

Broadband Utility Accommodation Rulemaking

20 September 2022



YOUR *Safety* • • • ► YOUR *Mobility* • • • ► YOUR *Economic Opportunity*

Agenda

- Goals and Objectives of Broadband Negotiated Rulemaking
- Comments from July 11th Rulemaking Meeting
- HB640aaS 2022 – “Idaho Broadband Dig Once and Right-of-Way Act”
- UAP Section 7 – Broadband Infrastructure
- UAP Section 8 – Wireless Communications



GOALS AND OBJECTIVES OF BROADBAND NEGOTIATED RULEMAKING



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



Goals and Objectives of Rulemaking

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



Managing the ROW

- Update the Utility Accommodation Policy (UAP) to provide a framework for managing broadband facilities within the State's ROW
- Develop policies and procedures for accommodating and managing access for broadband infrastructure
- Manage ROW on a competitively neutral and non-discriminatory basis



**COMMENTS
FROM
JULY 11, 2022
NEGOTIATED RULEMAKING
MEETINGS**



Comments from July 11th Meeting

- Allow local communities to determine how broadband services are to be deployed
- UAP and SWF Design Guidelines should require wireless providers comply with city and county zoning ordinances and obtain local jurisdiction permits prior to applying for permits with ITD



Comments from July 11th Meeting

- Citizens are concerned about health and environmental impacts of wireless facilities
- Expanding wireless communications has the potential to increase distracted driving
- Wireless Communications policy should be addressed in separate section and not combined with Broadband Infrastructure



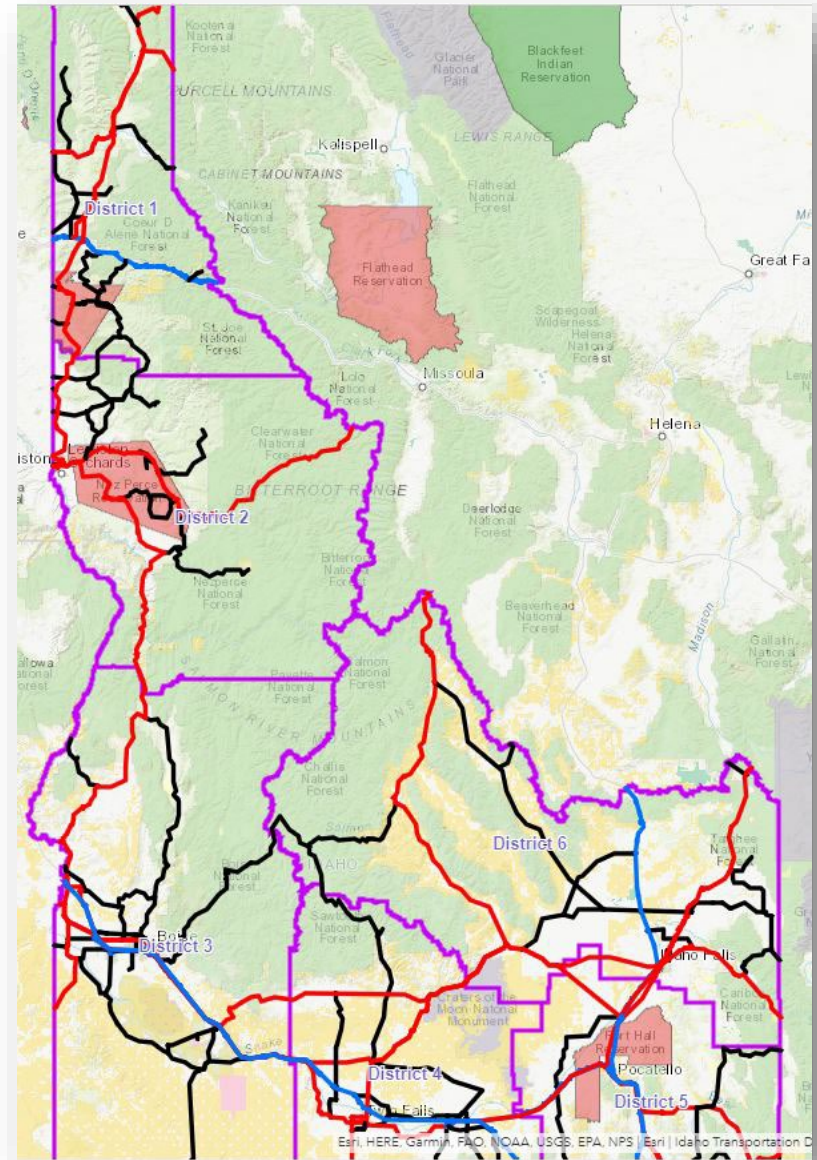
Comments from July 11th Meeting

- Multiple local government agencies expressed interest in the coordination and development of open access broadband infrastructure
 - Support local government communications needs
 - Public Safety
 - Network resiliency



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



HOUSE BILL 640aaS-2022

IDAHO BROADBAND DIG ONCE AND RIGHT-OF-WAY ACT



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

- At the beginning of the ‘22 Legislative Session, legislation was introduced seeking access to the State’s Highway ROW for broadband infrastructure
- Legislative intent: ITD develop rules, standards and policies consistent with the new “Dig Once Policy”
- Coordinate installation of broadband infrastructure on highway ROW & during ITD construction projects



