



Board Agenda Item

ITD 2210 (Rev. 10-13)

Meeting Date May 19, 2021

Consent Item Information Item Amount of Presentation Time Needed 15 mins.

Presenter's Name Robert Beachler & Ramón Hobdey-Sánchez	Presenter's Title Planning PM & GAPM	Initials RB/RHS	Reviewed By LSS
Preparer's Name Robert Beachler & Ramón Hobdey-Sánchez	Preparer's Title Planning PM & GAPM	Initials RB/RHS	

Subject

Initiation of Utility Accommodation Rulemaking		
Key Number	District	Route Number

Background Information

Negotiated Rulemaking and Stakeholder Outreach

As the Department continues its efforts to address utility accommodation of broadband facilities seeking access to the state's ROW, there is an opportunity to engage in negotiated rulemaking to further analyze and update the necessary policies and procedures, while also meeting federal requirements and supporting Governor Little's initiative to improve broadband access in Idaho.

The Idaho Transportation Department *incorporates by reference* the July 2003 Edition of "Utility Accommodation Policy" in IDAPA Title 39: [39.03.43 – Rules Governing Utilities on State Highway Right-of-Way](#).

Over the next several months, ITD staff will work with the general public, stakeholders, customers, legislators, vendors and the Governor's Office via the negotiated rulemaking process. Through this process, the Department will meet and collaborate with interested parties in an effort to make necessary policy updates to accommodate utility facilities within the State Highway System Right-of-Way, for the issuance of permits for broadband and small wireless facilities.

During stakeholder outreach this summer, staff will work on integrating input and feedback regarding Department utility accommodation policies and updating ITD's Guide for Utility Management. ITD staff will conduct meetings during May and June as well as provide an opportunity for those that would like to submit comments via phone, email or mail. In-person/virtual meetings will be scheduled on Tuesday, June 15th 3pm-7pm (MT) & Thursday, June 24th 3pm-7pm (MT).

Staff will return to the Board with information and updates from stakeholder engagement and proposed rulemaking.

Recommendations

Please see resolution on page:



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Board Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Deferred	_____
<input type="checkbox"/> Other		_____

Res. No. WHEREAS, the Idaho Transportation Board and Idaho Transportation Department recognize their role in broadband connectivity within Idaho; and

WHEREAS, broadband connectivity is crucial to Governor Little's Building Idaho's Future Initiatives; and

WHEREAS, the Department accommodates private and public utilities in highway rights-of-way in accordance with local, state and federal laws; and

WHEREAS, policy is *incorporated by reference* in IDAPA 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way; and

WHEREAS, Department staff requests to collaborate with the general public, broadband vendors, elected officials and the Governor's Office on broadband policy; and

WHEREAS, pursuant to Section 67-5220, Idaho Code, the Department will initiate the negotiated rulemaking process; and

WHEREAS, Department staff will use May and June 2021 to host and facilitate negotiated meetings; and

NOW, THEREFORE, BE IT RESOLVED, that the Idaho Transportation Board authorizes and directs Department staff to begin consultations and collaboration through the negotiated rulemaking process in order to work on identifying potential improvements and changes to the Guide for Utility Management Manual.