

## ***ENGINEERING DIRECTIVE***

Tom Broderick (signature on original)

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CHIEF ENGINEER

### **Right-of-Way Policy for Utility Relocations within MassDOT Projects**

Effective for all projects advertised after September 30, 2012, for which MassDOT is responsible for securing the necessary Right-of-Way (ROW), MassDOT shall acquire all necessary ROW for the accommodation, removal and relocation of utilities. This policy is adopted in accordance with M.G.L. c. 6C, §§ 3(21) & 19, 23 C.F.R. § 645 *et seq* (for federal-aid projects), and the American Association of State Highway and Transportation Officials Standing Committee on Highways Strategic Plan Strategy 4-4, dated January 6, 2004. The purpose of this policy is to help prevent delays of highway and bridge projects due to utility conflicts.

This policy requires MassDOT to prepare and secure any necessary layout alterations and plans for accommodating, removing or relocating utilities and utility facilities authorized by law to locate within the highway ROW. Utilities and utility facilities include but are not limited to wires, pipes, poles and conduits, whether above or below ground, which require relocation due to the proposed construction project, on a permanent or temporary basis. Sufficient property rights shall also be acquired to accommodate any ongoing maintenance obligations by the utility owner on the facility.

The designer and the utility owners shall determine the locations and amounts of property takings or easements required at the 75% design stage. This shall give MassDOT sufficient time to coordinate with the affected property owners prior to project advertisement.

If a utility owner decides to change the location of the accommodated or relocated facilities after the project is advertised, and if this change results in additional ROW requirements, the utility owner may be responsible for the associated costs incurred.

MassDOT also recommends that all municipalities, to the extent permissible, adopt this policy for transportation improvement projects for which they are responsible for securing the necessary ROW, as it reduces costs and project impacts associated with related construction delays.