

**Exhibit 14-B Local Agency Utility Agreement Provisions for Federal Participation****LOCAL AGENCY UTILITY AGREEMENT PROVISIONS  
FOR FEDERAL PARTICIPATION**

The following provisions apply to Utility Agreements on federally participating utility relocations:

1. The federal project number identification (right of way or construction, whichever is appropriate) must be stamped or typed on each copy of the Utility Agreement.
2. The Utility Agreement must contain the following:
  - The basis for liability
  - A description of the work
  - The location of the work
  - A schedule for accomplishing the work
  - The method of performing the work
  - Provision for an acceptable method of developing relocation costs
  - The Utility Agreement must incorporate 23 CFR 645 by reference using one of the following:

“It is understood that said highway is a federal-aid highway and accordingly, 23 CFR 645 is hereby incorporated into this Agreement.”

Where the owner protests the inclusion of 23 CFR 645:

“It is understood that said highway is a federal-aid highway and accordingly, 23 CFR 645 is hereby incorporated into this Agreement with the understanding that provisions governing reimbursement procedures are applicable to the relationship between the local agency, the state, and the United States.”

“Incorporation of 23 CFR 645 is not required in agreements with federal agencies.”

Refer to Exhibit 14-G, “Utility Agreement Clauses,” of this chapter for more utility clauses. Chapter 13, “Utility Relocation,” Section 13.07.00.00 of the Caltrans *ROW Manual* may be used as a guide for the preparation of Utility Agreements.

3. Where the actual cost of the utility relocation exceeds by 25% the estimated cost included in the Utility Agreement, an amendment to the Utility Agreement must be prepared and executed.
4. The local agency must promptly submit a conformed copy of the fully executed Utility Agreement along with the “Request for FHWA Approval of Utility Agreement” (Exhibit 14-C in this chapter) to the DLAE for processing by the Caltrans District Utility Coordinator. No utility owner or consultant invoices will be processed until the Utility Agreement has been granted written FHWA Approval of Utility Agreement by Caltrans.

The following must be included with the transmittal:

- Two copies of the transmittal memorandum.
- One copy of the local agency's detailed itemized estimate of relocation cost. This is not needed if a satisfactory estimate was included with the local agency's request for Specific Authorization (Exhibit 14-C in this chapter) and there is no significant change.
- One set of "as built" plans, if complete, or a statement that there is no significant change anticipated from the relocation plan previously submitted in the Specific Authorization request package.