



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619/231-1466
FAX 619/234-3407

Policies and Procedures

No. 10

SUBJECT:

Board Approval: 2/12/04

UTILITY AGREEMENTS AND RELOCATION

PURPOSE:

To define and clarify matters relating to utility agreements and utility relocations.

BACKGROUND:

Relocations or adjustments and placement of public and privately owned utilities, for which MTS is legally obligated, may be made necessary by proposed construction of an MTS project. These utility placements and relocations may take place within MTS right-of-way or in other public agencies' rights-of-way.

POLICY:

Utility agreements will be negotiated with each major utility owner affected, or likely to be affected, by the MTS development program. These agreements shall establish the general basis for determining costs, salvage and betterment credits, liabilities, methods of payment, encroachments and easements, and procedures for effecting specific and discrete elements of work.

Design and construction relative to MTS-required utility relocations shall generally be performed by or under contract to the utility owner. However, where the utility agrees to have such work performed by an MTS contractor, the utility will have final responsibility for accepting that portion of the contractor's work.

For the purpose of this policy statement, the term "utility" shall include water systems, gas lines, electrical systems, and other public facilities, as well as those normally used to deliver or dispose of products utilized by the general public.

MTS shall exercise a reasonable discretion in action on applications of utilities for permits to occupy MTS's right-of-way. MTS may, however, refuse to grant any applications for any crossings which would be inconsistent with public safety or the continued unobstructed use of the right-of-way for freight or transit purposes.



With the necessary modifications for freight and/or transit purposes, MTS shall be guided by the California Streets and Highway Code, Section 680 and on case law, in carrying out this policy.

DDarro/JGarde
POLICY.10.UTILITY AGMTS & RELOCATION
7/11/06

Original Policy approved on 9/11/78.
Policy revised on 4/16/79.
Policy revised on 7/28/80.
Policy revised/renumbered on 2/12/04.