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TxDOT Policy on Transmission Lines in Highway Right of Way

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Texas Department of Transportation – Right of Way Division

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43 Texas Administrative Code (TAC) Ch. 21 SubCh. C

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PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
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43 TAC Ch. 21 SubCh. C 21.36 Right of Utilities

Title 43	TRANSPORTATION
Part 1	TEXAS DEPARTMENT OF TRANSPORTATION
Chapter 21	RIGHT OF WAY
Subchapter C	UTILITY ACCOMMODATION
Rule §21.36	Rights of Utilities
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(a) Under state law, public utilities have a right to operate, construct, and maintain their facilities over, under, across, on, or along highways, subject to highway purposes. This includes entities authorized by law to transport or distribute natural gas, water, electric power, telephone, or cable television and those common carriers authorized to construct and operate petroleum product and saltwater pipelines.

(b) A private utility may place a utility facility over, under, or across a highway, subject to highway purposes, but it is not permitted to place a utility facility longitudinally on a highway right of way.

(c) A saltwater pipeline operator may place a saltwater pipeline facility over, under, or across a highway, subject to highway purposes. A saltwater pipeline operator may, by lease only, be permitted to place a saltwater pipeline facility longitudinally within a highway right of way.

(d) If an entity requests the installation of a new utility facility or the adjustment or relocation of an existing utility facility longitudinally within a highway right of way and the entity's legal authority to install, adjust, or relocate its facility longitudinally within the highway right of way is not readily evident, the department may require that the entity provide:

(1) a written certification that it is an entity authorized by state law to operate, construct, and maintain its utility facilities over, under, across, on, or along state highways; and

(2) documentation that substantiates that the entity filed its status with the applicable state regulatory commission or agency and its facilities are subject to public safety regulation.

Overhead Electric

Title 43	TRANSPORTATION
Part 1	TEXAS DEPARTMENT OF TRANSPORTATION
Chapter 21	RIGHT OF WAY
Subchapter C	UTILITY ACCOMMODATION
Rule 521.41	Overhead Electric and Communication Lines
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- (a) Type of construction. Longitudinal lines on the right of way shall be limited to single pole construction on each side of the right of way, unless otherwise authorized by the district. Where an existing or proposed utility facility is supported by "H" frames, the same type structures may be utilized for the crossing provided all other requirements of this subchapter are met.
- (b) Vertical clearance. The minimum vertical clearance above the highway at the largest vertical sag of the line is 22 feet for electric lines, and 18 feet for communication and cable television lines. The minimum vertical clearance for longitudinal lines on the right of way at the largest vertical sag of the line is 22 feet for electric lines, and 18 feet for communication lines. These clearances may be greater, as required by the National Electric Safety Code and governing laws.
- (c) Horizontal clearances. Horizontal clearances or clear zones must conform to the department's publication, Roadway Design Manual. Clear zone requirements may vary based on speed limit, functional classification of the highway, location of the highway, and average daily traffic.
- (d) Location.
- (1) Poles supporting longitudinal lines shall be located within three feet of the right of way line, except that, at the option of the department, this distance may be varied at short breaks in the right of way line. Pole and guy wire installations may not encroach on current American Disabilities Act (ADA) clearances. Poles with widths measured at the widest part of the pole base that are greater than 36 inches in diameter may not be placed within the department's right of way. For overhead crossings at intersections, bridges, or large drainage structures that require greater vertical clearances or longer spans, the pole width measured at the widest part of the pole base may not be greater than 42 inches. Guy wires placed within the right of way shall be held to a minimum and be in line with the pole line. Other locations may be allowed, but in no case shall the guy wires or poles be located closer than the minimum allowed by the department's horizontal clearance policy, as shown in subsection (c) of this section.
- (2) Poles may not be placed in the center median of any highway. At the department's discretion, poles may be placed in the outer separations or more than three feet inside the right of way where the right of way is greater than 300 feet and where poles can be located in accordance with the department's horizontal clearance policy, as shown in subsection (c) of this section.
- (3) Overhead electric and communication line crossings at bridges or grade separation structures are prohibited. Overhead lines may not be located below any bridge structure. If rerouting the line completely around the structure and approaches is not feasible, a minimum horizontal distance of 150 feet from the bridge abutment joint and a minimum vertical clearance of 30 feet above crossing the highest point of the bridge pavement and retaining walls is required to ensure adequate safety for construction and maintenance operations.
- (4) Overhead electric lines crossing a highway must conform with 521.37(b)(4) of this subchapter (related to Design). This requirement applies only to new utility facility crossings.
- (5) Overhead electric and communication lines running longitudinal to the bridge or grade separation structures must maintain a clearance of 30 feet above the highest point of the bridge pavement or any retaining wall unless there is adequate horizontal clearance, as determined by the district, between the bridge or grade separation structure and the overhead electric or communication lines.
- (6) When installing overhead electric and communications lines at intersections, a utility shall follow the right of way offset, if applicable, as shown in Figure 521.41(d)(6). Overhead electric or communication lines must have a minimum of 10 feet clearance from any department structure.
- [Attached Graphic](#)
- (7) Only one set of pole lines for all utilities will be permitted for longitudinal installation on each side of the right of way, unless the district, in its sole discretion, determines that one set of pole lines is impractical. Joint use of the pole lines is required, unless the district, in its sole discretion, determines that joint use of the pole lines is unsafe or impractical.
- (e) Markers. Electric poles and communication lines must bear, in a format acceptable to the department, readily identifiable plaques or other approved markers denoting ownership and use, at a frequency of every other pole, as equally spaced as practicable, and at every crossing. Each company connecting to a pole shall appropriately identify its use of the pole. There shall be a beginning and end marker for each user of the pole line.

