



## Austin District Engineering Services Utility Section – Guidelines

# Utility Permit Process – Developer Guidelines

The following guideline has been developed by the Austin District utility team to help explain and navigate the TxDOT utility permitting process for specific utility installations that are being designed and constructed by developers. In most cases the facility being installed will become part of the local public utility water distribution system or wastewater collection system once the development is in use.

The following has been broken down into the following processes:

1. Why is a utility permit needed?
2. Who can submit a utility permit application?
3. Common issues with permit applications.
4. Developer and public utility owner checklist

### Process #1 – Why is a utility permit needed?

1. In accordance with [TAC Rule 21.36](#), Rights of Utilities.
  - o public utility owners are allowed to install facilities both crossing TxDOT ROW and longitudinally.
  - o Private utility owners are allowed to only cross TxDOT ROW.
2. The utility permit application process is used to verify compliance with Utility Accommodation Rules (UAR) published in the Texas Administrative Code Title 43, Chapter 21, [Subchapter C](#).
3. A valid utility permit is required for all utility work in TxDOT ROW. This applies not only for installations, but also for maintenance and repair efforts. Part of this review process is to verify that any actions taking place in TxDOT ROW follow [TAC Rule 21.38](#), Construction, Maintenance, and Inspection. This includes but is not limited to:
  - o (1) The utility is responsible for the safety of, and shall minimize disruption to, the traveling public with proper traffic control.
  - o (3) Utilities with utility facilities on the right of way shall preserve and protect the safety of the traveling public and the public's investment in the highway facility.

Texas Administrative Code	
<a href="#">TITLE 43</a>	TRANSPORTATION
<a href="#">PART 1</a>	TEXAS DEPARTMENT OF TRANSPORTATION
<a href="#">CHAPTER 21</a>	RIGHT OF WAY
<a href="#">SUBCHAPTER C</a>	UTILITY ACCOMMODATION
<a href="#">RULE §21.36</a>	Rights of Utilities

### Process #2 – Who can submit a utility permit application?

1. All permit application requests should be submitted by the utility owner. In some cases, consultants have been granted utility owner accounts allowing them to submit permits directly to TxDOT, but this is not appropriate as the consultant is not the utility owner.
2. In many cases developers may have consultants working directly with the city or public utility owner to review and approve the planned facility installation.
  - o Approval of development plans by the City in most cases is not the same as approval of the planned public utility connection.
  - o A valid RULIS permit must be submitted by the utility owner to TxDOT.
  - o In some cases, utility owners may grant consultants working for developer access to their RULIS account to allow for creation of the permit application; however, submission to TxDOT would be done by the utility owner.
3. Property owners that need to cross TxDOT ROW with a private facility may submit a permit application. In these cases, the property owner would continue to own and maintain the facility installed by permit. For most developer projects this type of installation is not appropriate.

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### Process #3 – Common issues with permit applications.

Most common issues with utility permits that require revisions by the utility owner, or the design consultant could be prevented. Here are a few common issues with Utility Accommodation Rule (UAR) references.

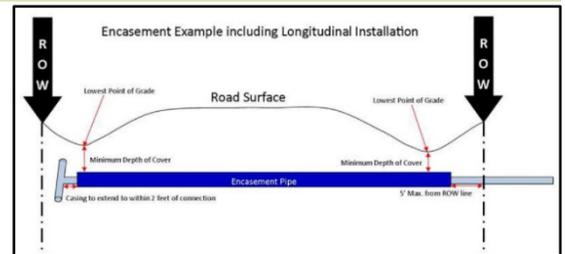
**1. A Traffic Control Plan (TCP) in accordance with the TMUTCD is required for all Utility installation/work within TxDOT right of way.**

- A valid traffic control plan is a common reason that permit applications are not approved.
- Standard Traffic Control Plans are available [online](#).
- Please work with your permit reviewer if engineered TCP is required.

