



Exception to Policy for Utility Accommodation - External Users

A RULIS Job Aid

Roles Impacted

External Utility Consultants
Utility Owners

Last Revised

February 3, 2025

EXCEPTION TO POLICY



Introduction

A **Utility Owner** must apply for a permit with TxDOT when they need to install a new facility on TxDOT right of way, perform maintenance on a facility on TxDOT right of way, or perform an adjustment to a facility on TxDOT right of way required due to a transportation project. An **Exception to Policy** must be requested when a utility facility does not conform to TxDOT rules and regulations for utility accommodation.

If the permit is related to a TxDOT project, it is a **ROW Exception to Policy**. If the permit is not related to a TxDOT project, it is a **Maintenance Exception to Policy**. This job aid describes how to add an **Exception to Policy** to a permit application in RULIS.

Process Overview

Click on the topic below to go directly to that process.

- [Add an Exception to Policy When Creating a Permit Application](#)
- [Add an Exception to Policy After Permit Submittal](#)
- [Exception to Policy Documentation Examples](#)





Add an Exception to Policy When Creating a Permit Application

To request an **Exception to Policy** when creating a permit application, complete the applicable exception components of the application and upload the required documents. Refer to the job aid [Create a Utility Permit Application](#) for detailed information regarding creating a permit application.

1. When the permit is required due to a TxDOT Highway project, add the **TxDOTCONNECT Utility ID** in the following applicable fields:
 - a. When beginning a new **Permit Application**.

Begin a new Permit Application.

Utility Owner ?
[Dropdown menu]

Other Owner
[SELECT...]

Utility Owner submits the permit without any Consultant

Project Title
Communication (09/25/2024 10:27:39 pm)

Code: **Associated TxDOT Connect Utility ID (leave blank if not applicable)**
[Yellow highlighted field] Enter Utility ID here when applicable

Utility Company Project Code:
[Text input field]



b. When starting the **Application Summary**.

c. When completing the **General (Applicant Questionnaire)**.



2. Upload the required documents, utility letter, and plans with a profile view to the **Plans and Traffic Control (Applicant Questionnaire)**.

Plans and Traffic Control (Applicant Questionnaire)

PLANS SECTION
Note: All plans must demonstrate TAC compliance
(TAC link here)

- The location and identification (highway number) of TxDOT highways are clearly indicated on the plans.
- Plans are legible, drawn to scale, and accurately dimensioned.
- Latitude/longitude values are shown in decimal degrees and reference markers for roadways are clearly indicated
- Existing and proposed utility facilities are shown
- Existing and proposed utility facilities are clearly labeled with the size, type and material.
- Roadway stationing, and ROW lines are shown

Upload the plans

Plans

File Name	Mb	Progress	Status	Action
Utility Plan Set.pdf	0,05 MB	<div style="width: 100%;"></div>	✓	DELETE

TRAFFIC CONTROL SECTION

Are construction activities off the roadway? yes no

Will any lane closures or traffic modification be required? yes no

Upload specific TCP or Standard TCP Sheets

TCP

File Name	Mb	Progress	Status	Action
test TCP.pdf	0,03 MB	<div style="width: 100%;"></div>	✓	DELETE

Please view and check Traffic Standards here

Will any work or equipment be on the highway lanes or shoulders? yes no

Will there be any bore pits, excavation, or equipment that will require protection during construction? yes no

PREVIOUS

a. Utility letter requirements:

- The letter is on the utility company's letterhead.
- The letter is addressed to the district.
- Includes County and Highway.
- Includes TxDOT project information if applicable such as U#, UID#, RCSJ and/or CSJ, HWY with project limits.
- The nature of the exception is explained.
- The correct and complete TAC Rule is stated (if applicable), example below:
 - 21.37 (b) Location (4) New utility facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.
- The complete Utility Manual Chapter and Section is stated (if applicable), example below:
 - Chapter 11 Billing requirements, Section 4 Final billing.
- Description of how the utility will maintain the facility.
- TAC 21.35 (c) (1-4) is addressed and answers are provided for each (1-4).
- The utility letter has an authorized signature and includes their title.



b. Utility [plans](#) with [profile view](#) requirements:

- Existing/Proposed ROW lines are labeled.
- The location of the exception is identified (bubbled/highlighted).
- TxDOT stationing is shown.
- The distance from the ROW line to the longitudinal facility or structure is shown.
- The distance is stated from the edge of the pavement/curb to the longitudinal facility or structure.
- Minimum depth is stated.
- Vertical and horizontal clearance is stated.
- The angle degree of the crossing is stated.
- A profile view (if applicable) is included and includes existing and proposed ROW lines, minimum depth, and vertical and horizontal clearance. If one is not provided, include the explanation in the **Requested Exceptions (Applicant Questionnaire)** in the **Description and Justification** field.



