



# Mn/DOT POLICY POSITION STATEMENT

**Date:** November 20, 2006

**Reference:** Highway Nos. 6.6  
Accommodation of Wireline on  
Freeway Right of Way


## **Position Statement:**

Minnesota and federal laws permit the accommodation of utility facilities on highway right of way, including all federal-aid highways. Minnesota law also authorizes Mn/DOT to develop reasonable rules pertaining to placing and maintaining such facilities. Mn/DOT's policy is that wireline facilities may be accommodated within freeway right of way when such use and occupancy does not adversely affect traffic safety, roadway operations, roadside vegetation function or visual quality and does not conflict with federal or state laws, rules, regulations or this policy.

This Policy applies to longitudinal installation of wireline facilities used for the transmission of voice, data, and/or video communications. The transverse installation of telecommunication facilities and other utilities that cross over or under Mn/DOT's freeway right of way shall continue to be regulated in accordance with the Mn/DOT's Utility Accommodation Policy Highways No. 6.4 / Mn/DOT Policy Guideline – Highways No. 6.4.G-1.

## **Background:**

This Policy Position Statement and the Guidelines and Procedures that follow were developed in accordance with: Minnesota Statutes, Section 161.20, 161.45, 161.46, 161.433, 222.37, subd 2, and 216D; Minnesota Rules, Parts 8810.3100 through 8810.3600 and 7560; Code of Federal Regulations, Title 23, Part 645, Subpart B; American Association of State Highway and Transportation Officials (AASHTO) publications entitled: A Guide for Accommodating Utilities Within Highway Right of Way and A Policy on the Accommodation of Utilities Within Freeway Right of Way.

  
Douglas H. Differt, Deputy Commissioner  
and Chief Engineer

**Any questions regarding this position statement should be directed to:**  
Utilities Engineer, Minnesota Department of Transportation, Office of Technical Support,  
Pre-Letting Section, Utility Agreements and Permits Unit, (651) 296-7018.

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# Mn/DOT POLICY GUIDELINE

**Date:** November 20, 2006

**Reference:** Highways 6.6.G-1  
Accommodation of Wireline on  
Freeway Right of Way

## **Guideline:**

Minnesota and federal laws permit the accommodation of utility facilities on highway right of way, including all federal-aid highways. Minnesota law also authorizes Mn/DOT to develop reasonable rules pertaining to placing and maintaining such facilities. Mn/DOT's policy is that wireline facilities may be accommodated within freeway right of way when such use and occupancy does not adversely affect traffic safety, roadway operations, or aesthetic quality and does not conflict with federal or state laws, rules, regulations or this policy. See Figure 1, General Process Used in Assessing Potential for Impacts.

## **Position Statement Reference:**

Highways 6.6

## **Background:**

Through the *Code of Federal Regulations* (23 CFR, Part 645.215(A)), the U.S. Department of Transportation requires each State to submit a statement to its Division Administrator on the authority of the State to regulate such use, and the policies the State employs or proposes to employ for accommodating utilities within the right of way of any highway project receiving Federal aid. The Federal Highway Administration further requires States that desire to accommodate longitudinal installation of wireline telecommunication facilities along limited access right of way to submit a policy that describes how the State proposes to accommodate such facilities in a manner that protects the transportation infrastructure, the corridor aesthetics, and the safety of the traveling public. Position Statement Highways 6.6, the Guidelines and Procedures adopted thereunder form the basis of this submittal.

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**Douglas H. Differt, Deputy Commissioner  
and Chief Engineer**

**Any questions regarding this position statement should be directed to:**

Utilities Engineer, Minnesota Department of Transportation, Office of Technical Support, Pre-Letting Section, Utility Agreements and Permits Unit, (651) 296-7018.

