

# Broadband Utility Accommodation Rulemaking

11 July 2022



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

1

## Agenda

- Goals and Objectives of Broadband Negotiated Rulemaking
- 2021 Broadband Rulemaking Review
- HB640 aaS 2022 – “Idaho Broadband Dig Once and Right-of-Way Act”
- UAP Section 7 – Broadband Infrastructure
- Discussion



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

2

2

## GOALS AND OBJECTIVES OF BROADBAND NEGOTIATED RULEMAKING



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

3

3

## Goals and Objectives of Rulemaking

- Orderly use of highway right-of-way by all utilities
- “Dig Once” within the highway right-of-way
- Manage current and future demands on the ROW for transportation purposes and accommodate all utilities when possible



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

4

4

## Goals and Objectives of Rulemaking

- Serving the greatest public interest through collocation and other space saving practices
- Create a competitively neutral environment that is unbiased in its treatment of utility providers
- When feasible, to support the strategic deployment of broadband infrastructure across the State of Idaho



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

5

5

## Managing the ROW

- Updating UAP and GUM will provide a framework for managing broadband facilities within the Right-of-Way (ROW) or State owned property
- Develop policies and procedures for accommodating and managing access for broadband infrastructure
- Manage ROW on a competitively neutral and non-discriminatory basis



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

6

6

# COMMENTS FROM JUNE 13, 2022 NEGOTIATED RULEMAKING MEETING



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

7

7

## Comments from Jun 13<sup>th</sup> Meeting

- UAP & GUM do not specify SWF fees as stated in IDAPA 39.03.43 fee rule
- UAP did not describe FCC Shot Clocks
- ITD should consider macro wireless towers in the state's ROW



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

8

8

## Comments from Jun 13<sup>th</sup> Meeting

- Build for the Future – ITD to facilitate access/plans for multiple providers
- Placement of additional capacity would support growth and promote competition
- Concern from public & non-profit providers that speculative practices by private/closed network providers may limit competition



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

9

9

## Comments from un 13<sup>th</sup> Meeting

- Joint Use Program for newly added capacity for both public and private providers
- Dedicate a portion of added capacity to public use by Govt., non-profits, education and health care
- Dedicate a portion of added capacity to any entity to bolster network models & investment



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

10

10

## Comments from Jun 13<sup>th</sup> Meeting

- Limit awarding total additional capacity to any one provider
- Consider Open Access Providers for priority access to projects with limited capacity
- Recognize ITD's efforts to include different types of providers in discussions



11

## Comments from Jun 13<sup>th</sup> Meeting

- Continued need for shared or “Open Access” to broadband infrastructure
- Level playing field that will spur competition
- Collaborate with rural partners, non-profits, traditional providers and local governments



12

## Comments from Jun 13<sup>th</sup> Meeting

- Definition of Broadband Providers should include non-profits – don't exclude entities that can provide broadband services or infrastructure
- Ensure potential participants are aware of the Broadband Provider Registry and are eligible to participate in projects



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

13

13

## Comments from Jun 13<sup>th</sup> Meeting

- Equitably prioritize requests from all participants
- Ensure projects provide open access and address long-term growth in Idaho



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

14

14

## HOUSE BILL 640 IDAHO BROADBAND DIG ONCE AND RIGHT-OF-WAY ACT



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

15

15

## HB640 “Idaho Broadband Dig Once and Right-of-Way Act”

- At the beginning of the 2022 Legislative Session, industry authored legislation was introduced seeking access to State Highway System ROW for broadband infrastructure
- Legislative intent is for ITD to develop rules, standards and policies consistent with “Dig Once Policy”
- Coordinate installation of broadband infrastructure on highway ROW, and during ITD sponsored road construction projects



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

16

16



## DIG ONCE

- “Dig Once” is a policy or practice that minimizes the number and scale of excavations or construction and costs when installing broadband infrastructure in highway rights-of-way



I-90 Widening, Coeur d'Alene



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

17

17

## DRAFT 2023 UTILITY ACCOMMODATION POLICY (UAP)

### SECTION 7 BROADBAND INFRASTRUCTURE



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

18

18

# DRAFT 2023 UAP

[Guide for Utility Management](#)    [Utility Accommodation Policy](#)    [Appendix A](#)

- 2022 UAP approved by ITD Board & Legislature
- 2023 DRAFT UAP addresses HB640 aaS 2022 requirements
- New Section 7 – Broadband Infrastructure

## UTILITY ACCOMMODATION POLICY

IDAHO TRANSPORTATION DEPARTMENT  
2022 Edition



YOUR Safety    YOUR Mobility    YOUR Economic Opportunity

# UAP Section 7 - Broadband Infrastructure

- Update broadband related definitions
- 7.2 Broadband Provider Registry
- [itd.idaho.gov/broadband](http://itd.idaho.gov/broadband)

**Idaho Transportation Department Broadband Provider Registry**

This Idaho broadband provider registry will be used to provide notifications to broadband providers (maintained in existing broadband infrastructure in coordination with state authorized major ground disturbance and bridge replacement transportation projects).

