

Meeting Minutes

Project: AASHTO Utility Accommodation & Safety Technical Committee

Date/Time: September 13, 2016 from 2:30 PM to 3:45 PM (Eastern Time)

Location: Conference Call

Purpose: Quarterly committee conference call to discuss hot topics, areas where research is needed, and to bounce ideas off one another.

Attendees: See attached attendance sheet.

Meeting Summary:

- The meeting started with general introductions of those on the call followed by a quick overview of and expectations for the call.
- Next the topics of general interest spreadsheet (attached) was discussed with focus being directed to the three most popular items from the AASHTO Subcommittee meeting held in Orlando in May 2016. These topics were:
 1. Policies for sharing conduits and trenches – Received 15 Votes at Conference
 2. Policies on utility abandonment/removing from service – Received 11 Votes at Conference
 3. As-built collection and repository (lessons and updates) – Received 10 Votes at Conference

1. Policies for Sharing Conduits and Trenches

- Oregon mentioned that their state has policies that encourage joint use and that this is not an issue for them.
- HDR stated sharing of conduits/joint trench is required in the Texas Utility Accommodation Policy and encouraged. However, utilities want separate due to liability. HDR further mentioned that a study is needed and that it really needs to be looked at to define the benefits for the utility companies and the DOT's. Additionally, a study needs to look at the best practices for joint installations.
- Iowa encourages sharing but it is not being utilized.
- It was mentioned that sharing of conduit/trenches is not being used together as well as it could or should be.
- A suggestion was offered that maybe the DOT could take the lead on installation of a larger structure which would allow utilities to install within (i.e. large culvert pipe or box culvert being installed to house the installation of various utilities). From there, it was suggested that DOT's could potentially permit and/or lease the space to utility companies. If leased, it could be another potential for revenue generation.
- Some states do not and could not install facilities in rights-of-way (ROW) with the purpose of leasing to companies.
- At this point, it was suggested that this topic would make a good synthesis research statement. Going this route would enable DOT's to provide feedback on their existing policies and where they stand with this topic.
- It was suggested that the synthesis should focus on major interchanges, controlled access crossings.

- The group did not believe a synthesis had been performed on this topic or a similar topic in the past. Past research associated with Telecommunication/Broadband Longitudinal Installation was mentioned as potentially having information associated with this topic.
- Utah mentioned that their traffic section is placing empty conduits across intersections to allow for utilities to enter into an agreement with the DOT so they can utilize the conduit if there is a need to cross the intersection in the future. This was brought about because traffic facilities were being damaged when utilities would install facilities. It was not certain whether the DOT is reimbursed or somehow collecting costs for companies that might utilize the empty conduit in the future.
- Indiana is currently considering installation of empty conduit at rail crossings.
- Iowa places spare conduits in bridge rails and they collect fees for the use of the conduit.
- Wyoming asked if there have been more companies requesting to use the spare/empty conduit than what was available. If so, how was that situation handled to ensure an equal playing field for all companies?
 - Those who responded have not run into this problem yet but suggested the conduit should be available on a first come first serve basis.
- It was mentioned that there is a need for the DOT to maintain, map, track, etc. conduit whether empty or allowed to be occupied by a company. This takes time and manpower which ultimately equates to more money.
- Oregon questioned how states are keeping track of the conduit from an inventory standpoint. How many companies are in conduit, how many conduits remain empty, etc.
 - HDR stated that Texas tracks this through their permit process. Essentially, Texas requires each utility to obtain a permit in order to utilize empty conduit that was installed via DOT.
- It was suggested that a synthesis be created. It should be called something like “joint accommodations”; “joint trench between utilities”; or “joint trench utility installation spearheaded by DOT” and that a few other questions be added to the research.
 - If the DOT provides space for utilities to install what type of utilities can co-locate in the space to reduce the number of new conduits?
 - Can a single bore be made for many utilities?
 - How can DOT’s encourage utilities to spearhead this effort?
- Further discussion broke this topic into three distinct scenarios that should be researched under the overarching topic:
 - Utilities working together to make joint installations.
 - Joint utility relocation.
 - DOT installing conduit for other companies to utilize.

2. Policies on Utility Abandonment/Removing from Service

- Wyoming is in support of research on this topic.
- Any guidance for how to handle abandonment/retirement? We need a process for as-built that show abandonments. How can abandoned facilities remain on records research?

- One issue is that companies have abandoned facilities and are no longer around by the time the facilities need to be removed or relocated due to a DOT project.
- Iowa asked if states evaluate risk of facilities remaining in place prior to approving abandonment.
- Indiana has requirements for when retired facilities must be filled (over 12"). They asked if states have a flowable fill requirement for certain size pipe or larger.
- Wyoming posed a question to the group. Is it better to leave abandoned facilities in place or remove them? Guidance would be beneficial.
- Another issue with abandonment is companies not telling the DOT they have retired facilities.
- Delaware asked what happens if a company goes out of business? Who do you work with and how do you get the new company to honor commitments?
- Arkansas mentioned they will remove abandoned facilities out of the ROW during their DOT projects if in conflict. If abandoned facilities not in conflict, leave in place (this includes hazardous pipe materials such as asbestos). Ultimately, the utility company is responsible for removal costs. Arkansas has a policy in place regarding abandonment and requires the use of flowable fill.
- Utah stated one of their biggest issues is with abandoned facilities that no one knows exist until they are dug up during a project even in situations where SUE was utilized. It was suggested that this might get us into another research topic through Mapping/GIS.
- DelDOT mentioned that there is a problem here since abandoned facilities are likely not locatable. If records research does not show facilities in the area, they would not be found by SUE unless the company happened to target an area and came across them.
- Indiana is considering moving toward RFID marker balls and would like to start utilizing them on retired/abandoned utility facilities. They would be asking utility companies to place RFID markers in the ground so retired facilities can be located in the future.
- It was suggested that this move forward as a synthesis similar to the previous topic.

