

# Early Utility Accommodation



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# Early Utility Accommodation

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## Outline

What is EUA?

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What law allows for EUA?

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EUA Process

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How Environmental Clearance factors in?

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Success story

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# What is Early Utility Accommodation (EUA)?

STATE-FUNDED EARLY UTILITY ACCOMMODATION  
ELIGIBLE FOR FUTURE REIMBURSEMENT (per IIJA/BIL Section 11315)

Project Name:			
County:		Item No.	
<b>Proposed Early Utility Accommodation Scope includes the following as selected:</b>			
<input type="checkbox"/>	Utility Design Services	<input type="checkbox"/>	Utility Coordination Services
<input type="checkbox"/>	Utility Relocation Construction	<input type="checkbox"/>	Acquire Specialty Utility Materials
<b>Utility Companies involved in Early Utility Accommodation scope:</b>			

## Scope

Utility Design Services

Utility Coordination Services

Utility Relocation Construction\*

Acquiring Specialty Utility Materials\*



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# What is Early Utility Accommodation (EUA)?



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Reimbursable utility  
**Relocations** may  
take place early  
Prior to NEPA

They may be  
reimbursed using  
**state funds**

Kentucky may seek  
**federal**  
**reimbursement** for  
the cost once the  
transportation  
project is approved  
for construction

The Utility relocation must have its own environmental review completed and it must confirm...

## Requirements

No significant adverse environmental impacts.

Compliance with any environmental requirements, law, regulations, statutes, policies, etc.

Does not impact the transportation project's environmental review process

Does not factor into the need to construct the transportation project or the project's design.

# What Law allows for EUA?

*Infrastructure Investment & Jobs Act (IIJA), Sect 11315  
23 USC Section 123 (Amended)*



## **SEC. 11315. EARLY UTILITY RELOCATION PRIOR TO TRANSPORTATION PROJECT ENVIRONMENTAL REVIEW.**

Section 123 of title 23, United States Code, is amended to read as follows:

### **“§ 123. Relocation of utility facilities**

“(a) DEFINITIONS.—In this section:

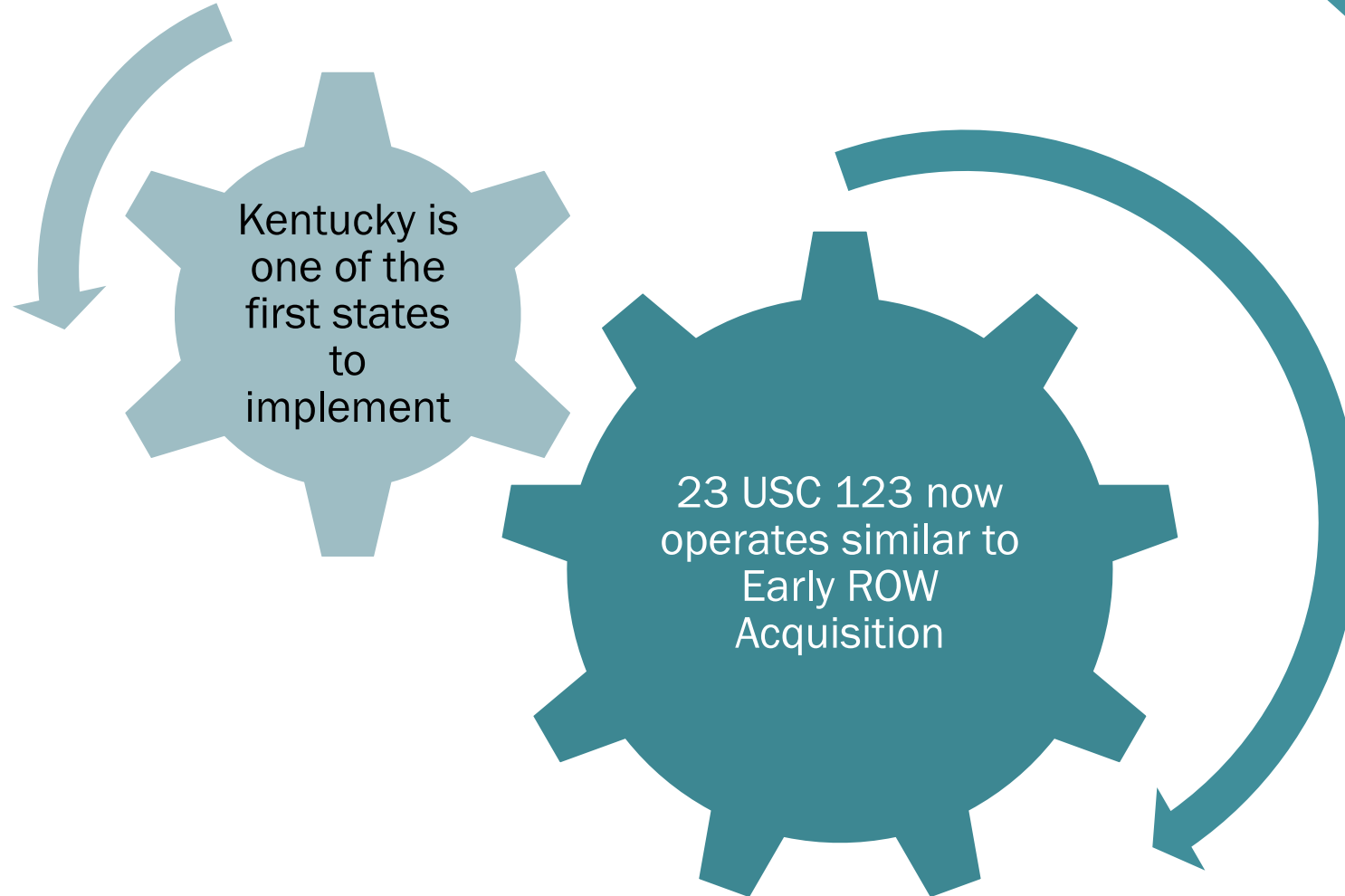
“(1) COST OF RELOCATION.—The term ‘cost of relocation’ includes the entire amount paid by a utility properly attributable to the relocation of a utility facility, minus any increase in the value of the new facility and any salvage value derived from the old facility.