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**Date:** November 20, 2006

**Reference:** Highways 6.6.P-1

**Minnesota Department of Transportation  
Procedure for Accommodation of Wirelines on Freeways**

Issued under: Mn/DOT Position Statement – Highways No. 6.6  
Mn/DOT Policy Guideline – Highways No. 6.6.G-1

I.	Introduction.....	2
A.	Background.....	2
B.	Applicability.....	3
C.	Utility Facility Types.....	3
D.	Mn/DOT Responsibilities.....	4
E.	Governing Laws and Regulations.....	4
II.	Solicitation Process.....	5
A.	Request for Proposals.....	5
B.	Issuing Office.....	5
III.	Compensation Requirements.....	5
A.	General.....	5
B.	Bid Deposit and Surety Bond.....	6
C.	Compensation Rates and Methods of Computation.....	6
D.	Compensation Adjustments.....	6
IV.	Installation.....	6
A.	Installation Timing.....	7
B.	Location and Alignment Requirements.....	7
C.	Attachment to Existing Structures.....	9
D.	Clear Zone Considerations.....	9
V.	Access Requirements.....	9
VI.	Support Facilities.....	10
A.	Wireline Support Connections.....	10
B.	Wireline Support Facilities.....	10
VII.	Compliance with FHWA/FCC Guidance and Telecom Act Requirements.....	11
A.	Guidance on Competitiveness Issues.....	11
B.	Guidance on Access to Freeway Right of Way.....	12
VIII.	Excess Capacity and Co-Build Requirements.....	13
IX.	Traffic Control.....	13
X.	Environmental Considerations.....	14

## I. Introduction

### A. Background

The Telecommunications Act of 1996 opened up a competitive market for telecommunication service providers. The resulting network build-outs have created demand for the use of public property and right of way for wireline telecommunication facilities. Mn/DOT has historically accommodated wireline telecommunication facility installations on state highway right of way and other properties, and in 1999 entered an agreement for installation of wirelines along freeway right of way throughout the State of Minnesota.

This ambitious project, referred to as “Connect Minnesota,” resulted in 175 miles of wireline installation along I-94 between Moorhead and Plymouth, MN and conduit installation along I-94 from the Wisconsin border to Minneapolis, MN. This installation is implemented by the Department of Administration.

The vision of statewide deployment of wirelines along Mn/DOT freeways, however, was not achieved. As a result, and in response to continued interest in access to Mn/DOT freeway right of way for wirelines installation, Mn/DOT has developed this *Policy for the Accommodation of Wirelines on Mn/DOT Freeways* which is a subsection of Mn/DOT’s Utility Accommodation Policy (Reference: Highways 6.4), which can be found on Mn/DOT’s Web site at the following address: [www.dot.state.mn.us/utility/files/pdf/appendix-b.pdf](http://www.dot.state.mn.us/utility/files/pdf/appendix-b.pdf).

In 1996, the United States enacted the Telecommunications Act of 1996, P. L. 104-104, 110 Stat. 70, Feb. 8, 1996. A primary purpose of the Act is to increase competition for providing telecommunication service, by, among other things, removing barriers to entry into the business of providing telecommunication service. Section 253 of the Act provides in part as follows:

1. No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.
2. Nothing in this section affects the authority of a State or local government to manage the public right of way or to require fair and reasonable compensation from telecommunication providers, on a competitively neutral and nondiscriminatory basis, for use of public right of way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

## B. Applicability

This Policy applies to **highway purpose shared resources facilities**, once such an installation is authorized under this Freeway Accommodation Policy. Non-shared resource installations may be allowed on an exception basis following the standard process outlined in the broader Utility Accommodation Policy. Access to freeway right of way for wirelines installation was historically prohibited by Mn/DOT, though special legislation was utilized for a prior installation by AT&T (Laws of Minnesota 1990, Ch. 462, Sec. 7), and 175 miles of wireline was installed along Mn/DOT freeways as part of the “Connect Minnesota” project.