3. Complete the **Requested Exceptions (Applicant Questionnaire)**.

- a. Select **Yes** under all applicable exception types (TAC and/or ROW Utility Manual).
- b. Select the **Section** and **Subsection** for TAC exceptions. Select the **Manual** and **Chapter** for manual exceptions.
- c. Click on the **+** button if multiple exceptions are being requested.
- d. Complete the **Description and Justification** field by describing the nature of the exception.

The screenshot shows a web form titled "Requested Exceptions (Applicant Questionnaire)". At the top, it states: "Exceptions to any provisions to utility accommodation shall be justified and recommended for approval by TxDOT." The form is divided into two main sections: "Exception to Texas Administrative Code (TAC)" and "Exception to ROW Utility Manual".

In the TAC section, there are two radio buttons: "None" and "Yes (Please add all applicable sections and subsections and provide description and motivation)". The "Yes" option is selected. Below this, there are dropdown menus for "Section:" (set to "21.37K") and "Subsection:" (set to "b"). A red callout box points to the "Section" dropdown with the text: "b. Select the Section and Subsection for TAC exceptions. Select the Manual and Chapter for manual exceptions." Another red callout box points to the "Yes" radio button with the text: "a. Select Yes under all applicable exception types (TAC and/or ROW Utility Manual)." Below the dropdowns is a red circle containing a blue plus sign (+), with a red callout box pointing to it that says: "c. Click here if there are multiple exceptions." Below the plus sign is a rich text editor for "Description and Justification" with a toolbar containing icons for undo, redo, bold, italic, text color, background color, bulleted list, numbered list, link, unlink, and help. A red callout box points to the text area with the text: "d. Describe the nature of the exception here." The ROW Utility Manual section at the bottom has two radio buttons: "None" (selected) and "Yes (Please add all applicable chapters and sections and provide description and motivation)". At the bottom of the form are "CANCEL" and "SAVE" buttons.

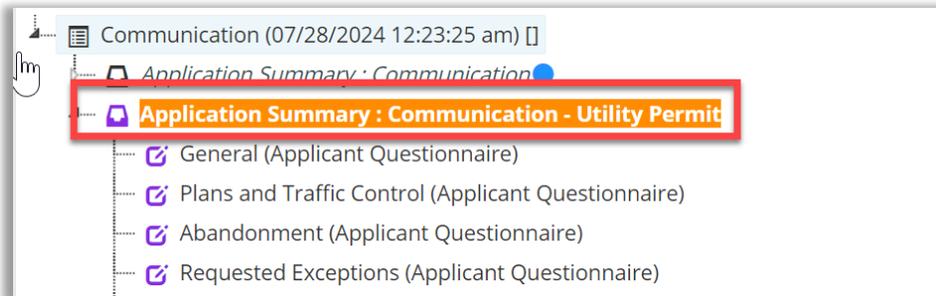
4. Continue submitting the application.



Add an Exception to Policy After Permit Application Submittal

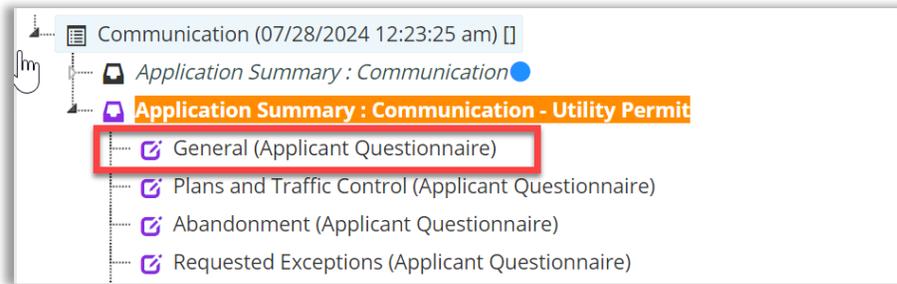
To add an **Exception to Policy** to an existing permit application, complete the applicable exception components of the application and upload the required documents. Refer to the job aid [How to respond to a request for additional information](#) for detailed information on the process of responding to a request for additional information.