Page No.	Sheet Name	Rev Date	Subject	File Name
149		4-16	TCP - Worksheet	TCP1-18.dgn
			TCP11 sheets (6 sheets)	TCP1-18.pdf
151	TCP1-11-18	2-18	TCP - Conventional Road Shoulder Work	Tcp1-2-18.dgn
152	TCP1-21-18	2-18	TCP - One-Lane Two-Way Traffic Control	Tcp1-2-18.dgn
153	TCP1-31-18	2-18	TCP - Traffic Shifts on Two Lane Roads	Tcp1-3-18.dgn

**2. For lines crossing the highway, crossing intersecting streets/county roads, or passing through the protected root area of desirable trees, is it clearly shown that the line will be installed by boring? In addition, casing should be shown under highways and paved city street/county road intersections.**

- Please ensure that plans reflect the most up-to-date version of UAR (10/12/22).
- See figure: [21.40\(a\)\(1\)](#)
- Call outs may be used to demonstrate that the encasement will meet UAR.
- Types of encasements that can be utilized is identified in figure: [21.40\(a\)\(2\)\(A\)](#).



**3. Is the location and identification (highway number) of the TxDOT highway clearly indicated on the plans?**

- It is important that the permit review and inspection team understand exactly where the work is taking place.
- If this work is within a proposed TxDOT project, it may be in conflict and would have to be relocated at the expense of the utility owner.

**4. Are the utility plans legible, to scale, accurately dimensioned, include a north arrow, and legend?**

- If plans are not detailed enough to verify UAR compliance and constructability, the permit reviewer or inspector may request revisions.
- Plans must comply with the update [TAC Rule 21.37](#), Design, (c) Plans
  - (4) Plans must include the design, proposed location, vertical elevations, and horizontal alignments of the utility facility based on survey data provided by a person registered by Texas as a registered professional land surveyor or the department's survey data, the relationship to existing highway facilities and the right of way line, and location of existing utility facilities that may be affected by the proposed utility facility.
  - (5) A utility shall verify the department's right of way line on the ground and procure any additional surveys required by the department before installing the utility facility.
- TxDOT survey data may be available for utility relocation required for a current TxDOT project; however, survey data for normal utility installations is the responsibility of the utility.

**5. Are other existing utility lines in the vicinity shown on the plans?**

- This is another common deficiency on past permit applications. A general note “Contractor to verify all existing utility installations,” **does not** satisfy this requirement.
- Permit applications must comply with [TAC Rule 21.37](#), Design (b) Location
  - (2) Utility facilities shall be located to avoid or minimize the need for adjustment for future highway projects and improvements, to allow other utilities equal access in the right of way, and to permit access to utility facilities for their maintenance with minimum interference to highway traffic.



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- (6) Every effort shall be made to ensure that the proposed installation is compatible with existing and approved future utility facilities.
  - To comply with the above UAR requirements, existing facilities must be shown on proposed utility installation plans.
  - For underground utility installations horizontal clearance from existing facilities must comply with [TAC Rule 21.40](#), Underground Utilities, (a) (7) Clearances. Measurement from existing utility facilities to the proposed facility is required to verify compliance.
6. For lines to be installed parallel to the highway, is the distance from the right of way line and from the edge of highway pavement clearly shown?
- Measurements must be provided from edge of pavement and ROW line on each page of plan set and for any locations where longitudinal alignment is different.
  - This ensures the contractor installing the utility facility can install in the permitted location.
7. For installations parallel to the highway, does the installation alignment change? Alignment changes need to be justified and reasonable.
- In accordance with [TAC Rule 21.37](#), Design, (b) (3), Longitudinal installations, if allowed, shall be located on uniform alignments to the right of way line to provide space for future highway construction and possible future utility facility installations
  - Please include enough information with permit application for reviewer to determine alignment changes are justified and reasonable.
  - This may be accomplished by showing existing utility installations.
8. Are appropriate temporary erosion control devices (e.g., rock berms, silt fences) shown where the line will be across/along a creek, drainage way, steep slope, within the Edwards Aquifer Recharge Zone, or in other critical areas?
- Permit application should clearly identify how efforts will be taken to preserve and protect the safety of the traveling and public and the public's investment in the highway facility.
  - See [TAC Rule 21.38](#), Construction, Maintenance, and Inspection.
    - (1) When utility construction or maintenance is complete, the utility shall restore the right of way to substantially the same or better condition than existed before the construction or maintenance, including reseeding or resodding to prevent erosion. After the area is brought to grade, the entire disturbed area shall be covered in accordance with the department's Standard Specifications for Construction and Maintenance of Highways Streets & Bridges.
    - (6) The utility shall reimburse the department for all costs incurred to repair damage to the right of way that results from the actions of the utility. These costs may include restoration of and repairs to the pavement structure, drainage structures, terrain, landscaping, or fences.
    - (7) The utility is responsible for any damages it causes to property adjacent to the department's right of way. The damages may include the cost of restoration of the property.
9. For highway crossings, is the location of the crossing clearly shown on the plans? The crossing should be as close to 90 degrees as practical.
- If a crossing is not at 90 degrees, please provide the angle of crossing from center line.
  - Crossings not at 90 degrees may require a UAR Exception to [TAC Rule 21.37](#), Design, (b) (4)
10. Is the location of the proposed utility line clearly shown on the plans?
- In accordance with [TAC Rule 21.40](#), Underground Utilities, (4) (B), If the installation of the utility facility deviates from the approved location, the district, at its sole discretion, may require the adjustment of the utility facility to the approved location.
  - Measurements showing minimum depth of cover must be shown **at lowest point of grade**, not at edge of pavement or center line of roadway.



