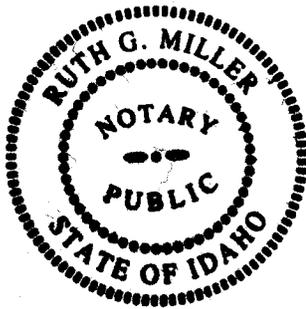


330 sets forth ACHD's current rules and standards for regulating the relocation of public utilities within public rights-of-way under the jurisdiction of the Ada County Highway District.

DATED this 11th day of September, 2009.


SUSAN K. SLAUGHTER
Ada County Highway District

SUBSCRIBED and SWORN to before me this 11th day of September, 2009.




Notary Public for Idaho
Residing at: Boise
My Commission Expires: 4/12/11

BY THE ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS:

CHARLES L. WINDER, GLENN J. RHODES, KEITH A. LOVELESS

A RESOLUTION REPEALING RESOLUTION NO. 232 AND ESTABLISHING A REVISED POLICY WITH RESPECT TO THE RELOCATION OF PUBLIC UTILITY AND SEWER FACILITIES WITHIN THOSE PUBLIC RIGHTS-OF-WAY UNDER THE JURISDICTION OF ADA COUNTY HIGHWAY DISTRICT.

WHEREAS, it is deemed to be in the best interests of Ada County Highway District and the various public utility and sewer entities who locate, relocate, install and/or reinstall facilities within the public rights-of-way to establish a revised policy with respect to the relocation of such facilities; and

WHEREAS, representatives of the District, Boise City Department of Public Works and various utility organizations met on December 18, 1985 to establish the guidelines for utility and sewer relocations within those public rights-of-way under the jurisdiction of Ada County Highway District;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS that the following policies shall be applicable with respect to the relocation of public utility and sewer facilities within the public rights-of-way under the jurisdiction of Ada County Highway District:

SECTION 1. UTILITY OR SEWER RELOCATIONS REQUIRED AS A RESULT OF RIGHT-OF-WAY IMPROVEMENTS FUNDED BY ADA COUNTY HIGHWAY DISTRICT.

This section is applicable to those instances where utility or relocations are required because improvements sponsored or funded by Ada County Highway District (District) are being undertaken within the public rights-of-way.

A. Relocation Cost Responsibility - The responsibility for costs associated with the relocation of utility or sewer facilities shall be assigned as follows:

- (1) Should the District require that any facility of a utility or sewer company be relocated from its existing location to a new location within the public right-of-way, all relocation costs shall be the responsibility of the utility or sewer company.

- (2) If a utility or sewer company has facilities located on private property, with a right of occupancy other than its right to locate in a public right-of-way, and the District requires that any facility so located be relocated, the actual costs for such relocation shall be the responsibility of the District. Such costs shall be exclusive of profit allowances.

B. Operational Procedure:

- (1) Preliminary Notification: The District will provide written notification of potential utility or sewer relocation requirements at the conceptual stage of project development. Any plans provided at this stage shall be noted as preliminary. Where practical, the District shall provide such notification one year in advance of the commencement of right-of-way improvement work. The notification specified herein shall be delivered to affected utility and/or sewer companies with a copy to the the Utility Coordinating Council (U.C.C.). The District shall provide the U.C.C. with a tentative schedule of its work for the ensuing fiscal year at the time of budget approval by the District's Board of Commissioners.
- (2) Preliminary Review: As soon as reasonably possible and no later than forty-five calendar days after receipt of the notification indicating the need for utility or sewer relocations, the affected utility and/or sewer companies shall provide the District with a preliminary engineering plan. That plan shall include the time frame requirements for material acquisition and relocation work and special construction considerations that may affect scheduling.