1. When an **Exception to Policy** is requested during permit review edit the applicable node in the tree by double-clicking (or right click and **Edit**) on the node.
2. Add the **TxDOTCONNECT Utility ID** to the **Applicant Summary: (utility category) - Utility Permit** if applicable.





3. Add the **TxDOTCONNECT Utility ID** to the **General (Applicant Questionnaire)** if applicable.



General (Applicant Questionnaire)

Debug info

1. What type of installation is proposed? permanent temporary

2. Is this permit required because of a TxDOT Highway Project? yes no

2a. Please enter TxDOTConnect Utility ID Enter Utility ID here when applicable

2b. Is this permit associated with a TxDOT Reimbursable Utility Adjustment? yes no

Please enter Utility ID Enter Utility ID here when applicable

3. Does this utility facility directly or indirectly serve the public and is authorized by state law to operate, construct, and maintain its facilities over, under, across, on, or along highways? yes no

4. Will this facility be located on or in another Utility facility (Joint Occupancy Agreement)? yes no

5. Is the category of facility a: service distribution transmission gathering

6. Which of the following conditions apply to the facility? (check all that is applicable)

above ground

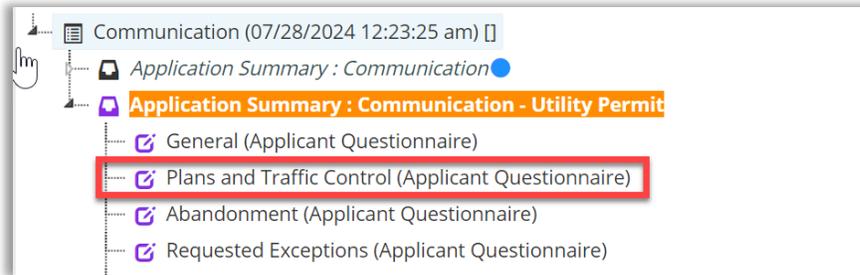
underground

crossing the highway

along/parallel the highway



4. Upload the required documents, utility letter, and plans with a profile view to the **Plans and Traffic Control (Applicant Questionnaire)**.



Plans and Traffic Control (Applicant Questionnaire)

PLANS SECTION
Note: All plans must demonstrate TAC compliance
(TAC link here)

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Upload the plans

Plans

No file chosen

File Name	Mb	Progress	Status	Action
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TRAFFIC CONTROL SECTION

Are construction activities off the roadway? yes no

Will any lane closures or traffic modification be required? yes no

Upload specific TCP or Standard TCP Sheets

TCP

No file chosen

File Name	Mb	Progress	Status	Action
test TCP.pdf	0,03 MB	<div style="width: 100%;"></div>	✓	<input type="button" value="DELETE"/>

Please view and check Traffic Standards here

Will any work or equipment be on the highway lanes or shoulders? yes no

Will there be any bore pits, excavation, or equipment that will require protection during construction? yes no

- a. Utility letter requirements:

- The letter is on the utility company's letterhead.
- The letter is addressed to the district.
- Includes County and Highway.
- Includes TxDOT project information if applicable such as U#, UID#, RCSJ and/or CSJ, HWY with project limits.
- The nature of the exception is explained.