Underground Electric

[TAC RULE](#) [HISTORICAL](#) [TEXAS REGISTER](#) [VIEW PDF](#)

Title 43 TRANSPORTATION
Part 1 TEXAS DEPARTMENT OF TRANSPORTATION
Chapter 21 RIGHT OF WAY
Subchapter C UTILITY ACCOMMODATION
Rule 521.40 Underground Utilities
Previous Rule [View Rule](#)
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(f) Electric lines Lines.

(1) Depth of cover for longitudinal placement. All underground electric lines placed longitudinally within the right of way may be installed by direct bury at depths equal to or greater than 48 inches.

(2) Depth of cover for crossings. The minimum depth of cover for underground electric lines is 60 inches below the lowest point of the crossed grade.

(3) Encasement. Electric lines crossing the roadway shall be encased in high-density polyethylene(HDPE) or comparable material with a strength greater than or equal to ductile iron, with satisfactory joints, or materials and designs that provide equal or better protection of the integrity of the highway system and resistance to damage from corrosive elements to which they may be exposed. The lines shall be buried a minimum of 60. Encasement shall be provided as outlined in this section.

(4) Installation. The utility facility shall be located as set forth in §21.37(b) of this subchapter (relating to Design).

(5) Aboveground appurtenances.

(A) Aboveground appurtenances installed as part of an underground electric line shall be located at or near the right of way line, and may not impede highway maintenance or operations.

(B) Structures that are larger in plan view than single poles may be placed on the right of way if:

(i) the installation does not hinder highway maintenance operations;

(ii) the housing is placed at or near the right of way line;

(iii) the installation does not reduce visibility and sight distance of the traveling public;

(iv) the dimensions of the housing are minimized, particularly where the need to allow space for highway improvement or accommodation of other utility lines is apparent;

(v) the outside width, length (longitudinal with respect to the right of way), and height dimensions of the aboveground portion of the housing do not exceed 36 inches, 60 inches, and 54 inches, respectively;

(vi) the supporting slab does not project more than three inches above the ground line, nor extend more than 12 inches on either side of the housing structure; and

(vii) the installation is compatible with adjacent land uses.

(6) Manholes. Manholes serving electric lines shall conform to the requirements of this section.

Underground Electric – Manholes

TAC RULE HISTORICAL TEXAS REGISTER VIEW PDF**Title 43** TRANSPORTATION**Part 1** TEXAS DEPARTMENT OF TRANSPORTATION**Chapter 21** RIGHT OF WAY**Subchapter C** UTILITY ACCOMMODATION**Rule 521.40** Underground Utilities**Previous Rule** [View Rule](#)**Next Rule** [View Rule](#)**Chapter Review Date** 04/25/2024

(3) Manholes.

