



## Minnesota Department of Transportation Office of Electronic Communications

### **Process for Approving Excess ARMER Capacity Use Requests** **February 15, 2008**

Step 1: The requesting entity submits a written request to the Department of Transportation, Office of Electronic Communication (OEC). The request shall include the following information:

1. For towers/shelters and ground space around towers: Entity's shall submit a User Request Form ([URF](#)). A URF can be obtained from the OEC website ([www.dot.state.mn.us/oec/](http://www.dot.state.mn.us/oec/)) or by contacting the OEC office.
2. All other requests will be submitted in writing to OEC and include the following:
  - 2.1 Requesting entity's name and contact information,
  - 2.2. A specific description of the resources being requested; point-to-point microwave capacity, fiber capacity, trunked radio channels, or combination thereof.
  - 2.3. A specific description of the requesting entities intended use of the resource, including details of the system or network the excess capacity will support.
  - 2.4. How long the excess capacity will be needed to support the requesting entity's intended use.
  - 2.5. Acknowledgment of the requirements of this standard.

Step 2: Upon receiving a request for use of excess capacity, the OEC will take the following actions:

1. Confirm receipt of the excess capacity request and begin processing the request within 30 days.
2. Meet with the requesting entity as necessary to clarify the request and/or issue requests for clarification and additional information.
3. Determine if the request conforms to this standard.
4. Determine whether there is any excess capacity in the ARMER system that might be available to address the requesting entity's needs.
5. Evaluate the future need for capacity by ARMER system users and estimate if or when the excess capacity might be needed.
6. If space is not available, or if the request does not conform to this standard, Mn/DOT will inform the requesting entity in writing that their request is denied.

Step 3: If excess capacity is available and the request conforms to this standard, OEC may require the requesting entity to perform various engineering studies to verify that the request will not interfere with or exceed the capacity of any ARMER system component. The requesting agency is responsible for the cost of any requested studies. Such studies may include:

- Intermodulation study

For applicants requesting tower space, the applicant will submit a list of all frequencies to be used at the site or sites along with the URF noted in Step 1. OEC will conduct the intermodulation study to consider the potential for interference between existing and planned frequencies for the site against the frequencies proposed to be used at the site by the requesting entity.

- Load study

Towers: If required, the requesting entity must submit a structural analysis of the Mn/DOT tower. The analysis must be completed and certified by a licensed engineering firm qualified to do structural analysis in the state of Minnesota. This report must be in a format that is easily read and interpreted by engineering staff.

Microwave/Trunked Channels/Fiber: The requesting entity must submit a written explanation of its anticipated loading. OEC will meet with the requesting entity to define the anticipated loading, and may request additional information to be provided to support the request.

- Other engineering studies deemed necessary by OEC to properly evaluate the request for use of excess capacity.

While any such requested study or information is pending, the request shall be placed on hold and if the requested information is not provided within 90 days of the request for additional information the request shall be deemed withdrawn. If the studies do not support the requested use, Mn/DOT will inform the requesting entity in writing that the request is denied.

Step 6: Mn/DOT shall approve the requested use of excess capacity if:

1. Excess capacity exists (as supported by the requested studies) to address the requested use.
2. Mn/DOT determines that the requested use of excess capacity will not interfere with any present or anticipated primary use, and

Mn/DOT will deny any requested use of excess capacity that clearly interferes with any primary use or where there is no excess capacity available to address the request.

Step 7: First Priority User: If the requesting entity is a First Priority user, Mn/DOT will commence a contract in the form of a cooperative agreement.

Second Priority User: If the requesting entity is a Second Priority user requesting tower excess capacity, then the process will continue with Step 8.

Step 8: Second Priority User: When Mn/DOT is satisfied that all the conditions have been satisfied and the request can be approved, Mn/DOT will draft the License Agreement and send them to the requesting entity for review. License Agreement terms will include:

1. License term for up to a five year period, with the option to renew for three (3) additional five year periods.
2. Fees will be charged as published annually. Once an agreement has been signed then the rate in effect at that time will remain for the entire License Term.

If services or capacity not covered by the published fee occur, Mn/DOT may charge a one-time fee to cover expenses. The fee charged may not exceed the cost of providing the service or capacity.

Step 9: The requesting entity may, within limits, negotiate certain terms of the agreement with Mn/DOT and the state leasing authority. If acceptable to the state, revisions will be made to the License Agreement. If the requesting entity does not respond to a request for processing a License Agreement within 90 days of the request, the entity's request for use of excess capacity shall be considered withdrawn.

Step 10: When the terms of the License Agreement are completed, Mn/DOT will execute the documents as prescribed by policy/law.