## C. Utility Facility Types

1. There are three distinct types of utility facilities:
  - a. Highway purpose
  - b. Public or private
  - c. Highway purpose shared resource
2. A highway purpose utility facility supports the operation of the roadway and includes (as example and without limitation) lighting, Intelligent Transportation Systems (ITS) and Regional Transportation Management Center (RTMC). A public or private utility facility is any other use, such as Connect Minnesota and AT&T by special legislation; and including State transportation department use for a non-highway purpose such as voice communication. A highway purpose shared resource utility facility is a partnership in which the State transportation department receives the benefits of ITS. This can take the form of a public/private partnership or a public/public partnership. In accordance with FHWA guidance, these facilities are managed as follows:
  - a. Highway purpose facilities: no location restrictions.
  - b. Public or private facilities: non-highway purpose facilities are not allowed within the freeway right of way.
  - c. Highway purpose shared resource facilities: 1) highway purpose shared resource facilities have no location restrictions; 2) longitudinal installations will be allowed in freeway corridors where Mn/DOT has identified a need for communications infrastructure to support ITS deployments and other needs associated with transportation management and operations; 3) the facility shall be installed in general accordance with the Freeway Communication System Outside Plant Components, USDOT; and 4) service connections to adjacent properties to provide services to consumers shall not be permitted from the freeway right of way.

D. Mn/DOT Responsibilities

Mn/DOT shall make adequate provisions to:

1. Protect the integrity of the freeway infrastructure and the safety of the traveling public.
2. Preserve the aesthetic quality of the freeway corridor as prescribed by Title 23 of the Code of Federal Regulations (23 CFR § 645.207) and defined therein as “those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural and manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.”
3. Recognize and establish accommodation criteria for highway purpose shared resource use facilities.
4. Comply with applicable Minnesota laws, statutes and rules, and Mn/DOT’s approved Utility Accommodation Policy.
5. Institute a systematic Design Guide and Review Process that clearly establishes design requirements and key considerations in review and approval of proposals to install wireline facilities longitudinally along Mn/DOT freeways.
6. Integrate work zone traffic control parameters into design approvals and construction methods.
7. Enter into a contractual agreement when regulating the use and occupancy of the freeway right of way and allowing access to the right of way for installation and maintenance of a longitudinal wireline facility.
8. Establish the means and authority for enforcing the control of access restrictions applicable to use and occupancy of freeway right of way.

E. Governing Laws and Regulations

It is Mn/DOT’s intent that this Policy shall be construed and administered in accordance with the applicable provisions of the *Federal Communications Act of 1934*, the *Telecommunication Act of 1996*, *American Association of State Highway and Transportation Officials (AASHTO) Policy on the Accommodation of Utilities within Freeway Right of Way (2005)* and Mn/DOT’s *Utility Accommodation Policy (2005)*. This Policy will be reviewed on a periodic basis to ensure ongoing consistency with evolving policy and legislation.

## **II. Solicitation Process**

### **A. Request for Proposals**

1. Mn/DOT will accommodate wireline telecommunication facilities on Mn/DOT freeway right of way and other properties through a formal solicitation process initiated by Mn/DOT. Specifically, Mn/DOT will:
  - a. Periodically issue Requests for Proposals,
  - b. Evaluate proposals and respond to bidders within 90-days of confirmed receipt of proposals by Mn/DOT.
  - c. Reserve the right to terminate the solicitation process at any time.
2. Detailed requirements will be provided in the Requests for Proposals that announce the opening of each bidding period.

### **B. Issuing Office**

The Solicitation Process will be coordinated by the Mn/DOT Office of Electronic Communication or other as designated by the appropriate appointing authority.

## **III. Compensation Requirements**

### **A. General**

1. Telecommunication service providers must provide compensation for Permitted access to Mn/DOT freeway right of way for longitudinal installation of wireline telecommunication facilities. Mn/DOT may, to the extent permitted by law, receive barter compensation in the form of telecommunication infrastructure and/or telecommunication services.
2. In return for allowing longitudinal installation of wireline telecommunication facilities along freeways, Mn/DOT will require compensation in the form of telecommunication infrastructure (conduit, wireline strands, transmission/termination equipment and other infrastructure based on Mn/DOT requirements in proposed installation area) and/or telecommunication services (lit capacity).
3. The total compensation received by Mn/DOT must meet or exceed fair market value for the right and must be fair and reasonable and compensation requirements shall be applied to all telecommunication service providers in a neutral and non-discriminatory manner.