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

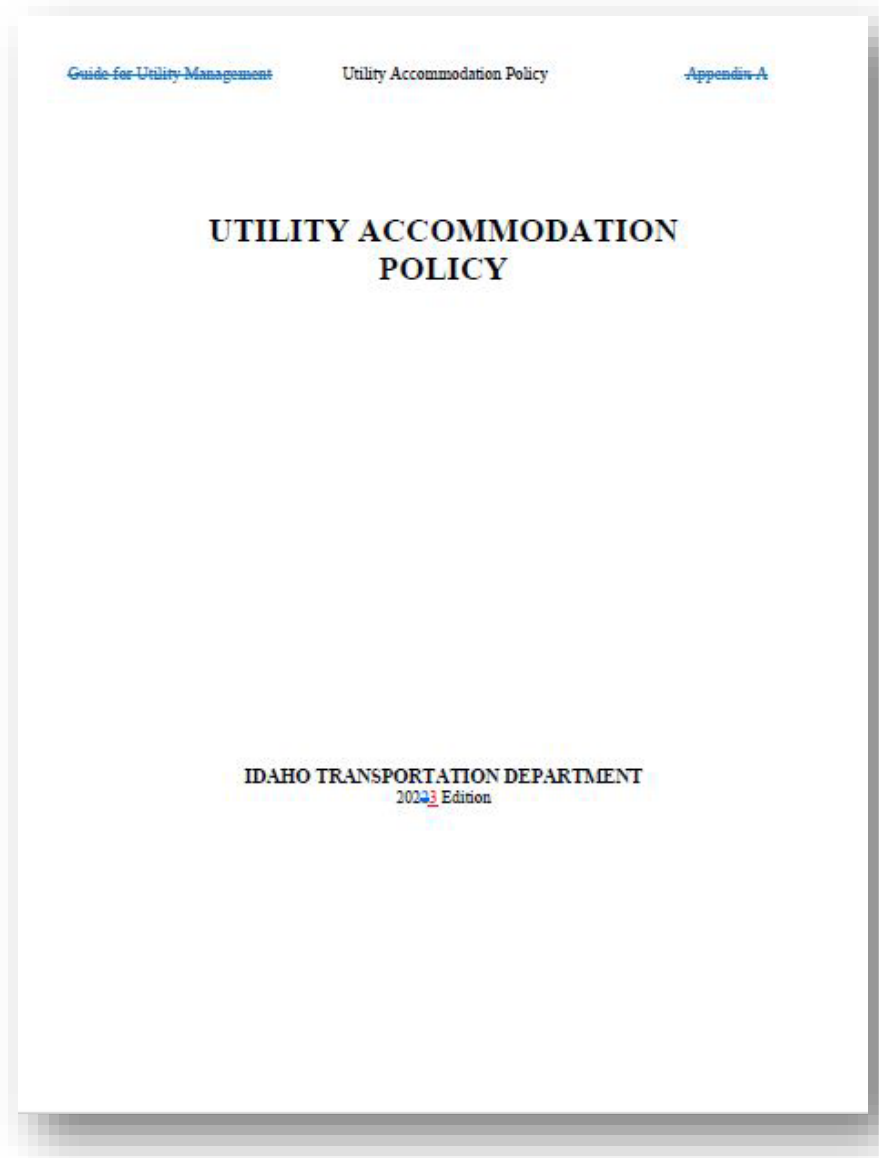


I-90 Widening, Coeur d'Alene



DRAFT 2023 UAP

- 2022 UAP approved by ITD Board & Legislature
- 2023 DRAFT UAP addresses HB640aaS requirements
- New Section 7 – Broadband Infrastructure
- New Section 8 – Wireless Communications



HB640aaS Rulemaking Requirements

- Two sections in HB640 require the Department to promulgate rules:
 - When considering broadband as a utility most of the rulemaking requirements of HB640 are already addressed under existing utility accommodation policies
 - Rulemaking requirements not already addressed under existing utility accommodation policies are covered in new UAP Section 7 – Broadband Infrastructure



**DRAFT 2023
UTILITY ACCOMMODATION
POLICY (UAP)**

**SECTION 7
BROADBAND INFRASTRUCTURE**



UAP Section 7 - Broadband Infrastructure

- Update broadband related definitions
- 7.2 Broadband Provider Registry
- itd.idaho.gov/broadband

Idaho Transportation Department Broadband Provider Registry

This Idaho broadband provider registry will be used to provide notifications to broadband providers interested in installing broadband infrastructure in coordination with state sponsored 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-

Submit



UAP Section 7 - Broadband Infrastructure

(cont.)

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 a project for the placement of broadband infrastructure



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
- ITD may be granted access to broadband infrastructure for public safety warnings, road notifications 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 may be negotiated



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

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

- Broadband infrastructure projects must be constructed within one year
- Additional capacity shall not be allocated to any one provider



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

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

- Half of additional ITD conduit capacity may be made available to public use
- Other half may be made available to entities that enhance investments to underserved markets



UAP Section 8 - Wireless Communications

8.1 Small Wireless Facilities (SWF):

- SWF applicants must adhere to local City & County zoning ordinances
- Apply for and obtain permits from local jurisdictions prior to applying for SWF permit from ITD
- Be in compliance with ITD SWF Design Guidelines
- Pay applicable initial and recurring fees



UAP Section 8 - Wireless Communications

(*cont.*)

8.2 SWF 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



UAP Section 8 - Wireless Communications

(cont.)

8.3 Non-Exclusive Installation and Occupancy Agreements:

- Details terms & conditions between ITD and Wireless Provider
- Entered into Agreement prior to applying for SWF encroachment permit
- Comply with ITD SWF Design Guidelines



QUESTIONS & DISCUSSION



Comment Period

Please submit written comments by 9/28/2022 to:

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