

Effective 5/13/2014

72-6-116 Regulation of utilities -- Relocation of utilities.

- (1) As used in this section:
 - (a) "Cost of relocation" includes the entire amount paid by the utility company properly attributable to the relocation of the utility after deducting any increase in the value of the new utility and any salvage value derived from the old utility.
 - (b) "Utility" includes telecommunication, gas, electricity, cable television, water, sewer, data, and video transmission lines, drainage and irrigation facilities, and other similar utilities whether public, private, or cooperatively owned.
 - (c) "Utility company" means a privately, cooperatively, or publicly owned utility, including utilities owned by political subdivisions.
- (2)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the installation, construction, maintenance, repair, renewal, system upgrade, and relocation of all utilities.
 - (b) If the department determines under the rules established in this section that it is necessary that any utilities should be relocated, the utility company owning or operating the utilities shall relocate the utilities in accordance with this section and the order of the department.
- (3)
 - (a) The department shall pay 100% of the cost of relocation of a utility to accommodate construction of a state highway project, including the construction of a proposed state highway and the improvement, widening, or modification of an existing state highway if the:
 - (i) utility is owned or operated by a political subdivision of the state;
 - (ii) utility company owns the easement or fee title to the right-of-way in which the utility is located; or
 - (iii) utility is located in a public utility easement as defined in Section 54-3-27.
 - (b) Except as provided in Subsection (3)(a) or (c), the department shall pay 50% of the cost of relocation of a utility to accommodate construction of a state highway project, including the construction of a proposed state highway and the improvement, widening, or modification of an existing state highway, and the utility company shall pay the remainder of the cost of relocation.
 - (c) This Subsection (3) does not affect the provisions of Subsection 72-7-108(5).
- (4) If a utility is relocated, the utility company owning or operating the utility, its successors or assigns, may maintain and operate the utility, with the necessary appurtenances, in the new location.
- (5) In accordance with this section, the cost of relocating a utility in connection with any project on a highway is a cost of highway construction.
- (6)
 - (a) The department shall notify affected utility companies, in accordance with Section 54-3-29, whenever the relocation of utilities is likely to be necessary because of a reconstruction project.
 - (b) The notification shall be made during the preliminary design of the project or as soon as practical in order to minimize the number, costs, and delays of utility relocations.
 - (c) A utility company notified under this Subsection (6) shall coordinate and cooperate with the department and the department's contractor on the utility relocations, including the scheduling of the utility relocations.

Amended by Chapter 184, 2014 General Session