“(2) EARLY UTILITY RELOCATION PROJECT.—The term ‘early utility relocation project’ means utility relocation activities

# What Law allows for Early Utility Accommodation (EUA)?



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# EUA standards



## Criteria:

## Scope must:

Title 23 eligible

Kentucky's / local transportation improvement program (STIP) and/or the regional/local transportation improvement program (TIP).

Not a LPA project

Cause no significant adverse environmental impacts to the project.

Not impact critical/costly environmental features.

Be required to accommodate the transportation project.

Comply with KYTC and federal policy, law, regulation.

# Use EUA if...

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Unavoidable utility relocations

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Extensive time to design construct or secure materials

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Large scale facilities (i.e. buildings, pump stations, treatment...)

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Preferred relocations on existing ROW

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Not in historic districts

---

Priority projects

---

Firm construction deadlines

---

Firm/set alignments

---

New corridors or roadways with a big utility

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No critical environmental features





# Utility Design & Coordination Criteria

Preferred to use a state funded EU phase.

Alternative: Design phase funds may be used if the budget allows and no EU relocation or material acquisition is included in the EU.

If the EU scope includes ROW/Replacement Easement

If KYTC is acquiring the replacement easement it must be transferred to the utility company once complete.

KYTC must implement early ROW acquisition and acquire

- Necessary ROW parcels (by KYTC)
- Replacement easement (through utility company or KYTC)
- If a parcel includes both they should be acquired in a single acquisition (by KYTC)

If the company is acquiring the replacement easement and are eligible to condemn, the agreement shall require the utility to condemn.



# Utility Relocation Criteria

Must use a state funded EU phase.

Environmental approvals for utility work shall be...

- Utility provided (in house or approved consultant) \*Recommend to use a KYTC prequalified consultant
- Supplied to project team including the DEA for inspection
- Supplied to FHWA when seeking federal participation
- KYTC staff of KYTC consultant provided
- A simple CE may take a very short period but any significant environmental review may take 2 to 3 months.

Field and plan changes must be communicated to DEA and managed by the utility environmental coordinator and documented in as built plans.



# Utility Materials Acquisition Criteria

Must use a state funded EU phase.

Materials to be acquired via EU must be documented to adhere to at least one of the following

- In limited supply.
- Anticipated to increase in cost by more than 20% before a standard utility agreement would be available.
- Require a long lead time to acquire, 6 months or more.
- In high demand and likely to become unavailable prior to construction and /or.
- Required extensive engineering or specially design pieces.



# Utility Materials Acquisition Criteria 2

Any restocking fees or penalties must be addressed in the agreement between KYTC and the utility company. These should be carefully considered when determining viability of EU materials acquisition.