(A) Manholes may not be installed unless necessary for installation and maintenance of underground lines. In no case shall a manhole be placed or permitted to remain in the pavement or shoulder of a highway. However, on noncontrolled access highways in urban areas, the district may, in its discretion, allow existing lines to remain in place under existing or proposed highways. In these cases, manholes may remain in place or be installed under traffic lanes of low volume highways in municipalities only if measures are taken to minimize the installations and to avoid locating them at intersections or in wheel paths.

(B) To conserve space, a manhole's dimensions must be the minimum acceptable by appropriate engineering and safety standards. The only equipment that may be installed in manholes located on the right of way is equipment that is essential to the normal flow of the utility facility, such as circuit reclosers, cable splices, relays, valves, and regulators. Other equipment, such as substation equipment, large transformers, and pumps, shall be located outside the right of way.

(C) Inline manholes are the only type permitted within the right of way. The width dimensions may not be larger than necessary to hold equipment involved and to meet safety standards for maintenance personnel. Outside width, the dimension of the manhole perpendicular to the highway, may not exceed ten feet, with the length to be held to a reasonable minimum. The outside diameter of the manhole chimney at the ground level may not exceed 36 inches, except that if the utility demonstrates necessity, the district may, at its discretion, allow an outside diameter of up to 52 inches. The top of the roof of the manhole must be five feet or more below ground level.

(D) All manhole covers shall be installed flush with the ground or pavement structure. In order to minimize vandalism, manhole covers must weigh at least 175 pounds. Manhole rings and covers must be designed for HS-20 loading.

(E) Manholes shall be straight, inline installations with a minimum overall width necessary to operate and maintain the enclosed equipment. The utility is responsible for any adjustment of the manhole rim that may be needed to meet grade changes.

Exception to Policy – Examples (CRP District)



Form ROW-U-CFUA
(Rev. 10/20)
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CERTIFICATION FOR UTILITY ACCOMMODATION

Utility ID: U00016925 Exception To: Utility Accommodation Rule

U No.: N/A Permit No.: N/A

Utility Name: American Electric Power - Transmission Utility Accommodation Limits: STA 84+50 to STA 120+50

District: **Corpus Christi - CRP - 16** County: San Patricio

ROW CSJ: 0180-06-125 Construction CSJ: 0180-06-118

Federal Proj. No.: Highway: SH 361 and SH 35

Exception: Section: 21.37 Subsection: b Chapter: Section:

Nature of Exception:
American Electric Power (AEP) is formally requesting an exception to policy request, 43TAC, Chapter 21, Section 21.37 Rule 21.37(b) location (4) New utility facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway; (7) A utility facility on controlled access highways or freeways shall be located to permit maintenance of the facility by access from frontage roads, nearby or adjacent roads and streets, or trails along or near the right of way line without access from the mainlanes or ramps. A utility facility may not be located longitudinally in the center median or outer separation of controlled access highways or freeways. Scope of work includes the installation of (8) galvanized steel monopoles. AEP is proposing to rebuild the transmission line on the existing centerline. An exception will be required for (2) non-perpendicular road crossings.

Exception: Section: 21.41 Subsection: d Chapter: Section:

Nature of Exception:
American Electric Power (AEP) is formally requesting an exception to policy request, TAC Rule 21.41 (d) Location (1) Pole Diameter. Poles with widths measured at the widest part of the pole base that are greater than 36 inches in diameter may not be placed within the department's right of way. For overhead crossings at intersections, bridges, or large drainage structures that require greater vertical clearances or longer spans, the pole width measured at the widest part of the pole base may not be greater than 42 inches. Scope of work includes installation of (7) galvanized steel monopoles on a drilled pier or direct embedded and (1) galvanized steel monopole on drilled pier foundation within TxDOT ROW. It is estimated a maximum base diameter of 66 inches is being proposed for tangent structures and 96 inches for the drilled pier foundation. Exact pole/ foundation diameters will be determined by the pole vendor.