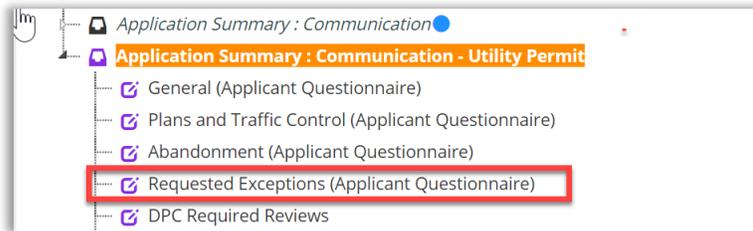


- The correct and complete TAC Rule is stated (if applicable), example below:
 - 21.37 (b) Location (4) New utility facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.
 - The complete Utility Manual Chapter and Section is stated (if applicable), example below:
 - Chapter 11 Billing requirements, Section 4 Final billing.
 - Description of how the utility will maintain the facility.
 - TAC 21.35 (c) (1-4) is addressed and answers are provided for each (1-4).
 - The utility letter has an authorized signature and includes their title.
- b. Utility [plans](#) with [profile view](#) requirements:
- Existing/Proposed ROW lines are labeled.
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 - The distance from the ROW line to the longitudinal facility or structure is shown.
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 - A profile view (if applicable) is included and includes existing and proposed ROW lines, minimum depth, and vertical and horizontal clearance. If one is not provided, include the explanation in the **Requested Exceptions (Applicant Questionnaire)** in the **Description and Justification** field.



5. Complete the **Requested Exceptions (Applicant Questionnaire)**.

- Select **“Yes”** under all applicable exception types (TAC and/or ROW Utilities Manual).
- Select the **Section** and **Subsection** for TAC exceptions. Select the **Manual** and **Chapter** for manual exceptions.
- Click on the **+** button if multiple exceptions are being requested.
- Complete the **Description and Justification** field by describing the nature of the exception.



Requested Exceptions (Applicant Questionnaire)
Exceptions to any provisions to utility accommodation shall be justified and recommended for approval by TxDOT.

Exception to Texas Administrative Code (TAC)
 None
 Yes (Please add all applicable sections and subsections and provide description and motivation)
[TAC \(link\)](#)

Section: 21.37K
Subsection: b

+

Description and Justification

File Edit View Insert Format Tools

d. Describe the nature of the exception here.

Exception to ROW Utility Manual
 None
 Yes (Please add all applicable chapters and sections and provide description and motivation)

CANCEL SAVE

6. Continue submitting the additional information request.



Exception to Policy Documentation Examples

Utility Letter:

Letterhead

March 15, 2024

Texas Department of Transportation – SAT District
 c/o Cynthia Saldana, P.E., Director of Maintenance
 4615 NW Loop 410
 San Antonio, TX 78229

Addressed to District

RE: Exception to UAR Policy Request
Highway: LP 1604 & O'Connor Rd
County: Bexar
Limits: From Pioneer Rd to FM 464
CCSJ: 2452-03-087 **CID#** 5020

Project info

Complete TAC is stated

Subject: [redacted]'s proposed relocation fiber optic and coaxial telecommunication facilities will not meet Utility Accommodation Rule §21.37 (b) Location (8) On highways with frontage roads, longitudinal utility facility installations may be located between the frontage road and the right of way line. Utility facilities may not be placed or allowed to remain in a center median, outer separation or beneath any pavement including shoulders.

Ms. Saldana:

[redacted] is requesting an exception and indemnification to policy §21.37 (b) Location (8) to allow the existing underground facilities to remain in place under existing pavement.

N LOOP 1604 CL STA 4689+75.77, 21 5.92' LT – 4" PE FIBER OPTIC CABLE
 The lines were installed in 2019 and are in good condition.

Utility is requesting exception

The evaluation results and overview [redacted] below for TxDOT's review and consideration. This request is being prepared and submitted in accordance with the provisions listed in the UAR §21.35 Exceptions.

TxDOT stationing

Evaluation to UAR §21.35 Exceptions.
 Per UAR §21.35 (a), we understand that exceptions to any rule contained in Subchapter C Utility Accommodation shall be justified and recommended for approval by the authorized district. In compliance with this rule, we offer the following justifications for your review and consideration.

TAC 21.35 (1-4) addressed with answers

§21.35 (c) For each request for exception the utility must clearly demonstrate that:

(1) the accommodation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway;

Justification: The existing [redacted] lines are located a minimum of 28" below the surface. TxDOT district requested a minimum of 24" in depth.

(2) the accommodation will not be constructed or serviced by direct access from the main lanes of a freeway or connecting ramps;

Justification: All construction will be kept behind the curb.

EXCEPTION TO POLICY



Utility Letter (Cont'd):

[Redacted]

(3) The accommodation will not interfere with or impair the present use or future expansion of the highway; and

Justification: Proposed Road improvements have been incorporated into the plan design and have determined that the [Redacted] lines will not interfere with the present use and future expansion of the highway.

(4) 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.

Justification: The consummation of time in search of an alternative location may result in delay due dates and construction dates of proposed road improvements.

