

**CDOT Proposed Changes to the State Highway Utility Accommodation Code, 2 CCR 601-18**  
**Key Changes from Existing Utility Accommodation Code Rules**  
**February 1, 2019**

Change	Rule References (Existing and Proposed)	Potential Impacts to Stakeholders
<u>Page 7:</u> The term “Gravity-Fed System” was added as a new definition as rule number 1.4.2.47A. This definition comes directly from Senate Bill 18-167 that passed last year.	Existing Rule- None.  Proposed Rule: 1.4.2.47.A	CDOT is not aware of any economic impact resulting from the inclusion of "Gravity-Fed Systems" in SB 18-167. Given that this is now law, CDOT is including the reference in the Utility Code. Generally, the 811 Bill will result in a positive economic impact to business given that fewer disruptions in service and utility hits will occur.
<u>Page 17:</u> Rule amended to specify that CDOT shall give written notice to the utility when the utility fails to fulfill any requirement of the Utility Code or the provisions in the permit. This clarifies CDOT’s responsibility to provide notice in writing that it has the opportunity to remedy a failure prior to CDOT taking action. Currently, the utility owner already has the opportunity to remedy or request a hearing. The rule was further amended to provide clarity regarding the steps that may be taken when a utility fails to remedy.	Existing Rule: 2.1.2.2  Proposed Rule: Amended	No negative impact. Written notice will assist both CDOT and the utility to understand the timeline when the opportunity to remedy is triggered.
<u>Page 17:</u> Rule amended to state that project delay damages shall be tied to the project’s critical path schedule. This change provides a method for measuring delay and provides clarification on how delays are measured. This rule is amended so that a clear timeline is set for the project, and any delays are clearly shown in reference to the timeline. This amendment provides clarity when determining any delays to the project.	Existing Rule: 2.1.2.3  Proposed Rule: Amended	Damages by definition would have a negative impact on stakeholders if the the agreed-upon project schedule is not adhered to.
<u>Page 21:</u> Rule was added to make a permittee’s current default on the conditions of a permit or a permittee being in arrears on payment of damages as one of the bases on which the Department may suspend, limit, modify, revoke, or refuse to renew or revise a previously issued	Existing Rule: 2.2.6.2  Proposed Rule: 2.2.6.2.5	This results in an economic impact to the utility who is in default on payments or prior permits.

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<p>permit. This would impact a utility’s ability to obtain additional permits if they are in default on prior permits or in arrears on payment of damages. The reason for this change is to discourage utilities from defaulting on permits or failing to pay damages.</p>		
<p><u>Page 21:</u> Rule was added to clarify that the utility permit manager must give a permittee notice in writing and afford the permittee a reasonable opportunity to submit a response except in cases of deliberate and willful violation or a substantial danger to public health and safety. Gives the permittee an opportunity to respond to a permit denial, suspension, modification or revocation of a permit.</p>	<p>Existing Rule: 2.2.6</p> <p>Proposed Rule: 2.2.6.3</p>	<p>Benefits utility companies by making it a requirement that CDOT provide notice to the utility when CDOT wishes to revoke, suspend, annul, limit or modify a permit.</p>
<p><u>Page 21:</u> Rule was added to include the statutory provision that an immediate suspension of a permit may be warranted when a utility permit manager has objective and reasonable grounds to believe and finds after a full investigation a permittee’s deliberate and willful violation of a permit, or in the case of a public health or safety issue that requires emergency action. CDOT includes it in this section for ease of reference of all remedies available.</p>	<p>Existing Rule: 2.2.6</p> <p>Proposed Rule: 2.2.6.4</p>	<p>No negative impact. This provision is already in statute.</p>
<p><u>Page 22:</u> Rule was added to reference the statutory provisions of the process if there is a denial, suspension, modification, or revocation of a permit. These provisions are in statute</p>	<p>Existing Rule: 2.2.6</p> <p>Proposed Rule: 2.2.6.5</p>	<p>No negative impact.</p>
<p><u>Page 22:</u> Rule and its subparts have been amended to clarify the process to request a hearing and to align with existing statutory provisions.</p>	<p>Existing Rule: 2.2.7</p> <p>Proposed Rule: Amended</p>	<p>No negative impact.</p>
<p><u>Page 25:</u> Rule has been amended with an additional sentence to require permittees to provide the department with “as-built or "as-constructed" plans when alterations are made, as required in rule 3.3.4.5. This change was made because CDOT’s goal is to establish a more comprehensive and robust database of existing utilities in Colorado. This would allow CDOT to</p>	<p>Existing Rule: 2.3.2.4</p> <p>Proposed Rule: Amended</p>	<p>As CDOT moves to an electronic document management system, there will be foreseeable challenges in finalizing an electronic set of plans; however, in the long run, this will be a significant benefit to utility companies. These electronic plan sets will provide geospatially locatable information and will protect the investment made by the utility owner. They will also</p>

