



# Highway Maintenance Manual

Bureau of Highway Maintenance

Chapter 9 Right-of-Way Use & Permits

December 2010

Section 15 Utility Accommodation

Subject 10 Compliance

## 1.0 Introduction

WisDOT representatives have the authority to enforce the *Utility Accommodation Policy (UAP)* and specific provisions related to individual utility permits. These representatives (inspectors) generally include utility permit coordinators, area maintenance coordinators and supervisors, county highway commissioners and their patrol superintendents. It also includes project managers/engineers when utility permits are part of improvement projects. Any WisDOT staff person may take action on a utility project on STH R/W if public safety is at risk.

All utilities, including all consultants, contractors, and subcontractors working for utilities are required to abide by the *UAP* and those specific provisions related to individual utility permits.

## 2.0 Failure to Comply

At WisDOT's option, the following measures may be taken if a utility fails to comply with the *UAP* or their permit provisions:

### 2.1 Verbal Request for Corrective Action

The request shall include:

- 1) The reason(s) why the present or completed operation is (was) not in compliance with the *UAP* or the permit provisions,
- 2) What steps shall be taken to correct the situation, and
- 3) What additional action may be taken if step b is disregarded (items [2.2](#) through [2.7](#) listed below).

### 2.2 Written Reprimand

A written reprimand shall be sent to the utility for violating the *UAP* or their permit provisions when the utility does not comply with the verbal request. The written reprimand shall contain the same information as the verbal request and shall serve as documentation for the violation. WisDOT's region office shall be responsible for writing and sending this reprimand.

### 2.3 Suspension of Work Activities

If a responsible person of an inspected work site fails to comply with a verbal request, the inspector may order the suspension of all work activities at the site. If this occurs, the region utility permit coordinator shall be informed of the situation.

If the utility permit coordinator or appropriate representative (area maintenance coordinator, supervisor, etc.) cannot be contacted, then the region director shall be notified. The Statewide R/W Accommodation & Permits Engineer in the Bureau of Highway Maintenance should also be contacted to inform them of the situation.

WisDOT shall then contact an authority of the utility to explain why the operation was suspended and what action needs to be taken before work can resume.

### 2.4 Removal of Installed Facilities

Any utility facility installed shall be in the location shown on the approved permit. If such a facility is discovered in an unacceptable location, WisDOT shall take action to have that facility relocated or removed. The permittee shall remove the improperly placed facility and put it in an approved location. If the utility fails to relocate their facility, WisDOT shall have the facility removed and bill the permittee for such work.

## **2.5 Permit Revocation**

When a utility continues to be in noncompliance with the *UAP* or their permit provisions, WisDOT may revoke the utility's permit. The utility may reapply for a permit to the district office when they can demonstrate a good faith effort to comply.

## **2.6 Public Service Commission (PSC) Notification**

Continued violations by a utility of the *UAP* or their permit provisions may cause WisDOT to notify the PSC and request its assistance in correcting the situation.

## **2.7 Future Permit Approval Withholding**

Continued violations by a utility of the *UAP* or their permit provisions may cause WisDOT to withhold approval of permit applications for that utility until the violations are corrected to the satisfaction of WisDOT. The severity and number of written reprimands against a utility may serve as a guide in determining future permit approval.

## **3.0 Inspection Procedures**

When WisDOT or its representative inspects a utility site to determine compliance with the *UAP*, the following procedures may be utilized:

### **3.1 Work in Progress**

Upon reaching a work site, the inspector shall locate a responsible person and ask to review and discuss the utility operation. If applicable, a review of the permit shall also be performed.

If the inspector decides that changes to the operation are needed in order to bring it into compliance with the *UAP* or provisions of their permit, then a verbal request is the first corrective measure, which shall be taken.

When a utility operation or installation is not in compliance with the *UAP* or the provisions of their permit and is adversely affecting public safety, the inspector shall take immediate action.

If a responsible person refuses to comply with the verbal request and does not take immediate corrective measures to ensure public safety, the inspector shall then call the local law enforcement agency to have the utility or its contractor(s), subcontractor(s), or consultant(s) removed from state R/W. The inspector shall also take corrective measures to return the highway to a safe operating condition.

### **3.2 Completed Work**

After a permitted operation has been completed, the job site is subject to an inspection by WisDOT. If the work was done in violation of the *UAP* or the provisions of a utility's permit, then a verbal request is the first corrective measure that shall be taken.