3. As-built Collection and Repository

- KCI stated the Michigan GUIDE program was created in response to this topic. Utility companies provide survey level information for all new utility installations through the permit process.
- Utah utilizing SHRP 2 R01A funds to build a repository/database. This topic is greater than the SHRP 2 funds but Utah is well into the process and looking to implementation phase. This topic is of high interest.
- Kentucky and Indiana have also received funding through R01A and are just starting.
- It was suggested that this move forward as a synthesis similar to the previous topics.

• General Discussion

- Oregon asked if any states issue utility permits for small cell sites on existing utility poles.
 - Iowa has been discussing this with their legal team. They are currently handling and allowing through utility permits and are not leasing space to the company.
 - Oregon stated that FHWA has stated wireless facilities such as these are not considered a public utility so they can only allow in ROW by lease.

- Utah stated if company does not serve the public directly, it is not considered a public utility by the DOT definition whether their Public Service Commission approved the company or not. With that, they will allow installation of small cell site in ROW but only through lease.
- Wyoming asked if anyone was willing to share information on how they determine lease costs and whether any of the other states have reviewed structural integrity of new poles associated with these types of facilities considering some of them are very tall.
 - Sounds like some states have received push back from companies when additional information was requested on the proposed designs. Companies have been claiming it is proprietary information that they cannot share.
 - Arkansas mentioned they had received a cell site request and the pole was proposed to be 120' tall with 6' wide foundations.
 - Structural concerns were voiced by some DOT's given the height of the proposed poles vs. the foundation size/depth and pole height vs. embedment depth shown in the submissions provided to date.
- It was asked whether anyone in the group has had a small cell site and associated pole installed to date.
 - No one on the call had.
- Oregon asked how these sites and poles were getting around the FHWA requirement which does not allow new poles to be installed in the clear zone.
 - Arkansas mentioned that they do not allow the facilities to be installed in the clear zone.
 - Wyoming also mentioned facilities are not allowed in the clear zone as did Delaware.
- Companies looking to install this type of facility are claiming it will reduce the number of communication fiber in the ROW by going microwave. Utah warned everyone to be skeptical of this.
- The group was asked if they have allowed anyone to attach to the poles associated with the new cell site installations.
 - Arkansas stated some companies may allow 2 to 3 attachers on the small cell site poles.
- It was questioned whether companies have allowed other company cell devices or other attachers to the poles.
 - Utah believes this could lead to a monopoly situation. Once a site is established, it opens the door for other companies to jump onto the pole.
- It was mentioned that once one company is allowed to install a small cell site in the ROW the door is open and the next company can't be denied.
- DOT's do not want multiple towers/poles to be installed next to each other.
- Tennessee mentioned they are going through a big fight on this topic right now as to whether to allow in ROW. The company that is pushing for accommodation does not fit their definition of a public utility because they serve other communication companies. Also causes problems with their scenic/beautification policy.

- Some of the small cell site companies are pushing that they are approved by the FCC so they don't need additional approvals. They also have lobbyists and are pushing hard on legislators.
- Several states have approached FHWA on this topic. FHWA is currently evaluating.
- **It was stated that this is a new and emerging technology and situation. Because of that, we cannot wait for this to go through the synthesis/research statement process. Instead, we are going to prepare some questions, share with the technical council and put out through the AASHTO Subcommittee survey process. This will let DOT's see what different states are doing.**
 - It was suggested that we should get a contact from each state to go to for further discussion on this topic.
- We will re-evaluate the need for a synthesis or research statement following the AASHTO survey.
- **Items for Next Conference Call**
 - Further discussion on small cell sites.
 - Discuss the states' ability to buy sufficient ROW for utilities as the definition of transportation could mean roadway only. Over the next 10 to 15 years will need to look at a better definition of transportation to include utilities since the materials that are transported through utility facilities are considered commodities.
 - Iowa mentioned that there is a new statewide organization looking to locate 400' tall towers on DOT ROW. The towers are part of a statewide emergency responder radio network. Towers are being located on other public agency assets as well as state property. The network is called the Iowa Statewide Interoperable Communication System (ISICS) a federally mandated statewide integrated public safety communications network. Iowa questioned if other states were doing the same thing.
 - Many of the states that responded stated something of this nature must be outside ROW.
 - There was not much interest in this topic from the group.
- **Research Needs Statements/Syntheses**
 - See attached NCHRP 20-7 proposed research needs statement entitled "Effective DOT Utility Accommodation Strategies to Minimize Future Conflicts". This research needs statement was created by the Utility Project Scoping and Coordination Technical Council and was prepared by Jennifer McCleve. Our Technical Council has been asked to jointly present this since there is overlap. If there is a member from the Accommodation and Safety TC that is vested in moving this proposal further.
 - We need volunteers to put together statements for the 3 topics discussed above. If the topic is something you are passionate about, please consider taking the lead. Contact Eric Cimo and Mike Hoy if there is interest.
- **Next Meeting**
 - Tentatively scheduled for December 13, 2016 at 2:30 PM (Eastern Time). More details will be circulated as the meeting gets closer.

cc: Technical Council Members