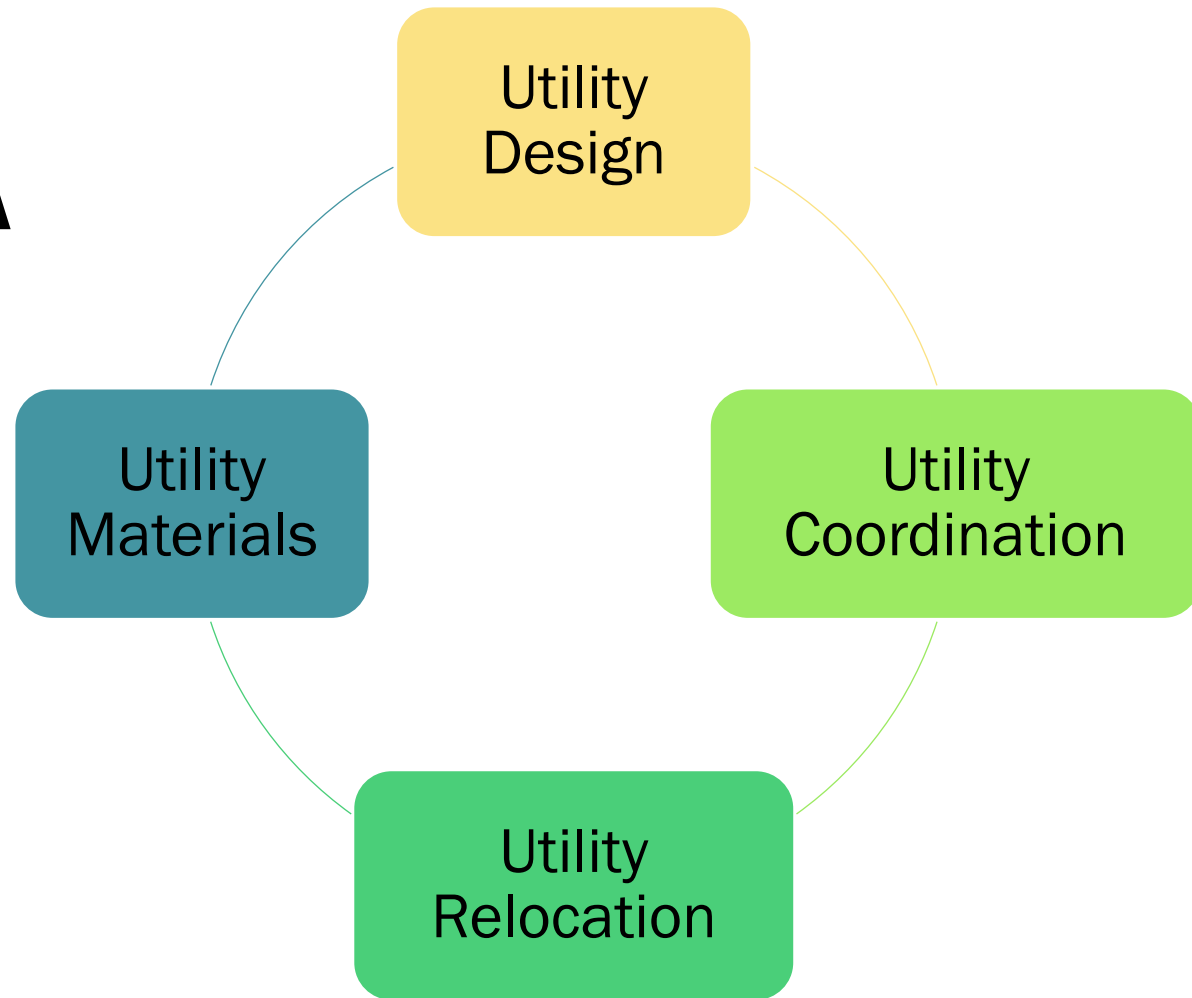
Materials are preferred to be delivered directly on the project site in tandem with the construction work.

If not viable, material storage location and standards to be included in the agreement between KYTC and the utility company. Liability of damages and material inspection criteria must be clear.

Delivered EU materials may be stored by the utility company (preferred) or by KYTC. If KYTC stores, the utility company shall inspect the material upon delivery and once again when on the project site. KYTC liability for damages shall be minimized when possible.



# Process for EUA



## Process

Consider EUA during planning or phase 1 design  
(prefer prior to PLG)

Utility Coordinator must seek concurrence with **utility company**



# The Team shall...

Confirm the project and utility Impacts

Consider environmental impacts

Estimate the budget



# Completing the EUA Form...

Ensure ability to comply with terms and conditions of the form

Ensure compliance with the policies.

Validate no interference with elements of the project including NEPA.



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# Utility Coordinator submits the EUA Package to the U&R Branch.

## Approvers:

- Project Development Branch Manager
- District Utility Supervisor
- Utility Company
- Director of Environmental Analysis
- Director of Right of Way and Utilities
- Programs Management





**STATE-FUNDED EARLY UTILITY ACCOMMODATION  
ELIGIBLE FOR FUTURE REIMBURSEMENT (per IIJA/BIL Section 11315)**

<b>Project Name:</b>			
<b>County:</b>		<b>Item No.</b>	
<b>Proposed Early Utility Accommodation Scope includes the following as selected:</b>			
Utility Design Services		Utility Coordination Services	
Utility Relocation Construction		Acquire Specialty Utility Materials	
<b>Utility Companies involved in Early Utility Accommodation scope:</b>			

*Project requirements to consider EARLY UTILITY ACCOMMODATION:*

- The early utility accommodation including utility design, coordination, materials and utility relocations (as defined in IIJA/BIL Section 11315) is for a Title 23 eligible transportation project and the project is included in Kentucky’s Statewide Transportation Improvement Program (STIP) and/or the Regional/Local’s Transportation Improvement Program (TIP);
- The early utility accommodation project is not for a Local Public Agency (LPA) Project;
- The early utility accommodation will not cause significant adverse environmental impacts;
- Before utility relocation construction costs incurred by a State is approved for Federal participation, environmental compliance must be completed for the work and the transportation project is authorized for construction.
- The Kentucky Transportation Cabinet (KYTC) has a mandatory, comprehensive, and coordinated land use, environmental, and transportation planning process under State law; and the Governor has determined in advance that the early utility accommodation project is consistent with the State plans and is consistent with the State transportation planning process under 23 U.S.C. 135;

*EARLY UTILITY RELOCATION CONSTRUCTION scope is required to:*

- Be reimbursable for utility accommodations under State law;
- Reimbursement under this agreement shall not be used if it would violate a legal contract between the utility and the State;
- Have no influence on the:
  - Environmental review process for the transportation project;
  - Need to accommodate the transportation project; or
  - Transportation project design or location selection;
- Have a National Environmental Policy Act (NEPA) evaluation for the early utility accommodation project that resulted in a finding that the early utility relocation project would not result in significant environmental impacts, and is approved by, or is in accordance with approved programmatic agreements with the FHWA Division Office prior commencing early utility relocation;
- Be clearly identified through an executed Utilities Agreement between the KYTC and the Utility Company, which includes a detailed scope of work, layout map delineating boundaries that defines the utility accommodation needs, accommodation costs are reasonably estimated, and have been previously approved by KYTC as sufficient;
- Lawfully obtain any Real Property, including replacement utility easements, by KYTC or the impacted utility company;
- Comply with all other applicable Federal laws, federal regulations, FHWA policies, including but not limited to applicable permitting requirements and 23 CFR 123 Section 11315
- Use state funds for early utility accommodation.
- Expenditures may not be federally reimbursed if non-compliant with the above terms.
- Expenditures cannot be reimbursed prior to the Project construction authorization.