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### Process #4 – Developer and Public Utility Owner Checklist

It has come to our attention that additional clarity is needed to define when the role of a developer ends, and the role of the public utility owner begins.

1. From the TxDOT perspective all utility installations are designed and constructed by the utility owner as outlined in TAC Rules [21.37](#) (Design) and [21.38](#) (Construction, Maintenance, and Inspection).
2. From the utility owner perspective almost all the responsibility of the design and construction is passed on to the developer to act on the public utility owner’s behalf.
3. Here are a few checklist items for developers to consider when planning a project:
  - Do not assume a Utility Accommodation Rule (UAR) Exception will be granted.
  - Develop a schedule to allow multiple months for preliminary review of plans by both TxDOT and the utility owner.
  - Review common issues with permit applications and ensure all efforts are made to develop a set of plans that are compliant on the first round.
  - Existing utility facilities must be identified on the plans to show this facility can be installed without impacting other permitted installations. This may require sub-surface utility engineering (SUE) investigation be performed.
  - Developer and/or developer’s contractor will be responsible for compliant with all UAR and TAC rules. This includes any costs that may be charged to the utility owner by TxDOT for failure to restore ROW or failures to TxDOT facilities.
  - Develop must perform due diligence to ensure facility will not conflict with future TxDOT roadway projects.
4. Contractors working for a developer can be shut down for failure to comply with the details of the approved RULIS permits. Some of those details are:
  - Performing work on highway different then what is specified in the permit.
  - Working outside of the Schedule Dates provided in the approved permit.

Utility Permit Approval - Permit number: XXXXX/YEARMODT/XXXX/XXXXX/UP  
Date of Approval: Date permit is approved

Example of RULIS utility permit approval form issued to Utility owner not Developer

## UTILITY PERMIT APPROVAL

<b>TO:</b>	Utility Owner Representative Name	<b>Date:</b>	Date of Approval
	Utility Owner Company Name	<b>Application/Permit No.:</b>	
	Utility Mailing Address City, State, Zip Code	<b>District:</b>	Austin

Highway	Control Section	Maintenance Section	County

Schedule Dates: from construction start date to construction end date

TxDOT offers no objection to the location on the right-of-way of your proposed utility installation, as described by Notice of Proposed Utility Installation No. *permit number* dated 11/09/2023 and accompanying documentation, except as noted below.

- NOTE permit is issued to the Utility owner not the contractor. Contractor is working in TxDOT ROW in accordance with approved permit issued to utility owner.



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- ❑ Failure to provide notification to TxDOT via the RULIS system is a violation of the permit and can result in TxDOT stopping work until the required notification is submitted to TxDOT by the utility owner. NOTE this must be submitted by the utility owner not developer or contractor.

**Additional Information from Permit Approver:**

**Permit closed out from OLD UIR work complete**

**Special Provisions:**  
 You are required to notify TxDOT **48 hours (2 business days)** before you start construction to allow for proper inspection and coordination of workdays and traffic control plans. Use the RULIS website for the **48-hour notification**. **DO NOT** start construction until you have coordinated the construction start date and inspection with TxDOT. You are also required to keep a copy of this Approval and any approved amendments at the job site.

Failure to provide notice to TxDOT will **invalidate** the permit. All notification of pending work will come from the utility owner **not contractor or developer**.

- ❑ Contractor working under approved utility permit issued to public utility owner must adhere to all requirements as outline in the Utility Accommodation Rules (UAR). Failure to comply may result in TxDOT taking action to recover costs from the public utility owner which will more than likely be past on to the developer and may delay installation of service.