- (3) Revisions: If revisions are made in the District's preliminary plan which alter the initial utility or sewer relocation requirements, the District will provide the affected utility and/or sewer companies with revised plans. The affected companies shall, as soon as reasonably possible and no later than thirty calendar days after the delivery of the revised plans, provide to the District any revisions in the company's preliminary engineering plan or schedule.
- (4) Final Notification: The District will provide the Utility Coordinating Council with final notification of its intent to proceed with right-of-way improvements and include the anticipated date work will commence thereon. This notification shall indicate that the work to be performed will either be accomplished pursuant to the preliminary plan or will be accomplished pursuant to a revised plan.
- (5) Relocation Activity: Unless otherwise agreed upon, all utility or sewer relocations shall be completed prior to the anticipated date of commencement of work on the right-of-way improvements by the District.

A project construction control line will be established in the field by the District. The location of this control line will be established after review with the utility and/or sewer companies involved.
- (6) Roadway Restoration: Whenever possible, District, utility and/or sewer company construction personnel shall coordinate their activities in an attempt to eliminate duplication of roadway restoration work.

SECTION 2. UTILITY OR SEWER RELOCATIONS REQUIRED AS A RESULT OF
RIGHT-OF-WAY IMPROVEMENTS PARTIALLY FUNDED BY ADA COUNTY HIGHWAY
DISTRICT

This section is applicable to those instances where utility or sewer relocations are required because of improvements being undertaken within the public rights-of-way which are partially funded by the District and partially funded by another individual, firm or entity.

- A. Relocation Cost Responsibility: The responsibility for costs associated with the relocation of utility or sewer facilities shall be assigned as follows:
- (1) Where the District requires that any facility of a utility and/or sewer company be relocated from its existing location to a new location within the public right-of-way, the utility and/or sewer company shall be responsible for that portion of the relocation costs that equals the percentage of the District's participation in the right-of-way improvement costs. The remaining utility and/or sewer relocation costs shall be the responsibility of the individual, firm or entity that provides funds for the balance of the right-of-way improvement costs.
 - (2) If a utility or sewer company has facilities located on private property, with a right-of-way occupancy other than its right to locate in a public right-of-way, and the District requires any facility so located to be relocated, the actual costs for such relocation shall be the responsibility of the District and the individual, firm or entity providing funds to accomplish the improvements within the public right-of-way. Such costs shall be exclusive of profit allowances.

B. Operational Procedure:

- (1) Plan Review: The District will schedule a plan review conference to which representatives of all funding participants and affected utility and/or sewer companies will be asked to attend. Within thirty calendar days after the date of the plan review conference, the utility and/or sewer company shall provide the District with a project review statement outlining the utility or sewer relocation work required, the estimated cost thereof and the time required therefor. This statement should include the date on which field relocation work could commence and any other special construction considerations that may affect scheduling.
- (2) Revisions: If revisions are made in the preliminary plans which alter the initial utility or sewer relocation requirements, the District will provide the affected companies with revised plans. The affected companies shall, as soon as reasonably possible and no later than thirty calendar days after delivery of the revised plans by the District, provide the District with any revisions to the initial project review statement.
- (3) Final Notification: The District will provide the Utility Coordinating Council with final notification of its intent to proceed with right-of-way improvements and include the anticipated date that work will commence thereon. This notification shall indicate that the work to be performed will either be accomplished pursuant to the preliminary plan or will be accomplished pursuant to a revised plan.
- (4) Relocation Activity: Unless otherwise agreed upon, all utility or sewer relocations shall be completed prior to the anticipated date of commencement of work on the right-of-way improvements.

- (5) Roadway Restoration: Whenever possible, District, utility and/or sewer company construction personnel shall coordinate their activities in an attempt to eliminate duplication of roadway restoration work.

SECTION 3. UTILITY OR SEWER RELOCATIONS REQUIRED AS A RESULT OF
RIGHT-OF-WAY IMPROVEMENTS NOT FUNDED BY ADA COUNTY HIGHWAY DISTRICT

This section is applicable to those instances where utility or sewer relocations are required because of improvements being undertaken within the public rights-of-way and do not involve participation or funding by Ada County Highway District (District).