Pursuant to authorities vested in 43TAC, Chapter 21, Section 21.35, the undersigned hereby certifies the following:

The proposed utility accommodation accompanying this certification has been found to not fully comply with provisions of the Utility Accommodation Rules as codified and judicially noticed.

After investigation and analysis of all pertinent information, it is determined the proposed accommodation is compatible with, and does not jeopardize, the public's safety, convenience, or investment in the highway facility and/or offers no impediment to the design, construction, operation or maintenance of the highway facility.



Form ROW-U-CFUA
(Rev. 10/20)
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CERTIFICATION FOR UTILITY ACCOMMODATION

Certified and Recommended for Approval by:

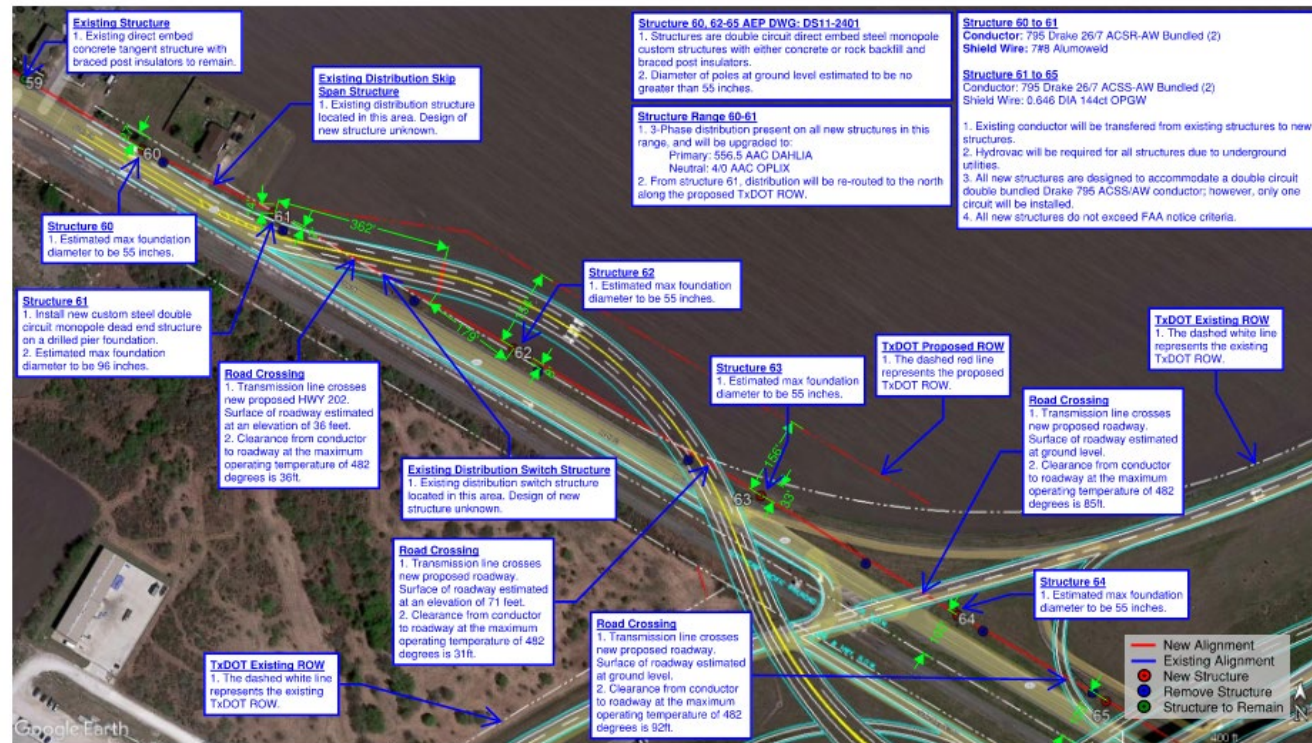
Valente Olivarez 6/12/2024
District Engineer Date

Authorized by:

Rylee Madson 6/21/2024
Director, Right of Way Division Date

Exception to Policy – Examples (CRP District) – Cont.

STRUCTURE 59 TO 65



Exception to Policy – Examples (BMT District) – Cont.



