

761—115.1(306A) General information.

115.1(1) *Scope of chapter.* This chapter covers initial placement, adjustment and maintenance of utility facilities in, on, above or below the right-of-way of primary highways, including attachments to primary highway structures. It embodies the basic specifications and standards needed to ensure the safety of the highway user and the integrity of the highway.

115.1(2) *Information and forms.* Information and forms regarding this chapter may be obtained from any of the department's six district offices; the Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or the Internet Web site: <http://www.iowadot.gov/traffic/index.htm>.

115.1(3) *Considerations.* If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department shall use sound engineering practices to determine the appropriate design for the specific situation. The appropriate district office shall include justification for the design in the permit or the highway project file, as applicable. The appropriate design shall address:

- a. Safety of motorists, pedestrians, construction workers and other highway users.
- b. Integrity of the highway.
- c. Protection of the rights of the traveling public and of property owners, including the rights of abutting property owners.
- d. Topography and geometric limitations and constraints affecting typical engineering standards.

115.1(4) *Permit approval process.*

a. A district representative may, in response to an application for a utility accommodation on the primary highway system grant approval for a utility permit. The process for inquiring about and applying for a utility accommodation on the primary highway system is through one of the department's six district offices. All applications for utility permits must be applied for in the particular district where the utility accommodation is proposed. A district representative will do one of the following: approve the application for a utility permit, approve the application for a utility permit with conditions, or deny the application for a utility permit. The district representative may use the considerations set forth in subrule 115.1(3) in making the decision. The district representative shall notify the applicant of the determination in writing.

b. Upon receipt of a denial letter or if the permit was approved with conditions, the applicant may choose to pursue a waiver from the director of transportation, pursuant to subrule 115.1(5).

115.1(5) *Waivers.* The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the Rules Administrator, Operations and Finance Division, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

115.1(6) *Additional requirement for waivers involving interstate highways.* The director of transportation shall not waive these rules in utility accommodation and adjustment situations involving the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.

[ARC 9873B, IAB 11/30/11, effective 1/4/12; ARC 2889C, IAB 1/4/17, effective 2/8/17]