The reason [Redacted] cannot meet the policy is due to the limited and congested ROW at this location. There is approximately 30' from EOP to ROW and currently occupied by two gas lines, [Redacted], and a 30" SAWS water line. With these utilities within this location there is high probability of construction issues; existing utilities will be impacted by boring or trenching to a greater depth and the 10' sidewalk being placed on top of existing with no cut and depth of cover will not be reduced. The 513 LF existing [Redacted] line will not require any accommodation, only the 10-12 LF where the proposed sidewalk will be. It should be noted that these lines and conduits are not environmentally sensitive materials and are known to be materials that meet the TXDOT standard for safety, reliability, and environmental concerns. The minimum depth of the crossing is 7' and will not impact the construction of the proposed U-Turn.

[Redacted] has investigated and would also like to leave their facilities underground for the following additional reasons:

- There is currently a back order on the additional cable that would need to be placed and spliced at multiple locations
- Would require service outage for [Redacted] customers
- Splicing crews are backlogged approximately 1.5 months for emergency purposes and other TXDOT projects

[Redacted] has reviewed all possible alternatives and hereby formally request TxDOT's concurrence to allow [Redacted]'s fiber and conduit to remain in place within the TxDOT proposed right of way. It is not economical to meet the TAC UAR policy §21.37 (b)(8) to relocate all existing underground facilities for this project. If line maintenance is required [Redacted] will repair pavements to existing 'as-is' condition and will notify TxDOT of any lane shutdowns required and [Redacted] TxDOT safety standards. Your prompt review and approval of this request is critical to Spectrum's construction schedule and funding requests. A denial will require [Redacted] to revise the funding request with our corporate office and will lengthen the proposed construction timeline by a minimum of 60 days.