Form ROW-UCFUA
(Rev. 10/20)
Page 1 of 2

CERTIFICATION FOR UTILITY ACCOMMODATION

Utility ID: U0007202 Exception To: Utility Accommodation Rule
 U No.: N/A Permit No.: TBD
 Utility Name: Entergy Texas, Inc. (Transmission) Utility Accommodation Limits: See STA in exceptions below
 District: **Beaumont - BMT - 20** County: Jefferson
 ROW CSJ: 0028-13-138 Construction CSJ: 0028-13-135
 Federal Proj. No.: NH 2B30 (332) Highway: IH 10 (Eastex)

Exception: Section: 21.37 Subsection: b Chapter: Section:

Nature of Exception:

(4) New utility facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.

Entergy Transmission Structures #17 & #18 at TxDOT STA FRWB STA 2222+97 to STA 2228+59; SBML 624+25 and Entergy Transmission structures #21 & #22 at SBML STA 624

Exception: Section: 21.37 Subsection: b Chapter: Section:

Nature of Exception:

(7) A utility facility on controlled access highways or freeways shall be located to permit maintenance of the facility by access from frontage roads, nearby or adjacent roads and streets, or trails along or near the right of way line without access from the mainlanes or ramps. A utility facility may not be located longitudinally in the center median or outer separation of controlled access highways or freeways.

Entergy Transmission Structures #17, #18, #19, #21 & #22 at STA FRWB STA 2222+97 to STA 2228+59, SBML 624+25 & STA 2228 to STA 2242

Exception: Section: 21.37 Subsection: b Chapter: Section:

Nature of Exception:

(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 the center median, outer separation, or beneath any pavement, including shoulders.

Entergy Transmission Structures #18, #19, #20 & #21 at FRWB STA 2222+97 to STA 2228+59, SBML 624+25 & STA 2228 to STA 2242

Exception: Section: 21.41 Subsection: d Chapter: Section:



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CERTIFICATION FOR UTILITY ACCOMMODATION

Nature of Exception:

(1) Poles supporting longitudinal lines shall be located within three feet of the right of way line, except that, at the option of the department, this distance may be varied at short breaks in the right of way line. Pole and guy wire installations may not encroach on current American Disabilities Act (ADA) clearances. Poles with widths measured at the widest part of the pole base that are greater than 36 inches in diameter may not be placed within the department's right of way. For overhead crossings at intersections, bridges, or large drainage structures that require greater vertical clearances or longer spans, the pole width measured at the widest part of the pole base may not be greater than 42 inches. Guy wires placed within the right of way shall be held to a minimum and be in line with the pole line. Other locations may be allowed, but in no case shall the guy wires or poles be located closer than the minimum allowed by the department's horizontal clearance policy, as shown in subsection (c) of this section.

Entergy Transmission Structures #13 STA 3214+10 FRWB; #14 STA 3217+10 FRWB; #15 STA 2215+05 FRWB; #16 STA 2219+85 FRWB; #17 STA 2222+95 FRWB; #18 STA 2228+55 FRWB; #19 STA 2232+40 FRWB; #20 STA 2238+65 FRWB; #21 STA 2241+85 FRWB; #22 STA 19+60 FRWB-Eastex; and #23 STA 13+44 FRWB-Eastex

Exception: Section: 21.41 Subsection: d Chapter: Section:

Nature of Exception:

(3) Overhead electric and communication line crossings at bridges or grade separation structures are prohibited. Overhead lines may not be located below any bridge structure. If rerouting the line completely around the structure and approaches is not feasible, a minimum horizontal distance of 150 feet from the bridge abutment joint and a minimum vertical clearance of 30 feet above crossing the highest point of the bridge pavement and retaining walls is required to ensure adequate safety for construction and maintenance operations.

Entergy Transmission Structures #18 STA 2228+55 FRWB; #19 STA 2232+40 FRWB; #20 STA 2238+65 FRWB; #21 STA 2241+85 FRWB; and #22 STA 19+60 FRWB-Eastex.

Pursuant to authorities vested in 43TAC, Chapter 21, Section 21.35, the undersigned hereby certifies the following:

The proposed utility accommodation accompanying this certification has been found to not fully comply with provisions of the Utility Accommodation Rules as codified and judicially noticed.