B. Bid Deposit and Surety Bond

Upon execution of an Agreement, successful Respondent(s) will be required to present a Surety Bond that will cover the entire estimated cost of decommissioning and removal of facilities installed on Mn/DOT properties (with the exception of underground conduit, which generally is not removed in the event the facilities are left in place – out of service).

C. Compensation Rates and Methods of Computation

1. Consistent with Section 253 of the Federal Telecommunications Act of 1996, Mn/DOT will charge fair market value for the use of freeway assets, payable in tangible or intangible property and or services as more fully described herein.
2. Compensation for longitudinal accommodation of wirelines facilities in freeway right of way will vary according to the geographic location(s), number of conduits installed, number of conduits occupied, and factors specific to each access agreement. Geographic locations are differentiated as urban, suburban, and rural. Mn/DOT will receive proposals from interested firms and consider/determine whether the proposal meets or exceeds minimum compensation requirements as part of its proposal evaluation process.

D. Compensation Adjustments

1. Telecommunication service providers have the option to pay monetary compensation on an annual basis, or to pay compensation on an up-front, lump sum basis. If the telecommunication service provider selects the annual payment option, the payment will be adjusted annually starting in year two by an inflation factor equivalent to the annual increase in the Consumer Price Index (CPI).
2. If the telecommunication service provider selects the lump-sum payment option, then the lump-sum payment will be estimated based on a discount factor to be determined at the time of the transaction and mutually agreeable to both parties. That is, the total value of compensation will be calculated as the net present value of a stream of annual payments using an agreed-upon discount rate.

**IV. Installation**

This section of the Wirelines Accommodation Policy contains the requirements for new longitudinal installations within Mn/DOT's freeway right of way. Telecommunication facilities may be installed longitudinally within the controlled access areas only if they comply with the criteria described below.

A. Installation Timing

Installation timing restrictions may be imposed to minimize interference with the safe use, operation and maintenance of the freeway right of way, and as reasonably necessary to manage the right of way. This may include, for example, coordination with highway construction projects, coordination with local traffic needs (e.g., special events), and seasonal prohibitions on work. Mn/DOT may also limit the timing of access so that, to the extent possible, there is no more than one telecommunication facility installation project underway at any given time on any particular segment of freeway right of way. Once a particular segment is accessed, there will generally be no further facility installation for a period of three years from the conclusion of the previous installation.

B. Location and Alignment Requirements

This sub-section defines general location and alignment requirements for the longitudinal installation of wireline facilities along Mn/DOT freeway right of way. General requirements of this sub-section notwithstanding, Mn/DOT reserves the right to deny requests for the accommodation of wirelines facilities where it determines that proposed locations, routes, or route segments are not suitable for accommodation of any facilities due to safety, aesthetic or transportation planning purposes. This restriction/denial will be applied in a neutral and non-discriminatory manner to all applicants.

1. Telecommunication facilities must be located to avoid or minimize the need for adjustment for future highway improvements, to avoid interference with highway maintenance and operations, and to permit access to the utility lines for their maintenance with minimum interference to highway traffic.
2. Depth and coverage requirements are included in the Utility Accommodation Policy (Section X, Specific Requirements, Part B, Underground Power and Communications Lines). Mn/DOT may impose more stringent requirements at particular locations in a neutral and non-discriminatory manner.
3. Below ground telecommunication facilities may be installed within the clear zone in accordance with the requirements of Section III.E, Clear Zone Considerations.
4. Though not generally allowed, all elements of above ground telecommunication facilities, approved by Mn/DOT, shall be installed between the edge of the right of way and the outer edge of the clear zone (clear zone as defined by *AASHTO Roadside Design Guide*, latest edition).