**STATE-FUNDED EARLY UTILITY ACCOMMODATION  
ELIGIBLE FOR FUTURE REIMBURSEMENT (per IIJA/BIL Section 11315)**

*The Project requirements required to consider EARLY UTILITY ACCOMMODATION are met. The EARLY UTILITY ACCOMMODATION scope is proposed for:*

<b>Project Name:</b>			
<b>County:</b>		<b>Item No.</b>	
<b>Utility Companies involved in Early Utility Accommodation scope:</b>			

District Project Development Branch Manager	Date
District Utility Supervisor	Date
Utility Company Representative	Date
Division of Environmental Analysis Director	Date
Division of Right of Way, Utilities and Rails Director	Date
Concurrence-FHWA Kentucky Office (Prior to Reimbursement)	Date



# KYTC Approved EUAS

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Next  
steps

Sent to FHWA Kentucky Division  
Office for FHWA Review and  
approval.

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If EU Phase is needed, FULLY  
APPROVED EUAs are sent to Division  
of Program Management for funding.

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# Once funded the EUA can begin...

## Utility Design

Estimates,  
Design agreements,  
Consultant approvals,  
Oversight.

## Utility Coordination

Conflict and  
resolution planning,  
Utility Design tasks,  
Relocation  
agreements,  
Replacement  
easements and  
acquisition.

## Utility Relocation

Utility Coordination  
tasks,  
Construction  
planning,  
NEPA approval for  
utility work (utility  
provided and KYTC  
reimbursed),  
Inspection.

## Utility Materials

Estimate,  
Materials contracting.

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# Before costs incurred are approved for Federal Participation.

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Recovering costs

FHWA must receive the utility environmental evaluation and necessary documentation.

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Transportation project must be authorized for construction.

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Detailed and itemized cost documentation must be provided.

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# If EU scope used EU Phase Funds and KYTC project is awarded:

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## Steps

Verify the EU work is complete and compliant

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Verify the EU work performed did not impact the KYTC project NEPA.

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Collect Environmental documentation and incurred costs

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Notify accounts and program management that the EU phase may be reimbursed by FHWA.

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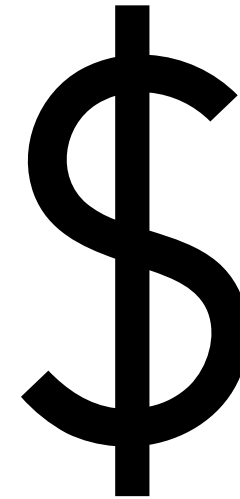
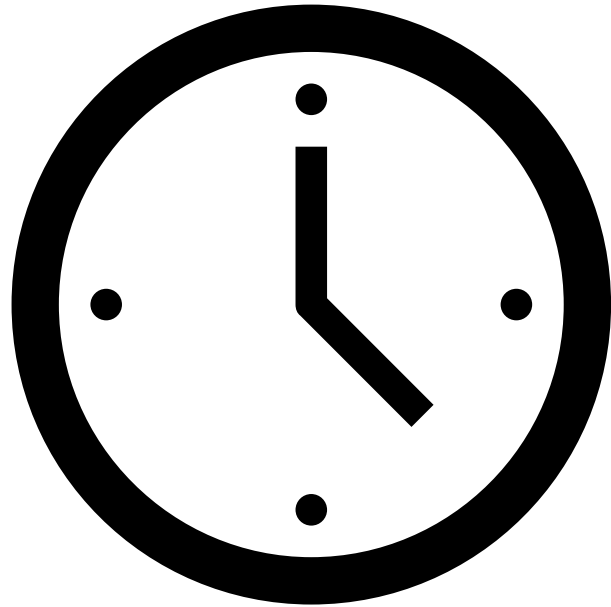


# EUA and Environmental Clearance





# EUA and Environmental Clearance



**Value = Time + Money**

# EUA and Environmental Clearance

## Major Areas of Concern

- Archaeology
- Historic Resources
- Endangered Species
- Hazmat





# EUA and Environmental Clearance

## Archeology

- Shouldn't be an issue if the area has been previously disturbed.
- May be problematic in some cases.



### Archaeological discovery halts Campbell River waterfront sewer and water project

Last stretch of this year's work postponed

[Black Press Media Staff](#)

Sep 26, 2019 1:30 AM

Updated Sep 26, 2019 4:43 PM



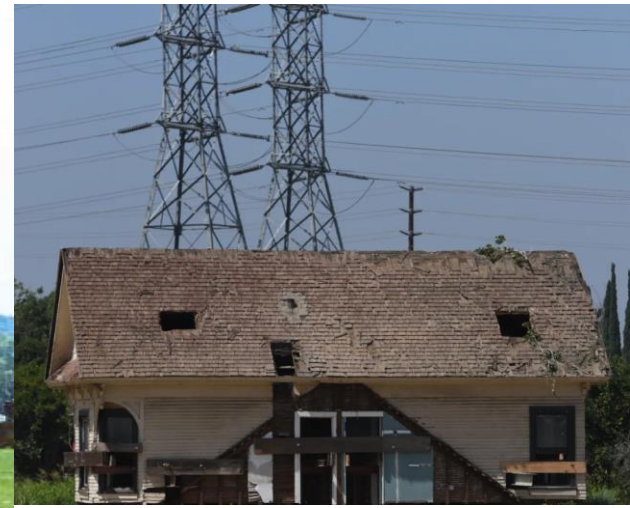
The Highway 19A construction project has wrapped up for the season after a midden was discovered near Rotary Beach Park. A midden is archeological evidence of past First Nations occupation in the area. Image provided



# EUA and Environmental Clearance

## Historic Resources

- Could potentially have issues, particularly viewshed issues.





