must be issued in written form including any preconditions or procedural modifications. The Utility shall comply with all General Provisions and Special Provisions shown on the original permit or revised permit, and any Special Conditions listed on the return to work order.
- When any Utility's contractor develops a history of poor performance, the Department reserves the right to require the Utility's contractor to furnish a performance bond, letter of credit, or letter of escrow in an amount specified by the District Engineer. Upon continued refusal of the Utility's contractor to comply with Department policies, standards, and specifications, the Department may ban said Utility's contractor from working within the right-of-way.

INSTALLATION DETAILS

- **Plans to Accomplish Permits**

- The Utility shall submit via [GUPS](#), the electronic permitting system, plan sheets which will be legible at either ledger size (11 inch x 17 inch) or letter size (8 ½ inch by 11 inch) with the permit application. The plans shall show in detail the location of the proposed facility or operations as described in the said permit application.

INSTALLATION DETAILS

- **Maintenance Inspection/Regular Permit: Notice to Proceed (So-Deep discuss Construction NTP)**
 - The Utility shall contact the Department's [Area Engineer](#) or Area Permit Inspector at least 24 hours to pick up the permit from the Area Office before starting any work to discuss the work schedule and temporary Traffic Control Plan in order to review for any changes from the initial submittal and for understanding by all parties prior to occupying the work site. At such time, the Area Engineer or Area Permit Inspector will notify the Utility of any work hour restrictions, moratoriums on traffic interruptions, or other issues that may affect the proposed work.

INSTALLATION DETAILS

- **Maintenance Inspection/Regular Permit: Traffic Control**
 - The Utility shall be responsible for the overall selection and installation of the appropriate traffic control devices. The Utility will plan and determine the scope of a temporary Traffic Control Plan (TCP). The Utility shall provide a detailed TCP with each individual permit application for all proposed work in, on, along, over or under interstate and limited access highways.
 - A TCP describes temporary traffic control measures to be used for facilitating road users through a work zone. The degree of detail in the TCP will depend on the complexity of the work and traffic interference. The TCP shall include, but is not limited to, defining all materials, traffic control devices, traffic diagrams, pacing of traffic, and other activities required to accomplish the work.

INSTALLATION DETAILS

- **Maintenance Inspection/Regular Permit: Worksite Traffic Control Supervisor (WTCS)**
 - For any work performed in, on, along, over, or under the right-of-way, the Utility shall designate a qualified and adequately trained person as the WTCS. The WTCS will have the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the work are effectively administered. The WTCS shall be available on a 24 hour basis to perform his duties. The WTCS's traffic control responsibilities shall have priority over all other assigned duties. If the work requires traffic control activities to be performed during both daylight and nighttime hours, it may be necessary for the Utility to designate an alternate WTCS. The WTCS shall be responsible for administering the selection, installation, inspection and maintenance of all traffic control devices in accordance with the TCP, project plans, specifications, special provisions and the MUTCD. The WTCS shall be available to respond effectively to an emergency situation within 45 minutes of notification of the emergency.

INSTALLATION DETAILS

- **Maintenance Inspection/Regular Permit: Notice of Work Completion**
 - The Utility shall notify the Area Engineer or Area Permit Inspector when the installation authorized by the permit has been completed so that an inspection can be made by the Area Engineer or Area Permit Inspector to ensure that provisions of the permit have been met and that all areas within the right-of-way have been adequately restored.
 - The Utility shall commence installation of the utility facility covered by the permit within 12 months from the date the permit is approved, otherwise the permit shall expire and a new permit will be required.

QUESTIONS