**Name\***  
Please provide your name.

**Title\***  
Please provide your position title.

**Organization or Company Name\***  
Please provide organization or company name.

**Email Address\***  
Please provide email address to receive updates on transportation projects.

**Address\***  
Please provide mailing address.

**Broadband Provider Type\***  
Please select:



YOUR Safety    YOUR Mobility    YOUR Economic Opportunity

## UAP Section 7 - Broadband Infrastructure

### 7.3 Procedures for Processing & Reviewing Statements of Interest

- Providers can view ITD ground disturbance projects using ITD's Dig Once App
- Prepare a Letter of Interest addressed to District Planning & Scoping Section POC
- ITD will make final determination on suitability of project for broadband infrastructure and may prescribe conditions, requirements, restrictions or other provisions



## UAP Section 7 - Broadband Infrastructure (cont.)

### 7.4 Non-Exclusive Installation & Occupancy Agreements

- Details Terms & Conditions of the agreement between ITD and Provider
- Agreement in place prior to issuance of utility encroachment permits
- Each separate permits describes the installation of broadband infrastructure
- Does not convey equitable or legal title in the ROW
- ITD may be granted access to broadband infrastructure for public safety warnings, road notification and amber alerts to motorists



## UAP Section 7 - Broadband Infrastructure (cont.)

### 7.5 Shared Resource Agreements

- Providers requesting access to ITD conduits and vaults on the State Highway System shall enter into Shared Resource Agreements with District Engineer or Division Administrator
- Exchange of facilities or services in lieu of fees or other financial transactions



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

23

23

## UAP Section 7 - Broadband Infrastructure (cont.)

### 7.6 Speculative Practices That May Impact and Compromise State Right-of-Way

- State Highway ROW is a limited resource
- Broadband infrastructure projects must be constructed and operational
- Provide documentation that broadband facility is operational
- Seeking input from industry on what may constitute speculative practices



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

24

24

## UAP Section 7 - Broadband Infrastructure (cont.)

### 7.7 Small Wireless Facilities Permit Application Review

- Implementing FCC “Shot Clocks”
- Collocation – review within 60 days of application
- New, modified or replacement structures – review within 90 days of application
- 10 days to determine if application is complete



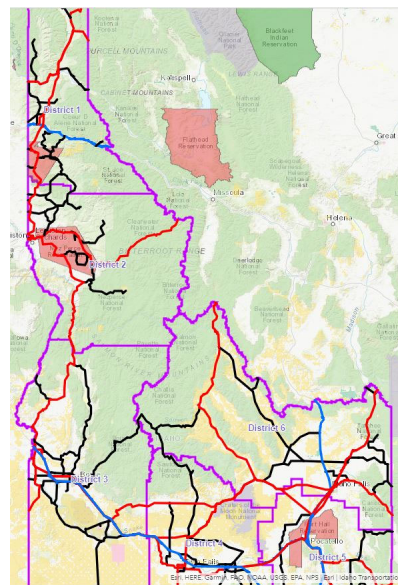
YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

25

25

## Utility Permitting Discussion

Utilities wishing to locate on highway ROW where ITD does not have deeded rights need to acquire approval from federal land management agencies (USFS, BLM, Tribal Lands, R/R) prior to issuance of ITD encroachment permits



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

26

26

## COMMENTS & DISCUSSION



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

27

27

## Points of Contact

Ramon Hobdey-Sanchez  
Project Manager, Office of  
Governmental Affairs  
(208) 334-8810  
[Ramon.hobdey-  
sanchez@itd.idaho.gov](mailto:Ramon.hobdey-sanchez@itd.idaho.gov)

Robert Beachler  
Broadband Program  
Manager, Division of  
Highways, Planning  
Services Section  
(208) 772-1216  
[Robert.Beachler@itd.idaho.  
gov](mailto:Robert.Beachler@itd.idaho.gov)



YOUR Safety ●●●▶ YOUR Mobility ●●●▶ YOUR Economic Opportunity

28

28