- A. Relocation Cost Responsibility - The responsibility for costs associated with the relocation of utility facilities shall be assigned as follows:
- (1) When utility or sewer relocations are required as a result of improvements being made by a developer within the public rights-of-way which were scheduled to have otherwise been made by the District within three years of the date said improvements are actually commenced, then the responsibility for the costs of utility relocations shall be in conformance with Section 1 of this Resolution.
 - (2) When utility or sewer relocations are required as a result of improvements being made by a developer within the public rights-of-way which were not scheduled to have otherwise been made by the District within three years of the date said improvements are actually commenced, then the responsibility for the costs of utility or sewer relocations shall be that of the developer.
 - (3) Roadway Restoration: Whenever possible, District, utility and/or sewer company construction personnel shall coordinate their activities in an attempt to eliminate duplication of roadway restoration work.

B. Operational Procedure:

- (1) Plan Review: The developer shall provide the District and all affected utility and/or sewer companies with preliminary project plans and schedule a plan review conference to be held at the District offices. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the District and developer on its own behalf. The utility and/or sewer companies may operate as a technical committee in comprehensive plan review with the District. Each utility and/or sewer company shall provide the developer and the District with a letter of review indicating the magnitude of and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- (2) Revisions: If revisions are made in the preliminary plans which modify the utility or sewer relocation requirements, the companies shall be provided with such revised plans and have thirty calendar days after receipt thereof to review and comment thereon.
- (3) Final Notification: The developer will provide the District, utility and/or sewer companies with final notification of its intent to proceed with the right-of-way improvements and include the anticipated date work will commence thereon. This notification shall indicate that the work to be performed will either be accomplished pursuant to the preliminary plan or will be accomplished pursuant to a revised plan.
- (4) Relocation Activity: Unless otherwise agreed upon, all utility or sewer relocations shall be completed within the times established during the plan review process.

- C. Signalized Intersections - Should any utility or sewer relocation activity be in close proximity of an intersection included in the District's Traffic Planning Policy for signalization or intersection turning movements, the developer, the utility and/or sewer company shall meet with the District to determine the responsible cost allocation for signalization or turning movement modifications.
- D. Trust Fund Deposits - In those cases where a developer elects or is required to make a deposit to the District's Road Trust Fund Account to provide for future improvements within the public rights-of-way in lieu of the immediate construction thereof, the developer will be required to include in the deposit an amount equal to 110% of the utility and/or sewer company's estimated cost to accomplish the required utility and/or sewer relocation work.

Deposits, administration and disbursements of monies for future utility or sewer improvements or relocations within the public rights-of-way shall be governed by the provisions of the District's then current Resolution regarding the Public Rights-of-Way Trust Fund.

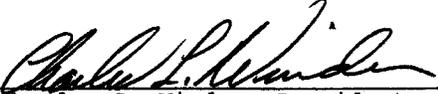
SECTION 4. UTILITY OR SEWER FACILITY UPGRADES WITHIN THE PUBLIC RIGHTS-OF-WAY

When any utility or sewer company upgrades or modifies those facilities located within the public rights-of-way for its own purposes, all costs of the work associated therewith shall be the sole responsibility of the utility company undertaking such activity.

SECTION 5. REPEAL OF RESOLUTION NO. 232

Resolution No. 232, adopted by the Board of Commissioners of Ada County Highway District on August 18, 1983, is hereby repealed.

ADOPTED this 25th day of September, 1986 by the
Board of Commissioners, Ada County Highway District.



Charles L. Winder, President

(SEAL)

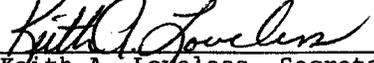


Glenn J. Rhodes, Vice-President

ATTEST:



Tom L. MacGregor, Director



Keith A. Loveless, Secretary