107-R-169 STATEMENTS ABOUT EXISTING CONDITIONS OF UTILITIES, ADDITIONAL RIGHT-OF-WAY, AND ENCROACHMENTS

*(Revised 07-18-24)*

The Standard Specifications are revised as follows:

SECTION 107, AFTER LINE 762, INSERT AS FOLLOWS:

 ***107.26 Existing Conditions of Utilities, Additional Right-of-Way, and Encroachments***

 *Such existing conditions are as described below.*

|  |  |
| --- | --- |
| *Des Number(s):*[Can be Multiple if Coordination was Treated as One Project] |  |
|  |  |
| *Roadway Name and Location:* |  |

[**NOTE TO THE UTILITY COORDINATOR** - ONLY INCLUDE SECTION **(a)** BELOW IF LIMITED UTILITY INVOLVEMENT WAS DONE FOR THE PROJECT AND A FULL OR PARTIAL LIMITED CERTIFICATION WAS USED. ADD APPLICABLE COMPLETED PARAGRAPHS BELOW IT FOR UTILITIES THAT FULL COORDINATION WAS STILL REQUIRED.

REMOVE THIS NOTE TO THE UTILITY COORDINATOR PRIOR TO SUBMITTING.]

 ***(a) Utilities***

 *Although there may be utilities in the project area, utilities received little to no contact regarding this project as it is not anticipated that utilities will be affected by the project except as described below. The Contractor shall use caution and shall follow safety precautions when digging, excavating, or working near utility lines.*

[**NOTE TO THE UTILITY COORDINATOR** - ONLY INCLUDE SECTION **(a)** BELOW IF NO UTILITY COMPANIES ARE LOCATED NEAR THE PROJECT LIMITS.

REMOVE THIS NOTE TO THE UTILITY COORDINATOR PRIOR TO SUBMITTING.]

 ***(a) Utilities***

 *There is no known involvement of utility companies or organizations located within the project limits. The Contractor shall use caution and follow all safety precautions when digging, excavating, or working, in case there are utilities not discovered or disclosed during the pre-construction utility investigation for this project.*

[**NOTE TO THE UTILITY COORDINATOR** - ONLY INCLUDE SECTION **(a)** BELOW WITH A COMPLETED APPLICABLE PARAGRAPH FOR EACH UTILITY IDENTIFIED AS A PART OF THE PROJECT IF FULL COORDINATION WAS DONE ON THE PROJECT.

REMOVE THIS NOTE TO THE UTILITY COORDINATOR PRIOR TO SUBMITTING.]

 ***(a) Utilities***

 *The status of all utility companies and organizations potentially involved with the work to be performed are described below as of the time this contract was prepared.*

 *Utility In Conflict, Relocation Timeline - The facilities of {Utility Company} exist within the project limits and are expected to be affected by the project. The utility has {Existing Facility Type} located {Brief General Existing Facility Location}. The existing facility will be {Plan for Existing Facilities - ie removed or retired}. The utility is proposing {Proposed Facility Type} located {Brief General Proposed Facility Location}. See their work plan provided with the contract letting documents for additional details. Following {Party Utility is Dependent On} {What Must be Done Before Utility Begins} in the location of {Location within Project} such that the utility may adjust its facilities, {Party Responsible for Communicating - Contractor, Engineer, or Utility Coordinator} shall notify the utility that the utility can begin. It is anticipated that the utility will take approximately {Total Calendar Construction Days Including Ordering Material, Scheduling, and Construction} calendar days to complete its work plan. {Additional information, details, or requirements regarding utility if applicable} If questions arise, {Utility Contact} of the utility may be contacted at {Phone Number} or {Email Address}. The work plan was approved on {Date Work Plan was Approved}.*

 *Utility in Conflict, Utility Received NTP - The facilities of {Utility Company} exist within the project limits and are expected to be affected by the project. The utility has {Brief General Existing Facility Type} located {Existing Facility Location}. The existing facility will be {Plan for Existing Facilities - ie removed or retired}. The utility is proposing {Proposed Facility Type} located {Brief General Proposed Facility Location}. See their work plan provided with the contract letting documents for additional detail. The utility was given Notice to Proceed on {Notice to Proceed Date}. It is anticipated that the utility will take approximately {Total Calendar Construction Days Including Ordering Material, Scheduling, and Construction} calendar days to complete its work plan. {Additional information, details, or requirements regarding utility if applicable} If questions arise, {Utility Contact} of the utility may be contacted at {Phone Number} or {Email Address}. The work plan was approved on {Date Work Plan was Approved}.*

 *Utility in Conflict, Work in Contract - The facilities of {Utility Company} exist within the project limits and are expected to be affected by the project. The utility has {Existing Facility Type} located {Brief General Existing Facility Location}. The Contractor shall complete this relocation as shown in the contract documents. {Additional information, details, or requirements regarding utility if applicable} If questions arise, {Utility Contact} of the utility may be contacted at {Phone Number} or {Email Address}. The work plan was approved on {Date Work Plan was Approved}.*

