

MaineDOT Utility Task Force Meeting Minutes

MaineDOT Augusta Headquarters, 24 Child Street, Room 216

Thursday, March 29, 2018, 1:00 – 3:00 PM

Attendees: See list at end of document

Welcome everyone! Meeting opened with introductions.

Agenda Items Discussed

1. **New Policy: Wireless Technology in State Right of Way** – Maine DOT implemented this policy in October 2017 – Final Attached. There has been no feed-back at all from the utility community. Are there any questions or comments from meeting participants? None.
2. **Draft Revisions: Utility Accommodation Rules** – Mike presented the current draft revisions (see attached) on screen and discussed the major items in order of appearance in the Utility Accommodation Rules:
 - ❖ Section 1, Purpose and Application
 - Some compact municipalities don't completely understanding the responsibilities regarding facility locations in Compact areas; the Accommodation Rules are the default standard and must be followed in Compact areas;
 - Compact municipalities must coordinate with MaineDOT regarding any utility permitting [23 MRSA §52] during MaineDOT project; Also MaineDOT retains overall jurisdiction for utility location or relocation during design and construction;
 - Utilities may place their facilities in the state's ROW at their own risk. Maine law is clear that highway purposes are paramount on state and state-aid highways and highway fund dollars may only be dedicated to highway purposes.
 - ❖ Section 3, Definitions
 - Wireless technologies added a few definitions, Monopole Installations, Self-Supporting Structures, why some are allowed in some locations and not in others;
 - Utility Pole definition: 18" diameter max which may be composite or wood;
 - Utility Pole Structure greater than 18" which may be wood, metal, concrete, or composites.
 - ❖ Section 5, Location Permits
 - Revisions identify what facilities and when a permit is required or not required, primarily to address newly defined facilities;
 - Permit-By-Rule does not apply to Utility Pole Structures;
 - Statutory permitting process will now allow attachments along single corridor in adjacent towns. No longer need separate permit for separate towns;

- The Department may require annual or rental fees for wireless attachment to MaineDOT poles or structures; this is common in industry nationwide. The fees will reflect administrative and maintenance costs;
- A Revised Statute now requires that for any permit application for underground installations of over 500 feet, a copy of the permit must be forwarded to the Connect-ME authority. Connect ME is trying to expand broadband availability in Maine by piggy-backing on onto areas where construction is occurring to install conduit. Our new rule doesn't state who forwards the copy; Mike will check into this and get some clarification;
- For the purposes of Accommodation Rules, Municipal buried conduit systems for lighting are not considered "Private Facilities."

❖ Section 6, Highway Opening Permits

- Steel plates are not normally authorized to cover excavations within or adjacent to the travel lanes. However, in instances where steel plates may be specifically permitted by the Department, a sketch plan stamped by a licensed professional engineer will be required. The sketch needs to provide detailed dimensions of the maximum allowable excavation, any shoring or trench box requirements, minimum steel cover plate thickness, length and width, and any other construction element necessary to provide a covered trench that is safe for the traveling public.

QUESTION- does this apply to all temporary plating such as that used for covering sewer and drainage manholes for paving projects? No - This applies only to open trenches which must be temporarily plated over to allow traffic.

❖ Section 7, Facility Maintenance Obligations

- Each utility is responsible for acquiring permits in accordance with Sections 5 and 6 for any adjustments, relocations, or repairs of any part of a service that is located within the ROW;
- Each Utility is responsible to coordinate with the Department regarding any utility-owned facility or connecting service relocations and/or activities required by a MaineDOT Project. If, during the design phase, it is determined that, *to avoid existing utility relocation or reconstruction work*, MaineDOT must expend additional funds for re-design efforts and offsetting material and construction costs as compared to the original design, the Utility shall be responsible for those additional costs;
- Similarly, each Utility shall also be responsible for construction phase design changes. If, during the construction of a MaineDOT Project, utility facilities or connecting services are found in conflict with information provided to the Department, or as a result of an unresponsive utility during design phase coordination, the Utility shall be responsible for all re-design fees and costs, material restocking fees, all material and construction costs, and any other incidental costs associated with the re-designed, reconfigured and/or reconstructed Highway elements.