When installing utility lines on controlled-access highways, access for serving this installation shall be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads or streets, (c) trails along or near the highway right-of-way lines, connecting only to intersecting roads; from any one or all of which entry may be made to the outer portion of the highway right-of-way for routine service and maintenance operations. The **Installation Owner's** rights of access to the through-traffic roadways and ramps shall be subject to the same rules and regulations as that apply to the general public except, however, if an emergency occurs and usual means of access for routine service operations will not permit the immediate action required by the **Utility Installation Owner** in making emergency repairs as required for the safety and welfare of the public, the **Utility Owners** shall have a temporary right of access to and from the through-traffic roadways and ramps as necessary to accomplish the required emergency repairs, provided TxDOT is immediately notified by the Utility Installation Owner when such repairs are initiated and adequate provision is made by the Utility Installation Owner for the convenience and safety of highway traffic.

The **installation shall not damage any part of the highway**, and adequate provisions must be made to cause minimum inconveniences to traffic and adjacent property owners. If the Utility Installation Owner fails to comply with any or all the requirements as set forth herein, the **State may take such action as it deems appropriate to compel compliance.**

- ❑ 1. **PERMIT** - The person in charge of this installation shall **have a copy of the permit and its' attachments on the job at all times**. **Deviations from the approved permit must have prior approval of the Texas Department of Transportation.**
- Developer's contractor is working under a permit issued to the utility owner. All efforts must be made by contractor working for developer to minimize risk and potential shutdown of work by either **utility owner** or **TxDOT** for non-compliance.

This part is cut-off, but it should state that all utility plans should comply with TAC Rule 21.37 and identify existing utility facilities and that the proposed installation can be installed. This may require developer or consultant engineer to utilize sub-surface utility engineering (SUE) during the design phase.

- ❑ 2. **EXISTING UTILITIES** - The exact location of any utilities that may conflict with the proposed installation should be field verified by the installer during

sentence cut-off on RULIS template.

- ❑ Contractor working on behalf of utility owner must abide by all require traffic control and safety requirements. See a few notes that are included on the approved permit document.



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and to ensure the safety of the public in accordance with the Manual of Uniform Traffic Control Devices.

Parking of employees' cars and trucks on both sides of the pavement will be prohibited and all such vehicles shall be parked on one side of the road and in no instance closer than a minimum of eight feet from the edge of the pavement.

All construction equipment and materials stored on highway right-of-way shall be stored in such a manner and at such locations (a minimum of 30 feet from nearest traffic lane) as not to interfere with the safe passage of traffic.

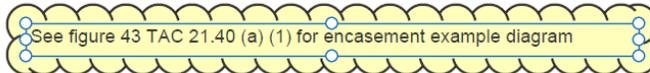
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Below are a few other requirements included on all permit approvals that must be followed. See comments regarding encasement...

1. **UNDERCROSSINGS** - Crossings shall be bored under the highway. The annular void between the drilled hole and the casing pipe (if more than one inch) shall be pressure-filled with a satisfactory material to prevent settlement of any part to the highway facility over the casing. No more than three pilot bores will be permitted. Abandoned pilot bores shall be pressure-filled.

Bore pits should be located at least: 30 feet from all freeway main lanes and other high-speed (exceeding 40 mph) highways except as indicated as follows: 16 feet for high-speed highways with current average daily traffic volumes of 750 vehicles per day or less; 16 feet for ramps; and 10 feet for low-speed (40 mph or less) highways. For urban (curbed) highway cross sections, all borings shall extend beyond the back of curb plus: 30 feet from high-speed (greater than 40 mph) facilities; and three feet from low-speed (40 mph or less) facilities, plus any additional width to clear an existing sidewalk. The pits or trenches excavated to facilitate boring and pipeline installation shall be backfilled to a density approximating that of the adjacent soil immediately after operations have been completed.

1. **ENCASEMENT** - Encasement pipe can either be HDPE, PVC, or Welded Steel, and must be made of load bearing materials. Roadway crossing should be encased from right of way line to right of way line or as far as possible. Refer to TAC RULE §21.40.



1. **LONGITUDINAL ALIGNMENT** - Installations shall be placed uniformly along the right-of-way line on longitudinal sections "as dimensioned" and approved on the notice form and specified on the plans. State law allows only utility firms and agencies to install lines along highway right-of-way.

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This the last part of the permit approval.

**SME ATTACHMENTS:**

**Included attachments:**

General Provisions : [link](#)



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