

**761—115.24(306A) Miscellaneous adjustment provisions.**

**115.24(1)** *Work plan compliance.* The utility owner is to complete its utility adjustment work within the time frame of the work plan approved by the department. Upon completion of the work, the utility owner is to certify to the department that the adjustment of the utility owner's utility facilities is in accordance with the accepted work plan. The utility owner is to submit an as-built plan in accordance with department specifications.

**115.24(2)** *Work plan changes.* If a utility owner needs to change its work plan after its adjustment work begins, the utility owner shall notify the department. Once the department approves a modified work plan, the utility owner may make the necessary changes and perform the work.

**115.24(3)** *Cost allocation.*

*a.* If the department requires the adjustment of a utility facility that was originally determined, per the notice and work plan processes, to not need adjustment:

(1) The utility owner will bear the cost of the adjustment if the work is otherwise not reimbursable.

(2) The department will bear the reasonable cost of the adjustment if the work is otherwise reimbursable.

*b.* If the department requires additional adjustment to a utility facility after the utility facility has been adjusted in accordance with a work plan accepted by the department, the department will bear the reasonable cost of the additional work. This applies to all utility facilities, whether the original adjustment work was reimbursable or not reimbursable.

*c.* The utility owner will bear the cost of additional adjustment work performed after its utility facilities have been adjusted in accordance with a work plan accepted by the department if the additional work is due to the utility owner's error.

**115.24(4)** *Failure to comply with these rules, to provide an acceptable work plan, or to adjust utility facilities.* If a utility owner fails to comply with these rules, fails to provide an acceptable work plan per subrule 115.22(5), fails to comply with the accepted work plan, or fails to complete the adjustment of its utility facilities in accordance with the accepted work plan, and its failure results in a delay to the primary road project or causes damages to be incurred by the department or the department's contractor, the utility owner is liable for all costs and damages incurred as a result of its failure. In addition to any other remedy that may exist at law, in equity, or under these rules, the department may initiate noncompliance procedures per subrule 115.3(11) for failure to comply with the requirements of these rules.

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