After investigation and analysis of all pertinent information, it is determined the proposed accommodation is compatible with, and does not jeopardize, the public's safety, convenience, or investment in the highway facility and/or offers no impediment to the design, construction, operation or maintenance of the highway facility.

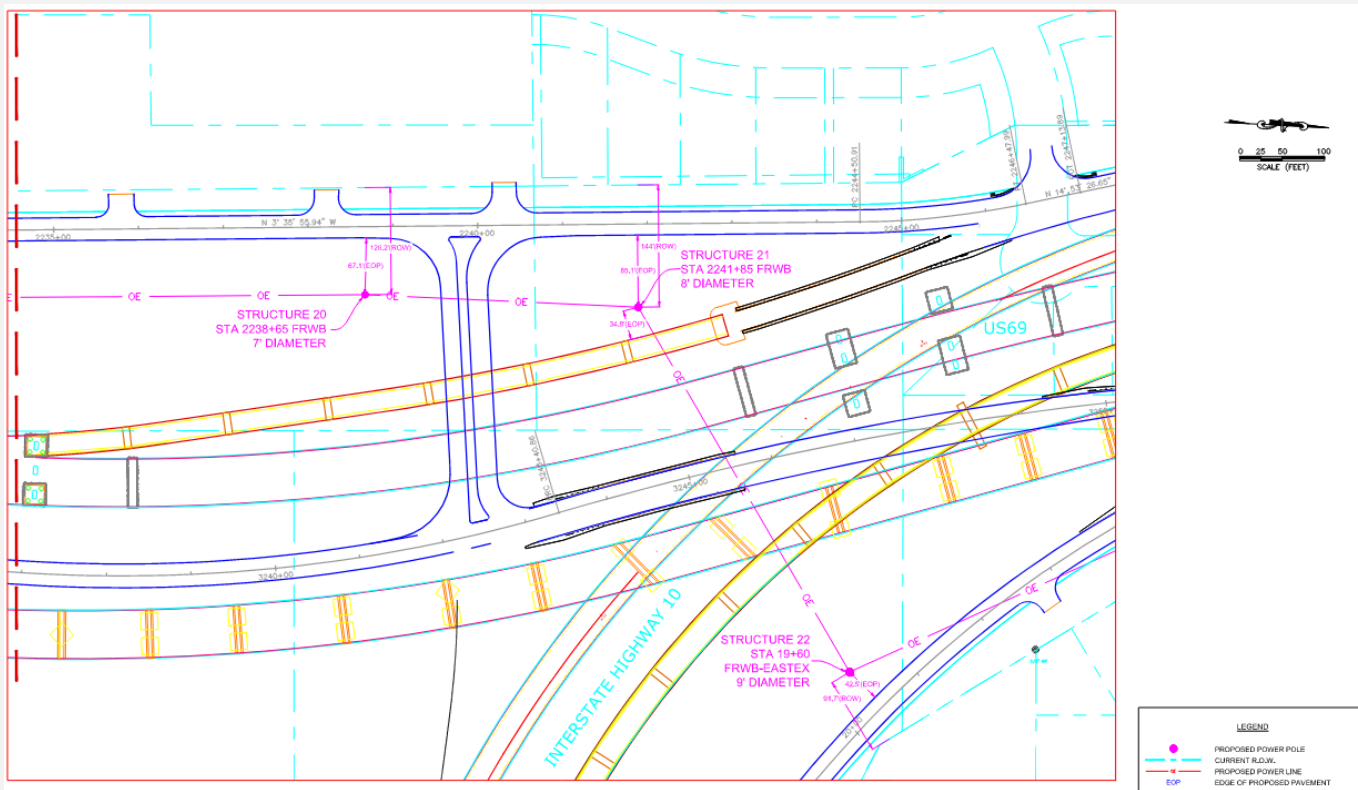
Certified and Recommended for Approval by:


2/2/2024
 District Engineer STBCD74689D4FE Date
 Beaumont District

Authorized by:


2/9/2024
 Director, Right of Way Division Date

Exception to Policy – Examples (BMT District)



Exception to Policy – Examples (BMT District)