# EUA and Environmental Clearance

## Endangered Species

- EUA could potentially impact endangered species, particularly plants or trees used by bats.





# EUA and Environmental Clearance

## UST and Hazmat



# Environmental Approval VS Environmental Clearance



## NEPA:

Summarizes agency approvals, explains why have the project & are expending Federal funds

Umbrella law covering a plethora of other laws and regulations

Applies to actions of ALL Federal Agencies

## Approval:

Allows the project to move forward with ROW acquisition

Does not necessarily mean environmental is completely clear

Constitutes acceptance of the general project location and concepts

Final design, property acquisition, construction cannot proceed prior to approval

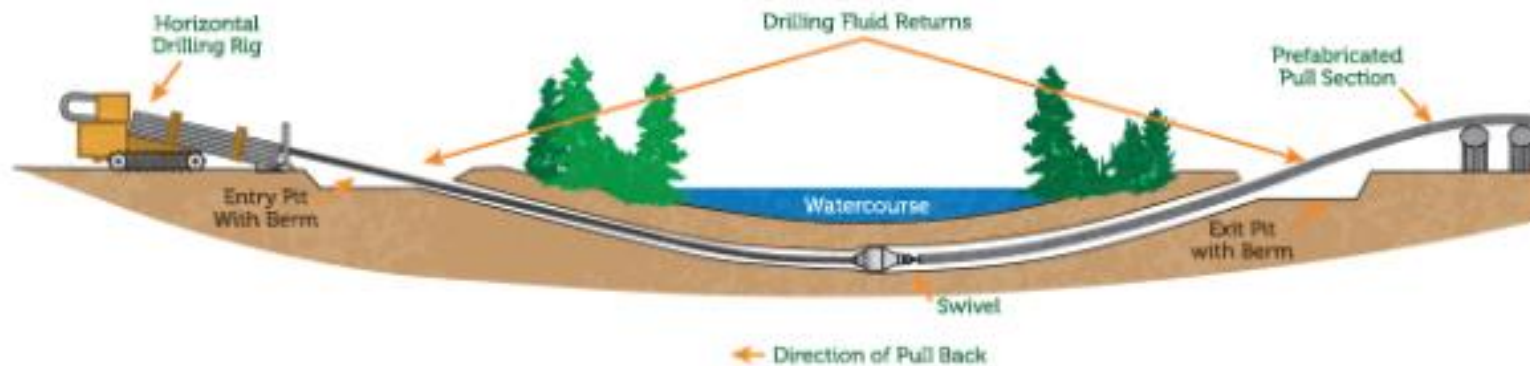
23 CFR 771.109



# Corps of Engineer Permits

Nationwide 12 for Utility Crossings

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# Success stories

4 EUA projects with no significant environmental issues.



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8-80006

Utility design  
Utility relocation  
Utility coordination  
Utility materials

6-1087

Utility design  
Utility relocation  
Utility coordination  
Utility materials

12-8701

Utility materials

12-10145

Utility design  
Utility relocation  
Utility coordination

# 8-80005 & 80006

Friday  
6/28/2024

- DO & CO utilities met
- A Permit was issued a to Monticello Utility Commission for sewer/water lines
- Inside a 6-year plan project footprint
- Utility was already onsite, working within weeks (~ 7/19/2024)
- Try Early Utility Accommodation EUA

Tuesday  
7/2/2024

- Held meetings about the EUA.
- Identified requirements
- FHWA was notified of the coming EUA
- DEA committed to investigate viability of a Categorical Exclusion (CE) for utility work
- DEA needed a map, google image, or even KMZ of the area

Wednesday  
7/3/2024

- Draft justification letter written
- Preliminary plan of the NEPA area that will be disturbed
- Did not have estimates yet
- CE confirmed in development.
- CE signed by Dave Harmon

Monday  
7/8/2024

- Preliminary estimate from the contractor (\$20,174.02 now or \$414,183 later)
- Received revised/updated plan
- Got approximate ROW on the plan and the materials needed to extend from 46' to 90'
- CE confirmed

Wednesday  
7/10/2024

- Received the revised plan
- Needed the revised estimate reflecting the extensions.

