



Utility Exception Request (not active TxDOT projects)

The following guideline should be used when preparing a Utility Accommodation Rules (UAR) Exception Request to be submitted to the Austin District as part of a utility permit request only (not part of a TxDOT project). There is a separate guideline for UAR Exceptions for TxDOT projects. Please note that for the exhibits and the letter from the utility there are additional requirements that may not have been required on previous exception requests.

This guideline has been broken down into the following processes:



1. Identify the need for a UAR Exception.
2. Exception package submittal to Maintenance Division
3. Processing through District to Maintenance Division

Process #1 – Identify the need for a UAR Exception.

1. When is a UAR exception needed?

- A UAR exception is needed when a utility installation within TxDOT right of way does not comply with the UAR. According to TAC Rule 21.35, Exceptions will be considered based on valid engineering judgment.

| Texas Administrative Code | |
|------------------------------|------------------------------------|
| TITLE 43 | TRANSPORTATION |
| PART 1 | TEXAS DEPARTMENT OF TRANSPORTATION |
| CHAPTER 21 | RIGHT OF WAY |
| SUBCHAPTER C | UTILITY ACCOMMODATION |
| RULE §21.35 | Exceptions |

- Common examples of UAR exceptions include:
 - New utility facility crossings not installed at approximately 90 degrees - 21.37 (b) (4)
 - Existing water line crossing under pavement un-encased - 21.40 (c) (3)
 - Existing longitudinal facility to remain under pavement - 21.40 (a) (9) (B)
 - Longitudinal telecom facility not meeting minimum depth of cover - 21.40 (g) (3)
 - Overhead utility not within 3 feet of ROW Line - 21.41 (d) (1)
 - Overhead utility pole greater than 36 inches in diameter - 21.41 (d) (1)
 - Vertical clearance for longitudinal lines on the right of way – 21.41 (b)
 - Encasement to extend to five feet of ROW line – 21.40 (a) (1) (c)

2. Who is responsible for processing the exception?

- If the exception is part of an active TxDOT project, it must be approved by the ROW Division Director. This process is coordinated by the Austin District Utility Team.
 - UAR Exceptions for state let projects (separate process guideline)
- If the exception is not part of an active TxDOT project, it must be approved by the Maintenance Division Director. This is processed as part of the utility installation permit process.
 - UAR Exceptions for local let projects
 - UAR Exception for utility permits not part of an active TxDOT project

3. Anticipated timeline for processing UAR Exceptions

- Allow 30-45 days for UAR Exceptions to be processed as part of the utility installation permit process through Maintenance Division.
- NOTE – Uncommon UAR Exceptions (not listed above) may require additional processing time to obtain approval.
- Please review this guideline in detail to prevent common errors and routine rejections.
- If you have an unusual UAR Exception that the district may not consider you may send the request for a courtesy review to AUS_Uilities@txdot.gov.

Austin District Engineering Services Utility Section - Guideline Utility Exception Request (not active TxDOT projects)

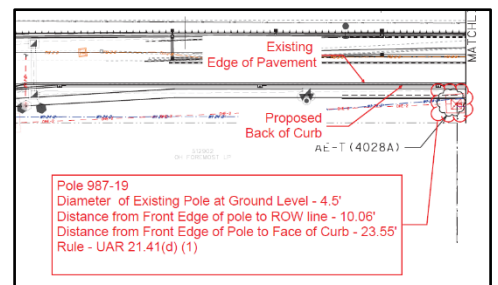
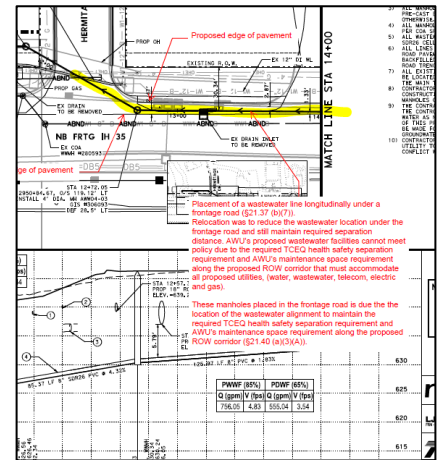
Process #2- Exception package submittal & review to Maintenance Division

What is needed for this exception to be requested along with a utility permit submission?

1. Letter from utility requesting UAR Exception, must be on utility company letterhead addressed to the Austin District Engineer and include the following:
 - a. On Utility Letterhead and signed by Utility
 - b. Addressed to the Austin District Engineer
 - c. Highway, RULIS Permit Number, County, Limits
 - d. Description of the condition and location of the utility facility, and nature of UAR violation.
 - e. UPDATE – **Complete TAC Rule must be stated on the letter** (not just the rule number).
 - f. Describe the nature of the exception request.
 - g. In addition to the following statements being required to be included in the letter, at least one additional complete sentence is required for each statement attesting to how the utility will be meeting these requirements.

- The accommodation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.
- The accommodation will not be constructed or serviced by direct access from the mainlanes of a freeway or connecting ramps. *How will the utility maintain facility?*
- The accommodation will not interfere with or impair the present or future expansion of the highway.
- Any alternative location would be contrary to the public interest, demonstrated by an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the proposed use of the right of way.

2. Exhibit or utility plans must identify UAR Exceptions as noted:
 - o This may be accomplished by using an existing utility layout if the facility is remaining in place and no adjustment is required.
 - o This may include a utility design if relocation is required, but an exception is still needed.
 - o Exhibit should include the following:
 - Plan with call out showing location of the UAR Exception including rule reference
 - Call out for existing and proposed edge of pavement (EOP)
 - If exception for horizontal clearance is requested, measurement call out required
 - Existing ROW and proposed ROW (if applicable)
 - Profile if exception is for underground facility including rule reference
 - o Upload the letter and plans as described above part of a normal utility installation request.
 - o The ROW-U-CFUA is **not required** for UAR Exception since it is not going to ROW Division.





Austin District Engineering Services Utility Section - Guideline
Utility Exception Request (not active TxDOT projects)

Process #3 – Processing through District to Maintenance Division

1. Once the UAR Exception request review has been approved by the area office subject matter expert (SME) it can be forwarded to the District Permit Coordinator (DPC) for district approval.
 - If the SME needs assistance from the Austin District Engineering Services Utility Section, the permit and letter can be sent via email for additional review and comments.
 - The email can be directed to the designated team member and copy the Austin District Utility Team Lead.
 - The assigned team member will work directly with the area office SME and the utility owner representative on any comments and revision needed.
 - This process can take at least 7 days but may take up to 3 months due to the number of comments and revision needed.
2. The DPC will route the permit to the District Engineer designee with authority to approve UAR Exception for RULIS permits.
3. Once approved by the Austin District the permit will be routed by the DPC to the TxDOT Maintenance Division (state level) for final approval. Estimated processing time is 10 days.
4. Once approved by Maintenance Division the permit will be routed back to the DPC for final approval.
5. DPC will notify the utility owner that RULIS permit with UAR Exception has been approved.