

761—115.30(306A) Miscellaneous adjustment provisions.

115.30(1) *Work plan compliance.* The utility owner shall complete its utility adjustment work within the time frame of the work plan accepted by the department. Upon completion of the work, the utility owner shall certify to the department that the adjustment of its facilities is in accordance with the accepted work plan.

115.30(2) *Project changes prior to the letting.* If, prior to the letting date of the highway improvement project, changes to the project result in the need for additional utility adjustment work, the department shall furnish a revised project plan to each affected utility owner. The department shall clearly identify to the utility owner those portions of the project that have been revised. Within 60 calendar days after the date the department submits the revised project plan, the utility owner shall provide to the department a revised work plan.

115.30(3) *Project changes after the letting.* If, after the letting date of the highway improvement project, changes to the project result in the need for additional utility adjustment work, the department shall notify each affected utility owner. The department and the owner shall agree on a revised work plan.

115.30(4) *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.

115.30(5) *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 shall bear the cost of the adjustment if the work is otherwise not reimbursable.
- (2) The department shall 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 facility has been adjusted in accordance with a work plan accepted by the department, the department shall 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 shall bear the cost of additional adjustment work performed after its 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.

115.30(6) *Failure to provide a work plan or to adjust utility facilities.* If a utility owner fails to provide a work plan, fails to comply with the accepted work plan, or fails to complete the adjustment of its facilities, and its failure to perform results in a delay to the highway project or causes damages to be incurred by the department or the department's highway contractor, the utility owner is liable for all costs and damages incurred as a result of its failure to perform. The department may withhold approval of permits for failure to comply with the requirements of these rules.