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<p>have precise information for future projects around the state, and benefit the utilities by having actual location information on hand instead of duplicating efforts to obtain the same information in the future.</p>		<p>allow for business efficiencies as we move to a metadata source for utility locates and project development.</p>
<p><u>Page 25:</u> Rule has been amended to require permittees to provide written reasonable advance notice before performing maintenance work even if it does not require a lane closure. This change was made to promote safety in work zones. CDOT's requirement to be notified in writing will allow it to provide advance notice to the public of any anticipated work zone activity.</p>	<p>Existing Rule: 2.3.3.5</p> <p>Proposed Rule: Amended</p>	<p>This will result in a non-economic benefit to utilities because providing advance notice to the public will reduce frustration with sudden lane closures or restrictions, and will promote greater safety.</p>
<p><u>Page 26:</u> Rule has been amended to require all utility owners, when required by CDOT to relocate their utility facilities, to work with CDOT in the development of the schedule and logistics of the relocation. Intended to make sure utilities impacted by the relocation are able to provide input to CDOT on schedules and offer alternatives.</p>	<p>Existing Rule: 2.3.5.2</p> <p>Proposed Rule: Amended</p>	<p>No negative impact; this promotes collaboration between CDOT and utility owners.</p>
<p><u>Page 28:</u> Rule has been amended to require written permission of CDOT before retiring in-place utility facilities containing asbestos.</p>	<p>Existing Rule: 2.3.7.8</p> <p>Proposed Rule: Amended</p>	<p>No negative impact and positive impact to public health and safety.</p>
<p><u>Page 28:</u> Under the “Liability Insurance and Indemnification” in Rule 3.1.5.1, a sentence has been added to clarify that it is the utility owner’s responsibility to ensure full compliance with liability insurance requirements. This change was made because utilities’ subcontractors’ insurance policies expire at different times and coverage is not necessarily continuous through the work. The change clarifies that maintaining liability insurance coverage is the utility’s responsibility</p>	<p>Existing Rule: 3.1.5.1</p> <p>Proposed Rule: Amended</p>	<p>Positive impact to utilities and to CDOT; ensuring proper insurance coverage will reduce potential litigation and questions as to liability.</p>
<p><u>Page 31:</u> Rule has been amended to state that utilities that lie within MS4 boundaries (or municipal separate storm sewer system boundaries) shall contact the</p>	<p>Existing Rule: 3.1.7.13</p>	<p>No negative impact.</p>

