

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Rescission of Policy Guidance Letter No. 5, New Start Construction Projects-Responsibility for Alteration and Relocations of Utilities Through the Line of Protection--Flood Control Projects

1. Reference CECW-RN memorandum, dated 25 March 1988, Subject: Policy Guidance Letter No. 5, New Start Construction Projects-Responsibility for Alteration and Relocations of Utilities through the Line of Protection--Flood Control Projects.

2. Policy Guidance Letter No. 5 is hereby rescinded. The original intent of Policy Guidance Letter No. 5 pertaining to the relocation costs for utilities which pass under or through project structures was to ensure that the relocated utility would not cause adverse impacts to the Federal flood control project. Further review of the policy in reference 1 has indicated that this original intent should best be achieved by design and construction management practices.

3. Henceforth, the policy for cost sharing the relocation of utilities in flood control projects is that all costs relocated to such undertakings are to be a non-Federal responsibility, undertaken as part of LERRD's. In order to implement this guidance you should modify any flood control LCA which you are proposing to develop for both authorized, as well as, Continuing Authority flood control projects, by deleting the following items from the model LCA:

a. In Article II d., after the word "utilities" delete: "(other than those portions which pass under or through the project's structure)",

b. In Article II d., delete the last sentence which begins: "Aerial facilities, supported by poles....".

c. In Article II c., after the word "utilities", delete: "(other than those which pass under or through the project's structure)".

d. In Article IV b., after the word "utilities", delete: "(other than those portions which pass under or through the project's structure)".

4. We remain committed to the construction of first quality project structures. In those cases where the Corps is not performing relocations under contract for a local sponsor, we will look to the Districts to ensure that sponsors follow proper design and construction practices so that relocations of utilities performed by local interests will not adversely impact the Federal project.

5. If you have any questions or comments on the above guidance, the point of contact on this matter is Doug Lamont, CECW-RN, 202-272-0464.

FOR THE COMMANDER:

PATRICK J. KELLY
Brigadier General, USA
Director of Civil Works