 *Utility Relocation Complete - The facilities of {Utility Company} exist within the project limits. Their facilities have been adjusted to accommodate construction. The utility now has {Active Facility Type} located {Brief General Active Facility Location}. Their previous facilities consisting of {Previous Facility Type} located {Brief General Previous Facility Location} were {What was Done with Existing Facilities - ie removed or retired}. See their work plan provided with the contract letting documents for additional detail. {Additional information, details, or requirements regarding utility if applicable} If questions arise, {Utility Contact} of the utility may be contacted at {Phone Number} or {Email Address}. The work plan was approved on {Date Work Plan was Approved}.*

 *Utility not in Conflict - The facilities of {Utility Company} exist within the project limits but are not expected to be affected by the proposed construction. The utility has {Facility Type} located {Brief General Facility Location}. See their work plan provided with the contract letting documents for additional detail. {Additional information, details, or requirements regarding utility if applicable} If questions arise, {Utility Contact} of the utility may be contacted at {Phone Number} or at {Email Address}. The work plan was approved on {Date Work Plan was Approved}.*

[**NOTE TO THE UTILITY COORDINATO**R - REVIEW CONTRACT LETTING DOCUMENTS RELATED TO UTILITY COORDINATION. INCLUDE ANY NOTEWORTHY UTILITY COORDINATION CONDITIONS DEEMED NEEDED BY THE UTILITY COORDINATOR AND ANY ADDITIONAL REAL ESTATE INFORMATION AS DIRECTED BY THE PROJECT TEAM. EXAMPLES ARE INFORMATION THAT SHALL BE DISCLOSED BECAUSE THEY CAN IMPACT THE CONTRACTOR’S ABILITY TO PERFORM WORK UNDER THIS CONTRACT. EXAMPLES BELOW. INCLUDE COMPLETED VERSIONS OF THESE OR OTHERS AS APPLICABLE AND REQUIRED.

REMOVE THE UNAPPLICABLE SECTION **(b)** AND THIS NOTE TO THE UTILITY COORDINATOR PRIOR TO SUBMITTING.]

 ***(b) Other Noteworthy Conditions***

 *There are no other noteworthy conditions which may affect the progress and completion of the contract.*

 ***(b) Other Noteworthy Conditions***

 *The following conditions exist which may affect the progress and completion of the contract.*

*{Add Noteworthy Conditions as applicable. Common Examples:}*

*{Clearing of right of way for utilities outside of the construction limits, and within public right of way, shall be performed by the Contractor and shall be included in the cost of other items.}*

*{The Utility Coordinator for the project is {FILL IN} who can be reached at {FILL IN}.}*

*{If INDOT-owned lines exist within the project area, the Utility Coordinator may, if desired, complete an in conflict work in contract or not in conflict template paragraph similar to above and insert here.}* *If done so, also recommend a statement that INDOT facilities are not marked by 811 and the Contractor shall use the Buried Facilities Application in INDOT's ITAP to have them marked.*

[**NOTE TO THE UTILITY COORDINATOR** – CREATE SIMILAR PARAGRAPHS **(a)** AND **(b)** TO THE ABOVE FOR ALL OTHER DES NUMBERS ON THE CONTRACT.

REMOVE THIS NOTE TO THE UTILITY COORDINATOR PRIOR TO SUBMITTING. THEN A SINGLE **(c)** AND **(d)** ARE INCLUDED AT THE BOTTOM.]

|  |  |
| --- | --- |
| *Des Number:* |  |
|  |  |
| *Roadway Name and Location:* |  |

 ***(c) Right-of-Way***

 *Included with the contract letting documents is a letter, outlining the Department’s certification of right-of-way.*

 *If the Department reports a Certification with Exceptions, for those parcels of real property referenced on the certification letter, the Contractor shall not enter the property unless and until 1) the Contractor has received an updated certification letter certifying that the parcel is clear for construction, and 2) the Department has authorized the Contractor to enter the property to begin construction. The Contractor shall not commence construction without receipt of the updated certification letter, even if the Contractor was otherwise authorized to proceed. The contract letting documents may be updated during and after the advertisement period without notice as additional parcels become clear.* *Certification letters updated after the letting will also be provided to the Contractor by the Engineer.*

 *For a Certification, no additional R/W needed, letter or Certification Clear letter, all right-of-way requirements for the contract have been cleared, and except as described below, construction can begin on the right-of-way.*

 ***1. Encroachments***

 *The Contractor shall review plans to determine if any encroachments or other items have been marked “do not disturb” or “DND”. If there is a “do not disturb” or “DND”, efforts shall be taken to ensure those encroachment items are not negatively impacted by construction.*

 ***(d) Preconstruction Conference Notification***

 *The Contractor shall provide notification during the preconstruction conference about known corrections to or omissions of the information presented in 107.26(a) through 107.26(d) above. Otherwise, notification shall be provided as required in accordance with 105.06.*