5. No longitudinal telecommunication facility will be allowed within the median of Mn/DOT's freeway right of way.
6. In all cases, consideration must be given to measures necessary to preserve and protect the safety, operation, integrity and visual quality of the highway, and its maintenance efficiency. Prior to approving any project, the wireline telecommunication service provider shall demonstrate that the right of way is of ample width to accommodate any proposed communication facilities without adverse effect on the highway's design, construction, future expansion, or safety characteristics.
7. All longitudinal telecommunication accommodations, as may be warranted herein, shall only be in accordance with an approved Freeway Right of Way Use and Occupancy Agreement between Mn/DOT and the telecommunication service provider.
8. Where longitudinal telecommunication facility installations must traverse interchange areas, they shall be located and treated in the same manner as a utility crossing of the right of way. Such utility crossings shall be designed in accordance with:
  - a. The Mn/DOT's Utility Accommodation Policy, and
  - b. The latest version of the Mn/DOT's *Standard Specifications for Construction*.
9. All longitudinal telecommunication facility installations shall be marked with approved underground telecommunication locating devices.
10. Utility sign markers shall be placed as required or at any change in direction by the utility within the right of way fence line. Signs shall identify the owner/operator name, Gopher State One Call telephone number and type of facility. Utility signs shall be appropriately located at each side of all public roads, streets, railroad tracks, and trails where freeway right of way intersects with these different rights of way.
11. The accommodated facility must not present a hazard to life, health or property if it fails to function properly, is severed, or otherwise damaged.
12. The telecommunication service provider must comply with all federal, state and local laws, rules, regulations and ordinances wherever applicable and at the telecommunication service provider's cost. The telecommunication service provider shall secure all necessary approvals, permits and licenses from governmental agencies as may be required to complete the project.

13. The wireline telecommunication service provider must provide location information on all facilities installed in conjunction with this project in accordance with Gopher State One Call requirements.

C. Attachment to Existing Structures

1. Installation of telecommunication facilities on structures within the controlled access areas must be approved by and comply with the requirements of the Mn/DOT Office of Bridges.
2. For cases where a separate telecommunication structure is infeasible, attachment to the existing freeway bridge, overpass, underpass, culvert or tunnel shall be allowed only with the written approval of Mn/DOT. The telecommunication service provider shall provide all required documentation, design drawings and calculations to demonstrate that the integrity of the structure is maintained and that there are no adverse impacts to the structure in terms of maintenance, structural life, aesthetics and safety.

D. Clear Zone Considerations

1. It is preferable that all telecommunication installations be accommodated outside of the clear zone. Underground facilities may, however, be accommodated within the clear zone under restricted conditions and at Mn/DOT's discretion.
2. In order to minimize interference with the safe use, operations and maintenance of a controlled access area – and as reasonably necessary to manage the freeway right of way – Mn/DOT may restrict underground facility installations to one time in those areas of the freeway right of way where construction would occur within the clear zone.
3. Mn/DOT may require the installation of excess capacity and the announcement of co-build opportunities during clear zone installations in an effort to accommodate multiple telecommunication service providers during the same installation process. No further installation of wireline facilities will be allowed on that segment of right of way unless and until all existing cable and conduit capacity has been exhausted.

**V. Access Requirements**

This section generally describes how permittees will be allowed to access Mn/DOT right of way for installation, operation, and maintenance of wirelines facilities and related infrastructure. Mn/DOT may establish additional requirements for particular locations.

1. Access to telecommunication facilities within Mn/DOT's freeway right of way, where required for construction and/or servicing, will be from state or local highways crossing Mn/DOT's right of way, from adjacent frontage roads, or from adjacent property and in accordance with an approved telecommunication agreement as issued by Mn/DOT or local governing body. Advance arrangements will be made between the telecommunication service provider and Mn/DOT for emergency maintenance procedures as specified in the Mn/DOT's Freeway Right of Way Use and Occupancy Agreement. Access for constructing or servicing telecommunication facilities placed within Mn/DOT's freeway right of way will be granted on a controlled and restrictive basis according to this Policy and the agreement between Mn/DOT and the telecommunication service provider, so as to maintain the safety, aesthetics, and functionality of the freeway right of way

## **VI. Support Facilities**

### **A. Wireline Support Connections**

Any utility support connection (e.g., electrical service) necessary to operate a telecommunication facility within the freeway right of way shall be placed underground in ducts or conduits running from crossroads or frontage roads adjacent to the required point of access or from easements obtained by the supplying distribution utility. Longitudinal installations of utility service connections in controlled access areas are prohibited.

