

761—115.19(306A) Maintenance and emergency work.

115.19(1) *Maintenance responsibilities.* The owner of a utility facility is responsible for its maintenance. The owner shall:

a. Maintain the facility in a good state of repair in accordance with applicable federal, state and local statutes, ordinances and regulatory standards.

b. Replace and stabilize all earth cover and vegetation where they have eroded over an underground utility facility when the erosion is due to or caused by the placement or existence of the facility.

c. Give the department's district representative 48 hours' prior notice of its intent to perform predictable routine maintenance within the right-of-way. Exception: Notice is not required if the predictable routine maintenance is for a service connection located beyond the clear zone of a nonfreeway primary highway.

115.19(2) *Utility emergency work.*

a. Access to the worksite is permissible from the freeway roadways and ramps when an emergency exists.

b. The utility owner shall take all necessary, appropriate and reasonable measures to protect the safety of the traveling public and cooperate fully with the state highway patrol and the department in completing the emergency work.

c. The utility owner shall notify the department of the emergency as soon as practical, describing the steps being taken to protect the traveling public, the extent of the emergency, and the steps being taken to address the emergency.

d. If the nature of the emergency is such that it interferes with the free movement of traffic, the utility owner shall immediately notify the state highway patrol and the department.

e. When an emergency occurs on the interstate system, the department shall notify the FHWA as soon as practical, describing the steps being taken to protect the traveling public and the steps being taken to address the emergency.

115.19(3) *Department emergency work.* There will be times when the department performs highway-related emergency work. Examples include but are not limited to stop sign replacement, handling hazardous material spills, and addressing natural disasters and acts of terrorism. If utility facilities are affected, the department shall as soon as practical notify the utility owner of the emergency condition and what steps are necessary to protect the utility facility.