within 1 year of the effective date of this regulation.

(b) Upon determination by the FHWA that a State transportation department’s policies satisfy the provisions of 23 U.S.C. 109, 111, and 116, and 23 CFR 1.23 and 1.27, and meet the requirements of this regulation, the FHWA will approve their use on Federal-aid highway projects in that State.

(c) Any changes, additions or deletions the State transportation department proposes to the approved policies are subject to FHWA approval.

(d) When a utility files a notice or makes an individual application or request to a STD to use or occupy the right-of-way of a Federal-aid highway project, the STD is not required to submit the matter to the FHWA for prior concurrence, except when the proposed installation is not in accordance with this regulation or with the STD’s utility accommodation policy approved by the FHWA for use on Federal-aid highway projects.

(e) The State transportation department’s practices under the policies or agreements approved under §645.215(b) of this part shall be periodically reviewed by the FHWA.

(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2125-0514)

§ 646.103 Application.

(a) This part applies:

1. To a contractor’s legal liability for bodily injury to, or death of, persons and for injury to, or destruction of, property.

2. To the liability which may attach to railroads for bodily injury to, or death of, persons and for injury to, or destruction of, property.

3. To damage to property owned by or in the care, custody or control of the railroads, both as such liability or damage may arise out of the contractor’s operations, or may result from work performed by railroads at or about railroad rights-of-way in connection with projects financed in whole or in part with Federal funds.

(b) Where the highway construction is under the direct supervision of the Federal Highway Administration (FHWA), all references herein to the State shall be considered as references to the FHWA.