Thursday  
7/11/2024

- Received revised estimate
- Assembled EUA packet:
  - Application
  - Justification
  - Estimate
  - Revised plan

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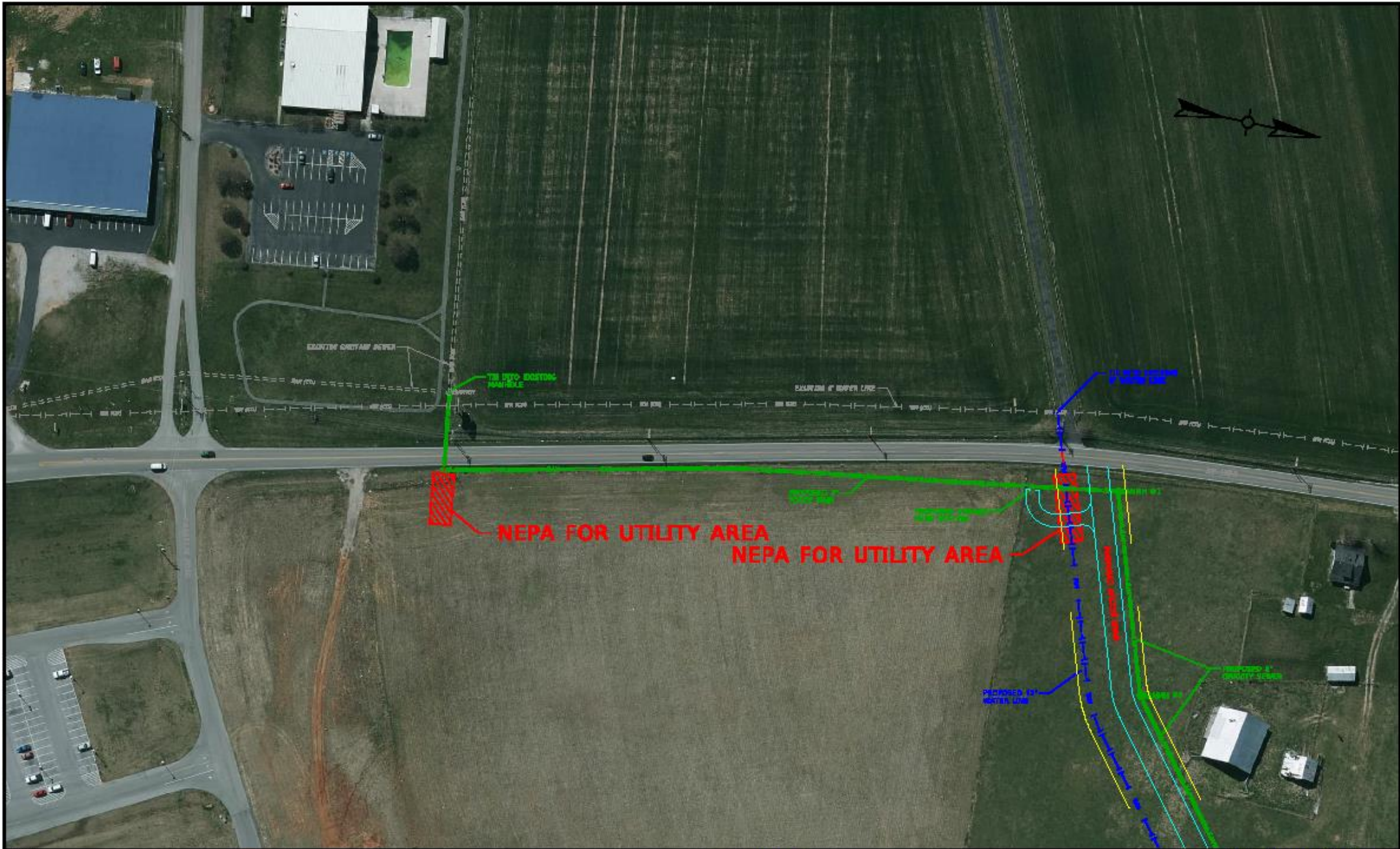
- Uploaded & secured approval
- EUA Package sent for e-signatures.
- Requested funding process begin











8-80005 & 80006

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Column1	Column3	Column4	Column5
<b>Monticello - Wayne County Industrial Park - Water and Sewer</b>			
DOT 1275 Widening Changes			
<b>Water :</b>	Quantity	Unit Price	Extension
Additional Steel Casing Pipe	90	\$ 242.73	\$ 21,845.70
<b>Sewer :</b>			
Additional Casing Pipe for Force Main	90	\$ 133.00	\$ 11,970.00
Additional 6" Force Main	90	\$ 36.10	\$ 3,249.00
Additional 6" Force Main In Casing Pipe	90	\$ 33.76	\$ 3,038.40
Less 6" Force Main	-16	\$ 36.10	\$ (577.60)
Additional Sanitary Sewer Pipe 10.1-12.0'	16	\$ 125.58	\$ 2,009.28
Less Sanitary Sewer Pipe 10.1-12.0'	-90	\$ 125.58	\$ (11,302.20)
<b>Net Change :</b>			<b>\$ 30,232.58</b>
Engineering (RD Scale)		15%	\$ 4,534.89
Inspection (RD Scale)		13%	\$ 3,930.24
			\$ 8,465.13
<b>Total Cost of Changes to Accommodate ROW Widening</b>			<b>\$ 38,697.71</b>
<b>DOT 1275 Widening Utility Relocation Project</b>			
<b>Water :</b>			
Road Crossing Steel Casing Pipe (split casing)	90	\$500.00	\$ 45,000
Sewer Line Crossing Steel Casing Pipe (split casing)	20	\$500.00	\$ 10,000
			\$ 55,000
<b>Sewer :</b>			
Sanitary Sewer 8.1-10.0'	85	\$106.40	\$ 9,044
Casing Pipe Gravity Ind.Road (Bored)	40	\$133.00	\$ 5,320
8" Gravity Main in Casing Pipe	40	\$46.36	\$ 1,854
6" Force Main	820	\$36.10	\$ 29,602
Casing Pipe for Force Main (split casing)	90	\$400.00	\$ 36,000
Standard Manhole (up to 6" in depth)	2	\$6,973.35	\$ 13,947
Additional Depth	10	\$712.50	\$ 7,125
Duplex Pump Station	1	\$144,156.29	\$ 144,156
Re-set Power Pole, Service Drop and Control Panel	1	\$5,000.00	\$ 5,000
Pump Station Access Road and Site Work	1	\$11,875.00	\$ 11,875
			\$ 263,923
<b>Total Water and Sewer :</b>			<b>\$ 318,923</b>
<b>Total Water and Sewer :</b>			<b>\$ 318,923</b>
Inflation Factor for 3 years	Annual =	8.00%	1.260
<b>Estimated Total Cost of Relocation Project</b>			<b>\$ 401,751</b>
Engineering (RD Scale)		15%	\$ 60,263
Inspection (RD Scale)		13%	\$ 52,228
<b>Estimated Total Cost of Relocation Project</b>			<b>\$ 514,242</b>