Thank you,

Signature & title

Signed _____ Date 3/15/24

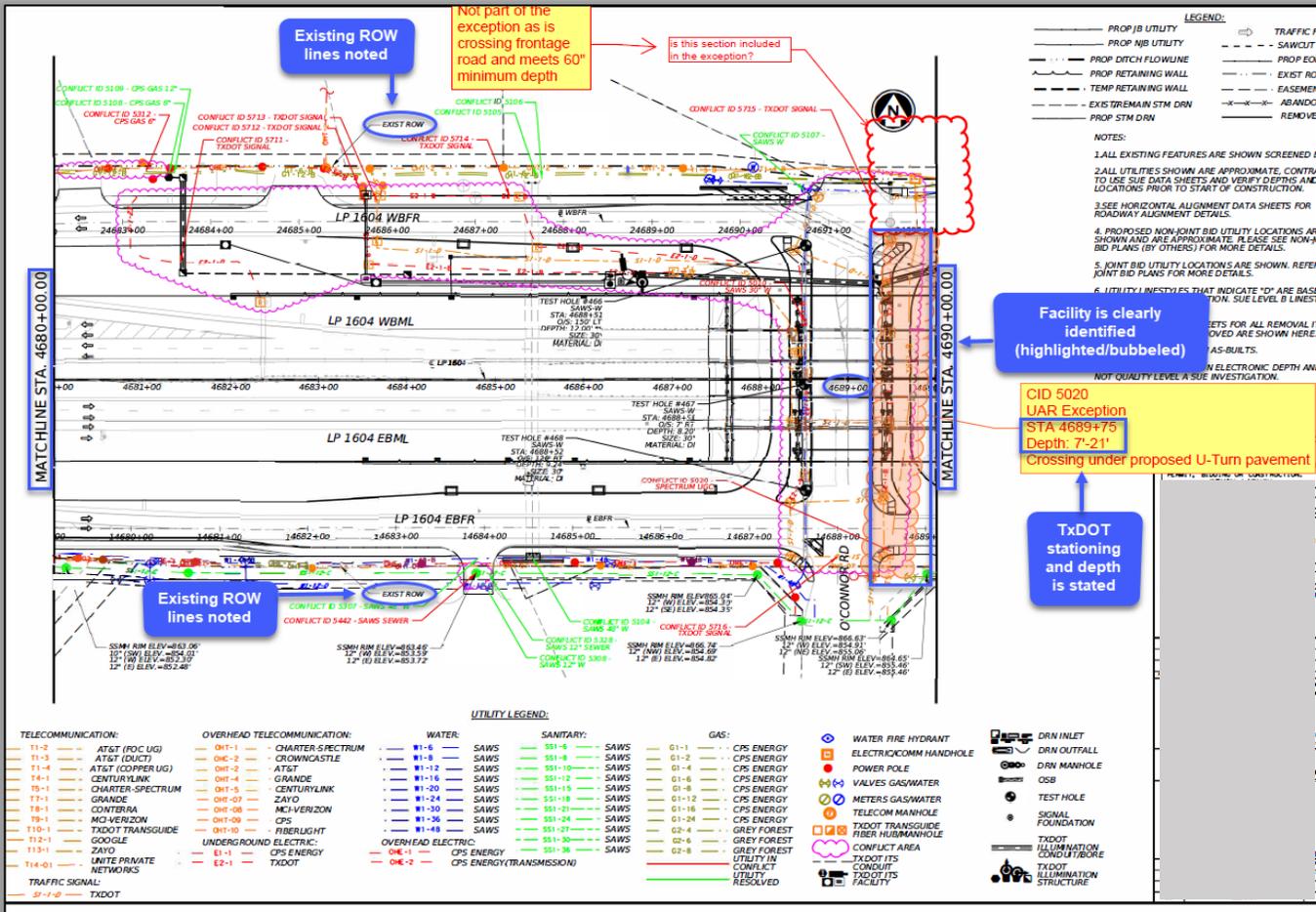
Construction Coordinator ✓

Nature of Exception

EXCEPTION TO POLICY



Plans:



- LEGEND:**
- PROP JB UTILITY
 - PROP NB UTILITY
 - PROP DITCH FLOWLINE
 - PROP RETAINING WALL
 - TEMP RETAINING WALL
 - EXIST DRAIN IN STM DRN
 - PROP STM DRN
 - TRAFFIC P
 - SAWCUT
 - PROP ED
 - EXIST RD
 - EASEMENT
 - ABANDON
 - REMOVE
- NOTES:**
1. ALL EXISTING FEATURES ARE SHOWN SCREENED IN LIGHT GRAY.
 2. ALL UTILITIES SHOWN ARE APPROXIMATE, CONTRAST TO THE SUE DATA SHEETS AND VERIFY DEPTHS AND LOCATIONS PRIOR TO START OF CONSTRUCTION.
 3. SEE HORIZONTAL ALIGNMENT DATA SHEETS FOR ROADWAY ALIGNMENT DETAILS.
 4. PROPOSED NON-JOINT BID UTILITY LOCATIONS ARE SHOWN AND ARE APPROXIMATE. PLEASE SEE NON-JOINT BID PLANS (BY OTHERS) FOR MORE DETAILS.
 5. JOINT BID UTILITY LOCATIONS ARE SHOWN. REFER TO JOINT BID PLANS FOR MORE DETAILS.
 6. UTILITY INVESTIGATES THAT INDICATE "D" ARE BASED ON SUE DATA SHEETS FOR ALL REMOVAL ITEMS. ITEMS NOT QUALITY LEVEL A SUE INVESTIGATION.

UTILITY LEGEND:

