

Notice of Public Hearing

LSA Document #07-494

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on February 13, 2008, at 1:00 p.m., at the Traffic Management Center, 8620 East 21st Street, Room C, Indianapolis, Indiana, the Indiana Department of Transportation (INDOT) will hold a public hearing on LSA Document #07-494, a proposed rule to add Article 13 to Title 105 of the Indiana Administrative Code.

The proposed rule implements the provisions of [IC 8-23-2-5\(a\)\(9\)](#) to establish a cost effective system to manage use of the public right-of-way of state highways. Specifically, the proposed rule establishes the type and quality of information that must be exchanged between the utilities, highway construction contractors, and INDOT. The rule establishes time schedules and a relocation approval process. The overall goal is to reduce uncertainty, risk, and costs for utilities, highway contractors, and INDOT.

INDOT estimates that the proposed rule could have a cost of up to \$1,395,956.25 per year for all regulated entities to comply with the proposed rule. This calculation is determined as follows: 747 utilities x \$50/per year for a utility to comply with the annual requirement of providing INDOT with the contact information of a designated representative = \$37,350; 747 utilities x \$1,818.75/per year for a utility to comply with the communications requirements of the rule = \$1,358,606.25 for a total cost of \$1,395,956.25 each year. The communications process required by the proposed rule merely formalizes activities that regulated entities are already performing; therefore, the \$1,358,606.25 cost to comply with the communications requirements likely will not be a new cost for utilities. INDOT also estimates that the proposed rule will result in an annual cost decrease of \$689,000 because the proposed rule will reduce construction delays. Therefore, INDOT estimates that the net annual impact, including the cost that most utilities are already incurring, will be \$706,956.26. The proposed rule is justified because it will allow INDOT to manage use of the right-of-way of the state highway system as required by [IC 8-23-2-5\(a\)\(9\)](#) and thereby reduce uncertainty, risks, and costs that result when INDOT, the utilities, and highway contractors do not get timely information from each other. The proposed rule is based on the work of the Utility Relocation Task Force, which was made up of representatives from utility companies, highway designers, highway contractors, INDOT, and the Federal Highway Administration. The Task Force presented its findings in a report dated July 1, 2004, titled "Accountability Communication Coordination and Cooperation, Report of the Utility Relocation Task Force". The proposed rule will make the utility relocation process more transparent, reliable, predictable, and enforceable.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N642 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Karl B. Browning
Commissioner
Indiana Department of Transportation

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