**STATE-FUNDED EARLY UTILITY ACCOMMODATION  
ELIGIBLE FOR FUTURE REIMBURSEMENT (per IIJA/BIL Section 11315)**

<b>Project Name:</b>	<b>IMPROVE CURVE &amp; RESURFACE ON KY 1275 AT KY 833/ROGERS GROVE RD</b>		
<b>County:</b>	<b>WAYNE</b>	<b>Item No.</b>	<b>8-80005.00 &amp; 8-80006.00</b>
<b>Proposed Early Utility Accommodation Scope includes the following as selected:</b>			
<input checked="" type="checkbox"/>	Utility Design Services	<input checked="" type="checkbox"/>	Utility Coordination Services
<input checked="" type="checkbox"/>	Utility Relocation Construction	<input checked="" type="checkbox"/>	Acquire Specialty Utility Materials
<b>Utility Companies involved in Early Utility Accommodation scope:</b>			
1	Monticello Utility Commission – Water/Sewer	2	
3		4	

*Project requirements to consider EARLY UTILITY ACCOMMODATION:*

- The early utility accommodation including utility design, coordination, materials and utility relocations (as defined in IIJA/BIL Section 11315) is for a Title 23 eligible transportation project and the project is included in Kentucky's Statewide Transportation Improvement Program (STIP) and/or the Regional/Local's Transportation Improvement Program (TIP);
- The early utility accommodation project is not for a Local Public Agency (LPA) Project;
- The early utility accommodation will not cause significant adverse environmental impacts;
- Before utility relocation construction costs incurred by a State is approved for Federal participation, environmental compliance must be completed for the work and the transportation project is authorized for construction.
- The Kentucky Transportation Cabinet (KYTC) has a mandatory, comprehensive, and coordinated land use, environmental, and transportation planning process under State law; and the Governor has determined in advance that the early utility accommodation project is consistent with the State plans and is consistent with the State transportation planning process under 23 U.S.C. 135;

*EARLY UTILITY RELOCATION CONSTRUCTION scope is required to:*

- Be reimbursable for utility accommodations under State law;
- Reimbursement under this agreement shall not be used if it would violate a legal contract between the utility and the State;
- Have no influence on the:
  - Environmental review process for the transportation project;
  - Need to accommodate the transportation project; or
  - Transportation project design or location selection;
- Have a National Environmental Policy Act (NEPA) evaluation for the early utility accommodation project that resulted in a finding that the early utility relocation project would not result in significant environmental impacts, and is approved by, or is in accordance with approved programmatic agreements with the FHWA Division Office prior commencing early utility relocation;
- Be clearly identified through an executed Utilities Agreement between the KYTC and the Utility Company, which includes a detailed scope of work, layout map delineating boundaries that defines the utility accommodation needs, accommodation costs are reasonably estimated, and have been previously approved by KYTC as sufficient;
- Lawfully obtain any Real Property, including replacement utility easements, by KYTC or the impacted utility company;
- Comply with all other applicable Federal laws, federal regulations, FHWA policies, including but not limited to applicable permitting requirements and 23 CFR 123 Section 11315
- Use state funds for early utility accommodation.
- Expenditures may not be federally reimbursed if non-compliant with the above terms.
- Expenditures cannot be reimbursed prior to the Project construction authorization.

**8-80005 & 80006**

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# 8-80005 & 80006

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Friday  
7/12/2024

- DUS, PDBM, Utility Representative, DEA signed the EUA

Monday  
7/15/2024

- FHWA signed fully executing the EUA
- Requested funding from Program Management
- DocuSign EUA recorded in KURTS

Thursday  
7/18/2024

- Funding authorized
- Utility issued a notice to proceed with expected start 7/19/24

Friday  
7/19/2024

- Drafted agreement and upload the plan and estimate in KURTS.

Tuesday  
7/23/2024

- Funding for the EUA in the amount of \$55,000 appeared in KURTS.
- Uploaded and approved the revised estimate and plans in KURTS.
- Revised the EUA keep cost agreement.

Wednesday  
7/24/2024

- EUA Keep Cost Agreement is fully approved and sent for electronic signature.