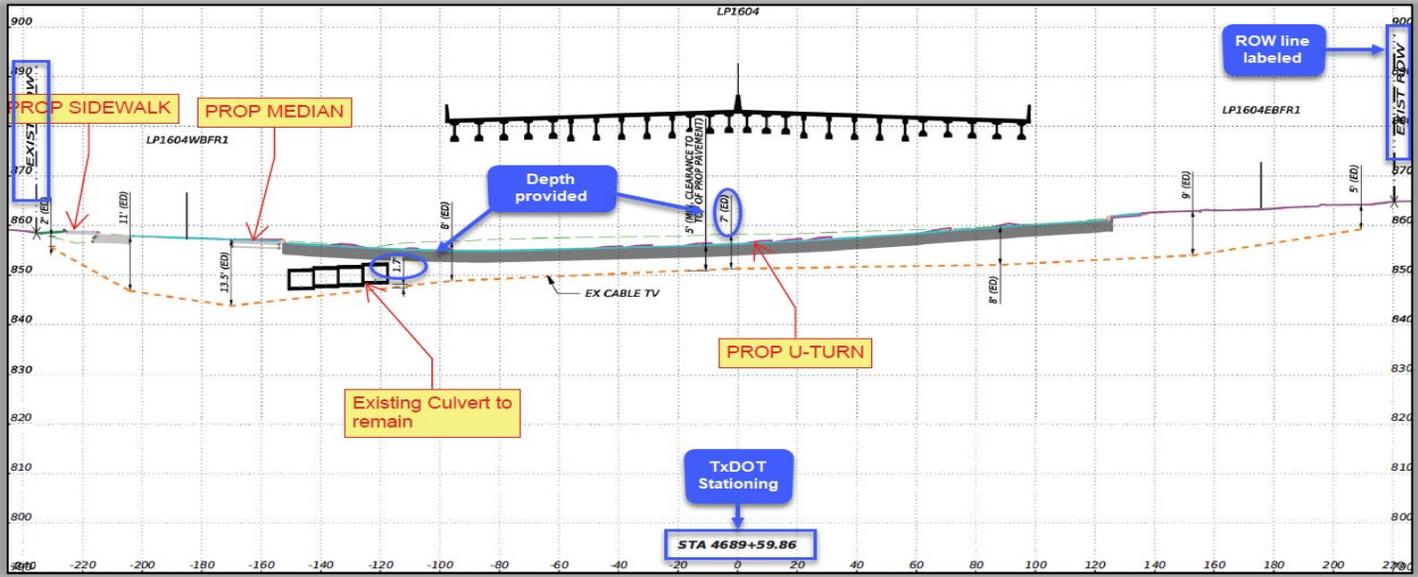
TELECOMMUNICATION:	OVERHEAD TELECOMMUNICATION:	WATER:	SANITARY:	GAS:
T11-2 AT&T (FOC UG)	OH1-1 CHARTER-SPECTRUM	W1-6 SAWS	S51-6 SAWS	G1-1 CPS ENERGY
T11-3 AT&T (DUCT)	OH1-2 CROWNCASTLE	W1-8 SAWS	S51-8 SAWS	G1-2 CPS ENERGY
T11-4 AT&T (COPPER UG)	OH1-3 AT&T	W1-12 SAWS	S51-10 SAWS	G1-4 CPS ENERGY
T4-1 CENTURYLINK	OH1-4 GRANDE	W1-16 SAWS	S51-12 SAWS	G1-6 CPS ENERGY
T5-1 CHARTER-SPECTRUM	OH1-5 CENTURYLINK	W1-20 SAWS	S51-15 SAWS	G1-8 CPS ENERGY
T7-1 GRANDE	OH1-7 ZAYO	W1-24 SAWS	S51-18 SAWS	G1-12 CPS ENERGY
T8-1 COMCAST	OH1-8 MCI-VIRIZON	W1-30 SAWS	S51-21 SAWS	G1-16 CPS ENERGY
T9-1 MCI-VIRIZON	OH1-9 CPS	W1-36 SAWS	S51-24 SAWS	G1-24 CPS ENERGY
T10-1 TXDOT TRANSGUIDE	OH1-10 FIBERLIGHT	W1-48 SAWS	S51-27 SAWS	G2-4 GREY FOREST
T12-1 GOOGLE	UNDERGROUND ELECTRIC:	UE1-1 CPS ENERGY	UE1-30 SAWS	G2-6 GREY FOREST
T13-1 ZAYO	E1-1 CPS ENERGY	UE1-2 CPS ENERGY	S51-36 SAWS	G2-8 GREY FOREST
T14-01 UNITE PRIVATE NETWORKS	E2-1 TXDOT	UE1-2 CPS ENERGY (TRANSMISSION)		

- WATER FIRE HYDRANT
- ELECTRIC COMM HANDHOLE
- POWER POLE
- VALVES GAS/WATER
- METERS GAS/WATER
- TELECOM MANHOLE
- TXDOT TRANSGUIDE FIBER HUB/MANHOLE
- CONFLICT AREA
- TXDOT ITS CONDUIT
- TXDOT ITS FACILITY
- DRN INLET
- DRN OUTFALL
- DRN MANHOLE
- OSB
- TEST HOLE
- SIGNAL FOUNDATION
- TXDOT ILLUMINATION CONDUIT/TORRE
- TXDOT ILLUMINATION STRUCTURE

EXCEPTION TO POLICY



Profile View:



EXCEPTION TO POLICY