

Idaho Transportation Department
Tuesday June 15th & Thursday June 24th, 2021 3-7 p.m.
3311 W State Street. Boise, ID 83707

UTILITY ACCOMMODATION – NEGOTIATED RULEMAKING

ADMINISTRATIVE RULE CONCEPT

The Idaho Transportation Department’s goal in managing State Highway Right-of-Way (ROW) is to preserve the integrity, safe operation, and function of the state highway system in compliance with all state and federal requirements. Idaho Administrative Code 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way specifies the location, design and methods for installing, relocating and maintaining utilities on State Highway ROW. The rule incorporates by reference ITD’s 2003 Utility Accommodation Policy.

The purpose of the negotiated rulemaking is to update the framework for managing non-public broadband utilities not governed by the Idaho Public Utilities Commission (PUC) that are located, installed, operated, maintained, repaired, removed, relocated, or are seeking access to the State Highway ROW or State owned property.

The Department has identified the need to update the Department’s Utility Accommodation Policy and Guide for Utility Management to address non-public broadband utilities seeking access to the public rights-of-way for non-transportation purposes.

Intent – As part of the negotiated rulemaking, the Department is seeking comments and input pertaining to the following:

- Updating the Department’s Utility Accommodation Policy to address broadband facilities
- When feasible, to support the strategic deployment of broadband infrastructure across the State of Idaho
- Ensure compliance with State and Federal regulations
- Develop policies and procedures for accommodating and managing access for broadband infrastructure, as well as provide for future demands
- Update requirements for permitting broadband and small wireless facilities
- Coordinate statewide telecommunications and broadband plans to minimize repeated excavations within the highway right-of-way (DIG ONCE)
- Serve the greatest public interest through colocation and other space saving practices
- Leverage the highway right-of-way usage to connect current and future ITD facilities and roadside devices
- Create a competitively neutral environment that is unbiased in its treatment of utility providers
- Rely on the exchange of facilities and services rather than on the collection of fees or other financial transactions

For more information please visit: <https://itd.idaho.gov/rulemaking/>

