



Austin District Engineering Services Utility Section - Guideline

Utility Exception Request (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 for a TxDOT project. There is a separate guideline for utility permit installations that require UAR Exceptions. 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 Austin District

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.
- Common examples of UAR exceptions include:

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

- 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
- If the exception is not part of an active TxDOT project, it will be processed as part of the utility permit approval process and not part of this guideline. It must be approved by the Maintenance Division Director.
 - 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 30-60 days for UAR Exceptions to be processed through ROW 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 the TxDOT PM for the active TxDOT project.



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Process #2 – Exception package submittal to Austin District

What is needed in the exception package?

1. Austin District UAR Exception request FORM, includes checklist for package, and captures internal TxDOT approvals.
2. Letter from utility requesting UAR Exception to include the following:
 - On Utility Letterhead
 - Addressed to the Austin District Engineer
 - Highway, Construction CSJ#, County, Limits (as shown in TxC)
 - Description of the condition and location of the utility facility, and nature of UAR violation.
 - List the TAC title, part, chapter, and subchapter, then go on to individually list each rule, section, subsection and titles that are the subject of the exception request. Furthermore, fully state the wording of each TAC rule.. For example:

This is an exception to the Texas Administrative Code (TAC), Title 43 Transportation, Part 1 Texas Department of Transportation, Chapter 21 Right of Way, Subchapter C Utility Accommodation Rule (UAR).

 - 21.37 Design (b) (4) which states that, *“(4) New utility facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.”*
 - 21.41 Overhead Electric and Communications Lines (D) (1) which states that, *“(1) Poles supporting longitudinal lines shall be located within three feet of the right of way line, except that, at the option of the department, this distance may be varied at short breaks in the right of way line. Pole and guy wire installations may not encroach on current American Disabilities Act (ADA) clearances. Poles with widths measured at the widest part of the pole base that are greater than 36 inches in diameter may not be placed within the department's right of way. For overhead crossings at intersections, bridges, or large drainage structures that require greater vertical clearances or longer spans, the pole width measured at the widest part of the pole base may not be greater than 42 inches. Guy wires placed within the right of way shall be held to a minimum and be in line with the pole line. Other locations may be allowed, but in no case shall the guy wires or poles be located closer than the minimum allowed by the department's horizontal clearance policy, as shown in subsection (c) of this section.”*
- Describe the nature of the exception request.
- List and certify compliance with the TAC UAR 21.35 (c) requirements which are referenced below. To be clear, the letter needs to not only list the TAC UAR 21.35 (c) requirements but must also explain in specific details how compliance will be achieved with respect to the subject installation. At minimum, 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. *What measures are being taken by the utility owner to ensure that the highway facility will not be adversely affected?*
 - ❑ The accommodation will not be constructed or serviced by direct access from the mainlanes of a freeway or connecting ramps. *How will the utility owner maintain their facility without direct access from the freeway mainlanes or connecting ramps?*

The form includes fields for: Date of Request, UIR Permit #, Utility Name, Utility ID, Construction CSJ, ROW CSJ, Highway, Limits From, Letting Date, and Limits To. Below these fields is a checklist titled 'The following exception(s) to the Texas Administrative Code (TAC) are requested:' with items such as '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)', 'Minimum vertical clearance for longitudinal lines on the right of way are not met - 21.41 (b)', and 'Encasement does not extend to within five feet of ROW line - 21.40 (a) (1) (c)'.

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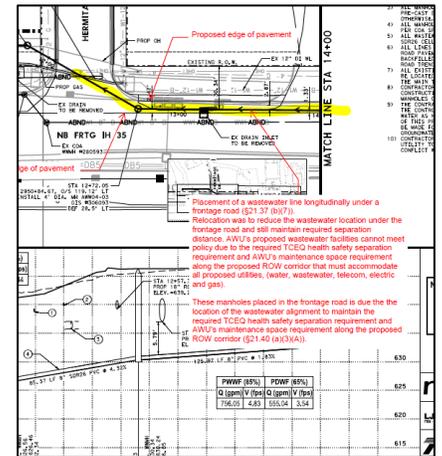
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- The following statements should also be included but may require coordination between the TxDOT project team and the utility to verify these statements are true and correct.
 - ❑ The accommodation will not interfere with or impair the present or 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.
- Letter must be signed and include the business title of the individual person who signed. In many cases, it may be appropriate to send the UAR package to TxDOT as a draft to ensure all requirements are met before officially signing the letter.

