

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

POLICY DIRECTIVE

FROM:


Commissioner

**PAYMENT FOR ALL UNDERGROUND ELECTRIC, TELEPHONE OR
CABLE TV SERVICE CONNECTIONS THAT REQUIRE ADJUSTMENT
ON ACCOUNT OF THE DEPARTMENT'S CONSTRUCTION AND
MAINTENANCE PROJECTS.**

The Department will assume all costs for adjusting private underground electric, telephone or cable TV service connections that are necessitated by the Department's construction and maintenance projects.

The work will be done either by the Department's contractor or by a force account agreement with the private utility that has jurisdiction in the project area, or a combination of the two.



The Commonwealth of Massachusetts

Executive Office of Transportation and Construction

Department of Public Works

Ten Park Plaza, Boston, MA 02116-3973

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

RICHARD L. TAYLOR
SECRETARY

JAMES J. KERASIOTES
COMMISSIONER

INTEROFFICE MEMORANDUM

TO: Michael W. Swanson, Chief Engineer

THROUGH: Sherman Eidelman, Deputy Chief Engineer

FROM: William McAdoo, Utilities Engineer

DATE: September 19, 1991

SUBJECT: Department Policy (P-91-5)

The MDPW recently instituted new Department policy, (Policy Directive P-91-5), relative to the reimbursement of utilities for the relocation of privately owned, underground, service connections. These conduits, commonly referred to in the industry as "risers", are customarily installed by a private developer from a point inside private property to a point onto the public right of way. A conduit run is then made to the nearest utility pole, and attached to the pole to an elevation of ten (10) feet above the existing ground. The Utility ultimately ties the conduit into the Company's existing overhead system. These sweeps mostly service home owners, mini malls, and small private businesses located in store front properties. The entire cost of this operation is borne by the abutter. Due to state regulations which restrict an abutter from owning these systems within the state highway layout, ownership and maintenance is transferred to the Utility, but any future costs associated with the riser is the borne by the abutter.

The new reimbursement policy will potentially expedite utility relocations, thus reducing construction delays caused by utilities. This policy will also alleviate small businesses and property owners from unwarranted costs caused by highway construction.

(2)

Even though this policy is currently being utilized in other FHWA regions, the FHWA has raised the question of whether or not it violates any existing Department statutes or policy directives. Any assistance from the Chief Counsels Office regarding this matter is greatly appreciated.

STO/

cc: Construction

DPW

ROUTING SLIP

NO. F 38519

Date of Letter 9/17/91received 9/20/91

response _____

FROM Federal Highway Administration

SUBJECT:

Privately owned Utility Service Connections

Route To	Date Rec'd	Initial	Date Rel'd	Action	Route To	Date Rec'd	Initial	Date Rel'd	Action
COMMISSIONER					DEPUTY CHIEF TRAFFIC OPER.				
					TRAFFIC ENGINEER				
CHIEF COUNSEL									
HEARING EXAMINER					ASSOCIATE COMM. HWY. CONST.				
PUBLIC INFORMATION					DEPUTY CHIEF HWY CONST.				
LEGISLATIVE COORDINATION					CONSTRUCTION ENGINEER				
CHIEF ENGINEER	9/20	MWS	9/21						
PROCEDURES & RECORDS					ASSOCIATE COMM. HWY MAINT.				
CENTRAL ARTERY					DEPUTY CHIEF HWY MAINTENANCE				
RESEARCH & MATERIALS					MAINTENANCE ENGINEER				
DIRECTOR, ROW					ASSOCIATE COMM. ADMIN. SERV.				
					DIRECTOR, ADMINISTRATIVE SERV.				
ASSOCIATE COMM. HWY. ENGRNG.					FISCAL MANAGEMENT				
DEPUTY CHIEF HWY. ENGINEERING					BUDGET				
HWY & STRUCTURES ENGINEER					PERSONNEL				
HWY DESIGN ENGINEER					SECRETARY				
BRIDGE ENGINEER J. Blundo	9/26	MA	9/26	I					
TOPICS									
UTILITIES					ASSOCIATE COMMISSIONER				
SPECIFICATIONS					LABOR RELATIONS				
STATE AID									
DEPUTY CHIEF PROJECT DEVEL.					DIRECTOR, PLANNING				
ENVIRONMENTAL					DEPUTY DIRECTOR, PLANNING				
LOCATIONS & SURVEY					CAPITAL EXP PROGRAM OFFICE				

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C=Contribution or Comment R=Investigation and Report I=Information Y=Reply for Signature S=Reply for Signature of Addressee A=Action as Indicated

(For additional comments use reverse side of this sheet)



U S DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION ONE
TRANSPORTATION SYSTEMS CENTER
55 BROADWAY, 10TH FLOOR
CAMBRIDGE, MASSACHUSETTS 02142

F38519

Privately Owned Utility Service Connections

IN REPLY REFER TO:
HA-MA

September 17, 1991

Mr. Michael W. Swanson
Chief Engineer
Department of Public Works
Boston, MA 02116-3973

Dear Mr. Swanson:

Pursuant to your letter of August 16, 1991, we hereby approve Policy Directive No. P-91-05 dated 6/18/91 for use on Federal-aid projects. The aforesaid directive provides for payment for all private underground electric, telephone or cable TV services that require adjustment in conjunction with construction projects administered by the Department.

The Department should determine the most effective method of accomplishing work of this nature: Either as a Right-of-Way settlement or under a utility force account agreement.

We will be available to discuss this matter further if you so desire.

Sincerely yours,

Donald E. Hammer, Acting
Division Administrator

By: Edwin P. Holahan, Assistant
Division Administrator

pc: Mr. S. O'Donnell, MDPW



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JAMES J. KERASIOOTES
COMMISSIONER

August 16, 1991

SUBJECT: DEPARTMENT POLICY CONCERNING PRIVATELY
OWNED UTILITY SERVICE CONNECTIONS

Anthony J. Fusco
Division Administrator
Federal Highway Administration
Transportation System Center
55 Broadway, 10TH Floor
Cambridge, MA 02142

Dear Sir,

Forwarded for your comments and concurrence, is a recently instituted policy regarding the relocation of privately owned, underground, utility service connections.

Please direct your response to reply code #0428.

Sincerely,

Michael W. Swanson, P.E.
Chief Engineer

WEM/STO/

Enclosures