### **B. Wireline Support Facilities**

1. Wireline support facilities, including without limitation, handholes, pull boxes, and access points; shall be installed along the fence line, outside the clear zone. Any other locations for support facilities must be reviewed and approved or denied by Mn/DOT. Equipment shelters for wireline transmission and other telecommunication service provider equipment shall not be installed within Mn/DOT right of way.
2. All telecommunication facilities shall be located underground, outside of the clear zone and as close to the outer edge of the right of way as possible unless the telecommunication service provider demonstrates, to Mn/DOT's approval, that placement underground is not technically feasible or there are no other feasible alternate locations. In exceptional situations when it is essential to locate a telecommunication facility above ground, it shall be located outside of the clear zone and, where appropriate, countermeasures to reduce hazards shall be used. Countermeasures may include, but are not limited to, placing the facility at a location which protects or minimizes the exposure to out-of-control

vehicles, using breakaway features, using impact attenuation devices, using delineation, or shielding. All countermeasures are subject to Mn/DOT's approval.

3. Utility and/or telecommunication support connections to or from adjacent properties shall not be permitted from longitudinal telecommunication installations located within the clear zone unless approved by Mn/DOT.
4. Initial installation shall include all appurtenances necessary or incidental to the operation of the telecommunication facility, and shall include jacking boxes or other duct/conduit access points at appropriate spacing to permit the pulling of additional cables into the duct system without further excavation.

## **VII. Compliance with FHWA/FCC Guidance and Telecom Act Requirements**

As a result of Minnesota's Petition for Declaratory Ruling under Section 253 of the 1996 Telecommunications Act, the FHWA and FCC jointly developed guidance on the development of programs that involve longitudinal installation of wireline telecommunication facilities along limited access right of way. This document is entitled: Guidance on Longitudinal Telecommunications Installations on Limited Access highway Right of Way (December 22, 2000). Accommodation of telecommunication facilities in Mn/DOT freeway right of way shall be consistent with this guidance. Specific requirements are summarized as follows:

### **A. Guidance on Competitiveness Issues**

1. The contractor should be selected through an open, fair, nondiscriminatory, competitive process.
2. Having selected a contractor, other interested third party telecommunication companies should be allowed the opportunity to have their wireline facilities installed in conjunction with any installation of wireline facilities by the contractor. The state should give potentially interested third parties reasonable notice of the anticipated or planned opening of the right of way.
3. The contractor should install spare fiber and empty conduit, adequate to accommodate reasonably anticipated future demand whenever wireline facilities cannot be installed outside the clear zone. Each section of fiber/conduit within the clear zone should have connection points at each end outside the clear zone where third parties can access the conduit or interconnect with facilities in the conduit at their option. All rates, terms and conditions for interconnection and/or use of space in the conduit should be fair, reasonable, and nondiscriminatory and may include a reasonable profit.

4. The contractor should be required to sell fiber on an “Irrevocable Right of Use” (IRU) basis at rates and subject to terms and conditions that are just, reasonable, and nondiscriminatory (and may include a reasonable profit).
5. The contractor should be required to offer facilities and services for resale at rates and subject to terms and conditions that are just, reasonable, and nondiscriminatory and may include a reasonable profit.
6. It is substantially preferable that the contractor be a wholesaler of telecommunication in order to minimize competitive concerns.

