

**761—115.22(306A) Semifinal plan, utility work plan.**

**115.22(1)** *Preparation of semifinal plan.* When preparing the semifinal plan, the department should review information provided by utility owners in response to the preliminary plan that was received within the requested time frame and implement recommended changes when feasible. The project utility investigation needs may be reevaluated to determine the best approach to meet those needs.

**115.22(2)** *Distribution of semifinal plan.* The department will submit its semifinal plan to the owner of each known utility facility within the vicinity of a proposed primary road project. The semifinal plan contains information details of the department's project to assist the utility owner in the design and the adjustment of the utility owner's utility facilities.

**115.22(3)** *Work plan.* Within 90 calendar days after the date the department provides its semifinal plan, the utility owner shall submit to the department a work plan for the adjustment or relocation of utility facilities impacted by the proposed primary road project.

*a.* The work plan is to include the following:

- (1) A narrative description of what work the utility owner will do.
- (2) An electronic plan or drawing showing the existing and proposed locations of the utility owner's utility facilities in relation to the semifinal plan.
- (3) Whether the work is dependent on work by another utility owner.
- (4) Whether the work can be done prior to road construction or must be coordinated with the department's contractor.
- (5) Whether the work is dependent on the acquisition of rights-of-way.
- (6) The number of working days required to complete the work and the earliest date when the utility owner could begin to implement the work plan.
- (7) A list of permits and approvals the utility owner is required to obtain from governmental agencies and railroad companies for the work, and the expected time schedule to obtain them.
- (8) The expected lead time in calendar days to obtain materials, schedule work crews, and obtain necessary rights-of-way.
- (9) Any other information that may be useful to the department or the department's contractor.

*b.* If the utility adjustment work may be reimbursable, the utility owner shall include the following with the work plan:

- (1) Documentation of real estate interests.
- (2) A detailed cost estimate for the adjustment, including appropriate credits for betterments or salvage.

**115.22(4)** *Conflict between work plans.* When requested by the utility owners or when the department determines there is potential for conflict between work plans, the department shall schedule a coordination meeting. All affected utility owners shall attend the meeting to coordinate the utility owners' work plans. The department may allow a utility owner an additional 30 calendar days to submit the utility owner's work plan if coordination is required with other utility owners.

**115.22(5)** *Department review of work plan.* The department will review each utility owner's work plan to ensure compatibility with permit requirements, the department's project, other utility work plans, and the department's project schedule.

*a.* If the work plan is acceptable, the department will notify the utility owner of the department's acceptance of the utility owner's work plan.

*b.* All relocation work plans should ensure the safety and reliability of the utility facilities and the road and avoid any unnecessary cost or delay. An approved and issued permit is to be obtained for work within the primary road rights-of-way. Any work plan by itself does not constitute a permit nor does it grant permission to occupy primary road rights-of-way.

*c.* If the work plan is not acceptable to the department, the department will notify the utility owner that the work plan is not acceptable and provide a detailed explanation of the problem.

*d.* The utility owner is to submit a revised work plan to the department within 30 calendar days after the utility owner's receipt of notice from the department that the work plan was not acceptable.

*e.* The department will review the revised work plan. If the revised work plan is acceptable, the department will notify the utility owner of the department's acceptance of the revised plan.

*f.* If the revised work plan is still not acceptable, the department may initiate noncompliance procedures per subrule 115.3(11). If the department determines that meaningful progress is being made, the department may elect to repeat the process set out in paragraphs 115.22(5) “*c*” to “*e*.”

**115.22(6)** *Reimbursement agreement.*

*a.* For certain utility facility adjustments, the department may enter into a reimbursement agreement between the department and the utility owner. If applicable, the utility owner is to provide a request for reimbursement to the department prior to commencement of any relocation work. If the department determines that the relocation is eligible for reimbursement, a reimbursement agreement may be prepared between the department and the utility owner and should be fully executed by both parties prior to commencement of any relocation work. The agreement is to include the following:

- (1) The responsibilities of each party, including the pro rata share of costs to be borne by each party.
- (2) The scope, description, and location of the relocation work.
- (3) The relocation work plan.
- (4) The itemized cost estimate of the relocation work, including appropriate credits.
- (5) The actions to be taken in case of noncompliance with state requirements.

*b.* A reimbursement agreement by itself does not constitute a permit nor does it grant permission to occupy the primary road rights-of-way. The utility owner is responsible for obtaining a permit prior to commencing work within the rights-of-way.

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