❖ Section 10, Underground Installations

- We've revised the requirements for underground Electric Supply Line conduit within the Highway Right-Of-Way limits. We will now require steel conduits to be galvanized or stainless steel Rigid Metal Conduit (RMC). Electrical Metal Tubing and /or Intermediate Metal Conduit will not be permitted as substitutes for RMC. In addition, 90 degree RMC sweeps will be required;
- Risers along utility poles must also be made of RMC and we've reduced the minimum RMC material height requirement to 7 feet above ground level. PVC may be used above that level;
- Underground PVC conduit will be permitted as before;
- The revised "Underground Electric Lines" detail in the accommodation Rule Appendix also reflect these changes.

❖ Section 11, Aboveground Installations

- Monopole Installations and Utility Pole Structures will not normally be allowed ROW. Where the Department does allow them, these types of installations/structures will require individual permits. Where these accommodations are for wireless facilities, the Department reserves the right to assess fees;
- The Department may allow wireless facilities to attach to MaineDOT poles or structures and may assess fees for these attachments.

QUESTION- does this mean the Department will be assessing fees for utilities to attach to bridges? No – fees would be assessed only for individual facilities such as small cell antennas, attached to a Department pole or structure (sign structures, mast arms, bridges, buildings, etc.)

- Last October, the Department established new, reduced, utility pole offset requirements for aerial utilities (See new tables). These minimum offsets are based upon the Corridor Priority designation, highest AADT anticipated within the life of the Facility and the posted speed limit;
- Permitting of new or replacement Utility Poles within a corridor that is not associated with a project will involve consideration of these offsets as well as the Right-Of-Way width and other specific characteristics of the corridor;
- Whenever poles are already accommodated at greater offsets than indicated in the following tables, those greater offsets will normally continue to be required for replacement poles;
- The new offsets will also apply to truck climbing lanes and highway through-lanes;
- Offsets from guardrail ends do not apply to radius installations.

❖ APPENDIX

- The Department revised three of the existing details and added a new detail to the Utility Accommodation Rule Appendix:
 - Moratorium Pavement Restoration Detail: Revised to require reused excavation material shall have all material larger than 6 inches be removed;

- Trench Restoration Detail: Revised to require reused excavation material shall have all material larger than 6 inches be removed;
- Underground Electric Lines: Revised to require galvanized or stainless RMC conduit and a reduction in height for the metal portion of risers to 7 feet.
- Utility Poles Adjacent To Guardrail Systems: We've added this new detail that illustrates the distances for poles located adjacent to guardrail ends.

Potential Additional Rule Revisions

Mike indicated that there were several other potential revisions being discussed by the Department. They currently include: 1) disposition of legacy dual pole lines; 2) possibly a more global method of Location Permitting, for example, permits by municipality as opposed to routes; and 3) possibly not requiring poles to be set behind ditches where grades are 4:1 or flatter.

The Department intends to make modifications to the Utility Accommodation Rules that govern accommodating the placement of utility facilities within the right of way of state and state-aid roads. The process of modifying the Rules will be in accordance with Title 5 of the Maine Revised Statutes, Maine Administrative Procedures Act. The Department will publish the proposed rule modifications, and provide notice to the public, those persons specified by statute, and any other interested parties. All will have the opportunity to comment on the proposed changes.

3. **Downloadable Work Plan Spreadsheet – Now Available** – Although we did not address this due to the length of the meeting, the 2018-19-20 Work Plan is now available on-line. A spreadsheet version of the Work Plan may be downloaded from the MaineDOT website by clicking on “Government,” then selecting “Work Plan.” Scroll down to “Work Plan Documents” and select the 2018-2019-2020 Work Plan excel spreadsheet.

- **We provided a handout for use at the meeting:** Utility Policy NO. 2017-1 – Microcell/Transport/Small Cell/And Distributed Antenna Systems In State and State-Aid Rights-of-Way dated October 2017.

Recurring items

There were no comments under any of the three Recurring Items Categories

1. Utility Betterment/Construction Plans – Request available plan information – 5- year plan, this will be shared with department and planning.
2. Construction Lessons Learned – All
3. Open Forum/Other Business

Meeting adjourned

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Attendance List

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