# PROJECT MANAGERS TOOLBOX

- Highway Project Info Center
- eMARS Project Budget Info (KYTC ONLY)
- TC-10 Viewer
- PM Dashboard (KYTC ONLY)
- Misc
- Bridging Kentucky Projects
- SHIFT

Export to Excel

**\$545,000.00 Authorized to Date**

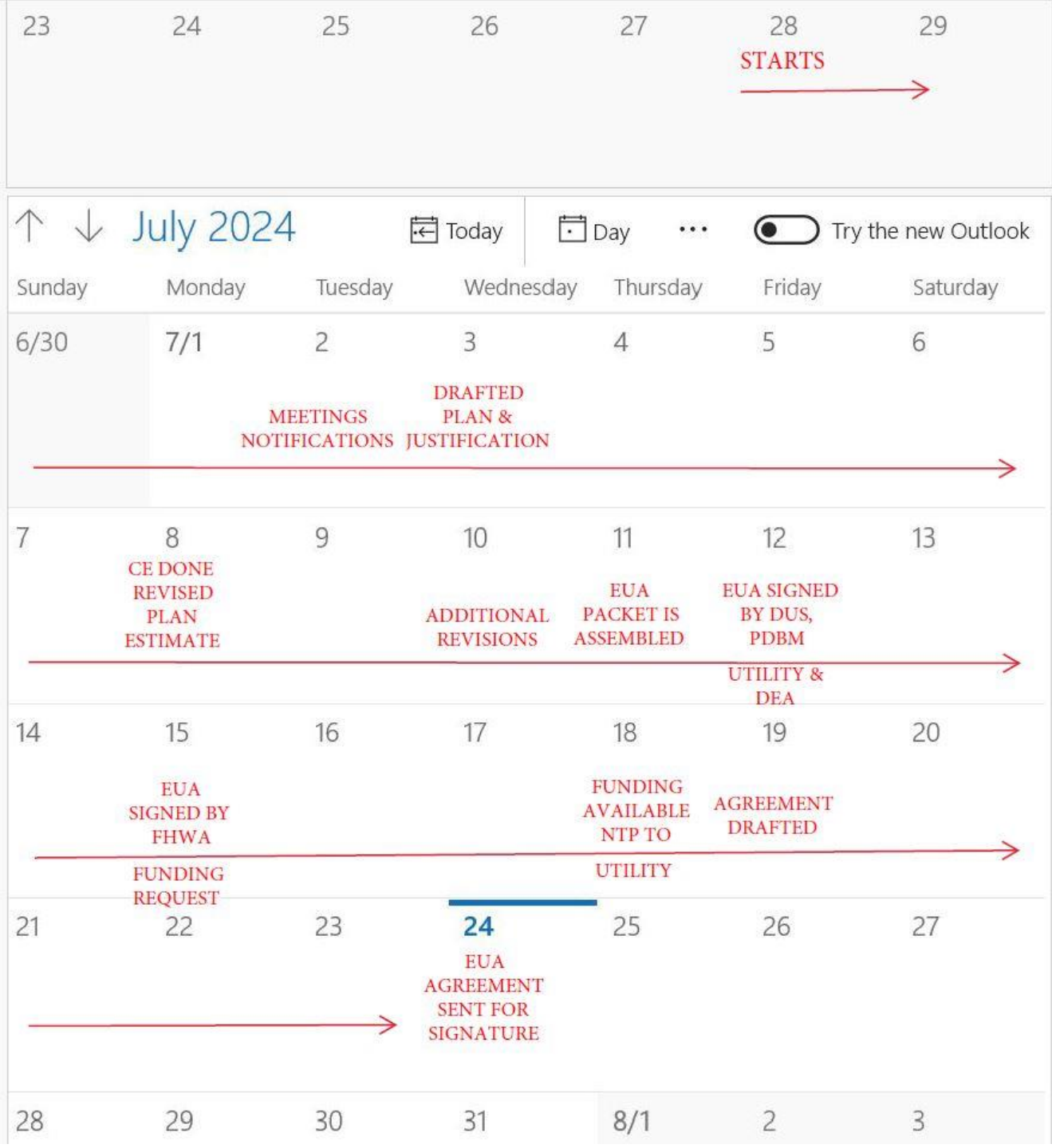
Select Auth Number and Mod Level to view TC10-1

County	Route	Facility Name	Project type	Requested Amount	Auth# and Mod Level	Authorization Date	Remarks
WAYNE	KY-1275		MAJOR WIDENING	\$55,000.00	16940 - 1	7/18/2024	THIS AUTHORIZATION PROVIDES \$55,000 STATE FD04 FUNDS FOR THE UTILITY PHASE OF THE PROJECT.**THIS PROJECT IS PART OF THE "STATE-FUNDED EARLY UTILITY ACCOMMODATION" APPROVED BY FHWA FOR FUTURE FEDERAL REIMBURSEMENT UPON COMPLETION OF THE PROJECT ENVIRONMENTAL DOCUMENT.**
WAYNE	KY-1275		MAJOR WIDENING	\$490,000.00	16940 - 0	7/27/2023	THIS AUTHORIZATION PROVIDES \$490,000 FEDERAL STP FUND FOR THE DESIGN PHASE OF THE PROJECT. STATE FUND MATCH

8-80005 & 80006







8-80005 & 80006

Success story!

**\$400,000+**  
**saved**



# CONTENT COVERED:

- What is EUA?
- What law allows for EUA?
- EUA Process
- How Environmental Clearance factors in?
- Success story

# Questions?



Scan here to  
claim PDHs

Early Utility  
Accommodation  
(EUA) (1.0 PDH)  
8:00 am