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<p>state or local entity responsible for issuing the MS4 permit regarding storm water-related clearances. Local agencies also require permits within CDOT right of way to ensure compliance. These subparts were deleted because the information is included in the Utility permit, and is not necessary to be duplicated in the rules.</p>	<p>Proposed Rule: Amended</p>	
<p><u>Page 33-34:</u> This new Rule 3.1.9 has been added to formalize CDOT’s practice of accepting the completion of work under an open permit. These new requirements clarify the steps that need to be taken to ensure both the permittee and CDOT understand when the permit is ready to be closed. CDOT’s utility permit writers currently issue letters to formally accept the completion of work under an open permit. After the letter is issued, the permit is closed by CDOT.</p>	<p>New Rule 3.1.9 “Closure Requirements” (Rules 3.1.9 through 3.1.9.8.2)</p>	<p>No negative impact. This standardizes the process for closing out a permit and starting the 2-year warranty period on the permit, which will benefit utilities as well as CDOT.</p>
<p><u>Page 35:</u> Rule was amended to state that pavement cuts on freeways, expressways, or interstates are not allowed unless approved by CDOT. This has always been part of the Code. Open digs across interstate or freeways is not allowed by default unless approved by CDOT, and an access license is obtained with FHWA concurrence.</p>	<p>Existing Rule: 3.2.2.4.2</p> <p>Proposed Rule: Amended</p>	<p>No negative impact.</p>
<p><u>Page 37:</u> Rule was amended with additional language specifying distances for clear zones in urban areas for frangible objects and rigid objects. An additional sentence also now states that ADA lateral offset requirements must be considered for utility related appurtenances.</p>	<p>Existing Rule: 3.3.3.3.1</p> <p>Proposed Rule: Amended</p>	<p>Expands the clear zone requirements. This may have a negative impact for utilities as clear zone per the AASHTO road side design guide was 18” with curb and gutter. However, it’s beneficial for ADA purposes, since no installations would be permitted within sidewalks or ADA ramp areas.</p>
<p><u>Page 39:</u> a new rule was added under “Utility Plans” to address requirements for a boring permit application, which include the plan and profile information. This is already required in the boring permit application.</p>	<p>Existing Rule: 3.3.4</p> <p>Proposed Rule: 3.3.4.3</p>	<p>No negative impact.</p>

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<p><u>Page 39:</u> This was revised because CDOT’s goal is to establish a more comprehensive and robust database of existing utilities in Colorado. This would allow CDOT to have precise information for future projects around the state, and benefit the utilities by having actual location information on hand instead of duplicating efforts to obtain the same information in the future. This particular format ensures CDOT is receiving the location information in a consistent, usable format. CDOT’s objective is to require the most current specifications in the Special Provisions of the permit, which would allow more flexibility depending on what works best with the stakeholders and updated technology. The negative impact may be additional cost and possible permit delays.</p> <p>CDOT will require a professional engineer / licensed professional surveyor stamp on plans executed by one or both of these professions, but will not require professionally stamped plans on plans that are not overseen by a PE/PLS. Where the project is overseen by a PE, the Engineer in Charge of the project will be required to stamp the Record Set.</p>	<p>Existing Rule: 3.3.4.6</p> <p>Proposed Rule: Amended</p>	<p>This requirement is an important step in support of SB18-167, and Colorado's move towards the ability to track utilities with metadata. Exceptions to the submission of an electronic document must be agreed upon by the Department in writing.</p> <p>CDOT will require that a Record Set be stamped by a PE/PLS when the project is overseen by an Engineer in Responsible Charge.</p>
<p><u>Page 41:</u> Rule was amended to require all buried electric and communications facilities to be placed in conduit. Exposed utilities must not be buried.</p>	<p>Existing Rule: 3.3.6.1</p> <p>Proposed Rule: Amended</p>	<p>No negative impacts.</p>
<p><u>Page 41:</u> Rule was amended to require all electric and communications facilities that are buried less than the minimum cover depth to encase, cap, or sleeve the facilities as provided in 3.3.11.</p>	<p>Existing Rule: 3.3.6.4</p> <p>Proposed Rule: Amended</p>	<p>No negative impacts.</p>
<p><u>Page 42:</u> the term “gravity-fed systems” was added to the title of this section of the rules under rule 3.3.8. This was added to</p>	<p>Existing Rule: 3.3.8</p>	<p>No negative impact.</p>

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include the term that was addressed by senate bill 18-167 which passed last year.	Proposed Rule: Amended	
<u>Page 46:</u> Rule was amended to state that when directed by CDOT, the utility must have a CDOT-certified flagger or traffic control supervisor at the work site at all times in charge of temporary traffic control.	Existing Rule: 3.4.2.3  Proposed Rule: Amended	This change was made to require a certified flagger or TCS for safety concerns. No negative impact.
<u>Page 49:</u> Rule has been amended with a new sentence requiring that all new underground facilities must be electronically locatable when installed, including laterals up to the structure or the building served.	Existing Rule: 3.4.9.1  Proposed Rule: Amended	This language complies with requirements set forth by senate bill 18-167 which passed last year. The economic impact resulting from this change in law still needs to be determined. In the long run, this will be a significant economic benefit to utility companies in that it will protect the utility from hits and disruption..