B. Guidance on Access to Freeway Right of Way

1. State retains the right and responsibility to manage its freeway right of way. Reasonable, nondiscriminatory time, place, and manner restrictions may be placed on the design, installation, operation, and maintenance of wireline facilities.
2. All construction should be done in that portion of the right of way that is located furthest from the traveled roadway to the degree feasible and should be accomplished in accordance with the *Minnesota Manual on Uniform Traffic Control Devices*.
3. The State may use the freeway right of way for wireline facilities installation as frequently as reasonably necessary to satisfy the requirements of the State, and the needs of telecommunication providers. A State may limit construction so that there is no more than one installation project underway at any given time on any major segment of the freeway.
4. If construction vehicles, equipment, and personnel cannot be located out of the freeway clear zone, then the State may restrict wireline facilities installation to only one time on that area of the freeway where construction would occur within the clear zone. No further installation needs to be allowed on that segment until such time as required by the end of the useful life of the wireline facilities, or if the existing capacity is exhausted or existing conduit is full.
5. A State may restrict the location of all the above ground equipment to the edge, or off of the right of way to allow access to that equipment for maintenance from service roads or other non-freeway access if feasible, as determined by the State. Such restrictions should be non-discriminatory.

## **VIII. Excess Capacity and Co-Build Requirements**

### **A. Excess Capacity Requirements**

1. Excess capacity requirements may be established for agreements that involve installation within the clear zone or other installations where Mn/DOT intends to limit installation to one-time as more fully described above. This may include bridge crossings, tunnel installations or other unique locations where Mn/DOT is required to maintain a higher level of access control.
2. Excess capacity requirements shall be determined by the telecommunication service provider based on a market research study to be conducted in conjunction with the proposed project.

### **B. Co-Build Requirements**

1. Co-build requirements may be established by Mn/DOT for agreements that involve installation within the clear zone or other installations where Mn/DOT intends to limit installation to one-time as more fully described above. This may include bridge crossings, tunnel installations or other unique locations where Mn/DOT is required to maintain a higher level of access control.
2. Specifically, the telecommunication service provider may be required to provide other telecommunication companies with reasonable notice of a co-build opportunity associated with the anticipated or planned opening of the right of way within the clear zone or other area where installation will be limited to one-time.
3. The notice should be open for a period not less than 90 calendar days. This shall be accomplished through the publication of a notice of the proposed project in at least two newspapers of general circulation and by posting a notice with the Minnesota Public Utility Commission.

## **IX. Traffic Control**

1. All traffic control signs and devices, which the telecommunication service provider may use in the course of any installation, servicing or maintenance of a telecommunication facility, shall comply with the provisions of the Minnesota Manual of Uniform Traffic Control Devices (latest version).
2. In addition, the telecommunication service provider may be required to arrange for law enforcement officers, having appropriate enforcement authority to be present to ensure the safe flow of traffic, whenever installations, servicing or maintenance of a facility occurs within the

freeway right of way. Arrangements for law enforcement personnel shall also be addressed as required in the installation and maintenance plan approved by Mn/DOT, where access to the work zone has been permitted from the traveled roadway, shoulders or access ramps. The telecommunication service provider may not conduct any such work within the freeway right of way without giving specific advance notice thereof to Mn/DOT.

**X. Environmental Considerations**

Potential environmental impacts of construction projects are an important consideration for all Mn/DOT projects. Mn/DOT's *Highway Project Development Process (HPDP) Handbook* specifies, for potential environmental considerations, threshold criteria that, if met, drive specific actions or requirements. In the event that Threshold Criteria are met, the HPDP identifies specific roles and responsibilities of interested parties to further evaluate and establish additional requirements, if any. The general process used in assessing the potential for impacts is illustrated in the figure below.

The HPDP Handbook can be found on Mn/DOT's website at the following address:

<http://www.dot.state.mn.us/tecsup/xyz/plu/hpdp/index.html>

See also the Utility Accommodation Policy, Page 40 Section IV, Environmental Requirements, and Appendix O, Environmental Requirements.

Figure 1 – General Process Used In Assessing Potential For Impacts