3. Exhibit or utility plans must identify UAR Exceptions as noted:

- This may be accomplished by using an existing utility layout if the facility is remaining in place and no adjustment is required.
- This may include a utility design if relocation is required, but an exception is still needed.
- Exhibit should include the following:

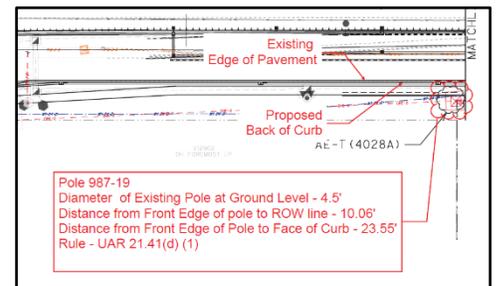
- Plan with call outs showing location of the UAR Exception including rule reference.
- TxDOT Project Stationing (e.g. if the project is an IH 35 project, it is not sufficient to only show the IH 35 frontage road stationing or the Utility owner's stationing)
- Existing ROW and proposed ROW (if applicable)
- Call outs with measurements from existing and proposed edge of pavement (EOP) or Back of curb.



- If exception for horizontal clearance is requested, measurement call out required.
- Distance from ROW line to facility.
- Angle of utility crossing (if applicable)
- For underground facilities minimum depth of cover must be provided. This may require profile to include rule reference.

1. If profile view is not provided, reason must be included.
2. Example, "Profile view not needed, all utility installation is for overhead work attached to poles."

- Vertical and horizontal clearance
- Table for overhead poles showing the following:
 1. Diameter of pole base at ground level
 2. Diameter of drill shaft
 3. Distance of edge of drill shaft to nearest utility
 4. Distance of outside edge of pole from ROW line (required if outside edge of pole is >3' from the ROW line).





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5. Distance of inside edge of pole from Edge of Pavement (EOP), refer to the horizontal clearance table from TAC Rule 21.41.
6. Below is an example of an Excel Table with the required columns.

Location/Pole #	station #	pole foundation diameter at ground level	diameter of drill shaft	distance of drill shaft to nearest utility facility	outside edge of pole from ROW line	inside edge of pole from Edge of Pavement (EOP)

4. Completed ROW form [ROW-U-CFUA](#) (Rev. 10/20)

- For each rule that an exception is being requested, click the **Add Exceptions** box, then in the designated spaces input the relevant TAC Section and Subsection as well as a written descriptions for the Nature of Exception.
- For each UAR exception request entered on the form, list the TAC rule section, subsections(s) and subtitle(s) as the first line of text in the Nature of the Exception description. For example:
 - 21.37 Design (b) Location (4)
 - 21.41 Overhead Electric and Communications (d) Location (1)
- When printing this form to .pdf, make sure the box is clicked otherwise the rule references will not show up on the form.
- Include the ROW-U-CFUA fillable form (not printed to PDF) as a standalone attachment as part of the UAR Exception Request submittal.

5. What is the difference between a UAR Exception and an Exception to Policy.

- UAR Exceptions are requests by a utility to TxDOT for accommodations that **do not** comply with the identified TAC Rules.
- Exceptions to Policy are requests by TxDOT Austin district to TxDOT ROW Division for accommodations that **do not** comply with the published ROW Utility Manual.

6. Completed ROW_U_139, Indemnity Agreement for Fiber Optic Facility (if needed).

- This form is required if utility owner is requesting an exception to minimum depth of cover.
- Exhibit should show proposed depth of cover in Profile view if this form is being utilized.