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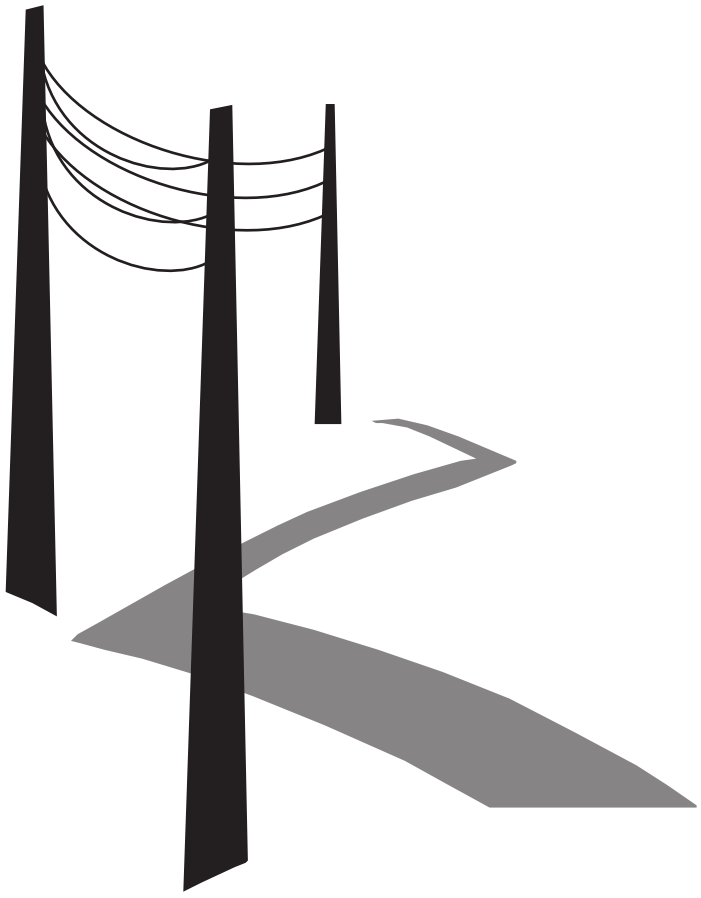
17-229, Chapters 229 and 205 : Utility Accommodation Policy & Permit-by-Rule Regulations for Aboveground Utility Facilities, July 28, 2009

Maine Department of Transportation

Utility Accommodation Policy 17-229 CMR Chapter 210, July 28, 2009 & Permit-By-Rule Regulations for Aboveground Utility Facilities 17-229 CMR Chapter 205, June 7, 1995



MaineDOT

17-229 DEPARTMENT OF TRANSPORTATION

Chapter 210: UTILITY ACCOMMODATION POLICY

1. PURPOSE AND APPLICATION

This policy is established to regulate the accommodation of Facilities within the limits of state and state-aid Highways. It provides certain administrative procedures and establishes minimum requirements for the location, method of installation, adjustment and maintenance of Facilities so accommodated.

This policy is developed in the interests of safety, protection, utilization and future development of Highways with due consideration given to the public welfare afforded by adequate and economical Facility installations. This policy is authorized by 23 MRSA §52, 35-A MRSA §2503 (16), and is further required by 23 CFR 645.211.

2. SCOPE

As of the effective date of this policy, the location standards defined herein shall apply to all new Facilities and any additions, alterations, adjustments, relocations or replacements of existing Facilities and Appurtenances within the limits of state and state-aid Highways. Unless specifically stated otherwise, this policy is not intended to require the adjustment of existing Facilities or Appurtenances that do not constitute a safety hazard to the traveling public or do not conflict with the use, construction or maintenance of the Highway. Notwithstanding the foregoing, the duties and responsibilities set forth in Section 6 apply to all Facilities and Appurtenances, whether existing or proposed.

The standards defined herein supersede MaineDOT's *Policy on Above Ground Utility Locations, Policy on Tree Maintenance By Utilities Within the Public Right-of-Way*, and the *Utility Location Permits - Preparation of Application for a Utility Location Permit - Basic Requirements* and amend the *Utility Accommodation Policy – February 19, 2002.*

Throughout this policy, cross-references to MRSA, CFR and other sources have been shown in brackets [ ]. Although the specific wording in this policy may occasionally match that which is used in the source material, the intent of the cross-reference is to provide a history of major contributing sources and not to imply duplication or interpretation of the source material.

3. ABBREVIATIONS

The following abbreviations used in this policy shall be interpreted as follows:

AADT - Average Annual Daily Traffic

AASHTO - American Association of State Highway and Transportation Officials.

APWA - American Public Works Association

ASTM - American Society For Testing and Materials

COA - Control of Access *Syn: Controlled Access*

CFR - Code of Federal Regulations

CL - Centerline

CMR - Code of Maine Regulations

DEP - Department of Environmental Protection

EP - Edge of Pavement

ES - Edge of Shoulder

ETW - Edge of Traveled Way

FAPG - Federal-Aid Policy Guide - United States Department of Transportation.

FHWA - Federal Highway Administration

FOC - Face of Curb

MaineDOT - Maine Department of Transportation

MPUC - Maine Public Utilities Commission

MRSA - Maine Revised Statutes Annotated

MUTCD - Manual on Uniform Traffic Control Devices (published by the FHWA under 23 CFR Part 655, Subpart F)

NESC - National Electrical Safety Code (Published by the Institute of Electrical and Electronics Engineers, Inc.)

NHS - National Highway System

PBR - Permit-By-Rule

R/W - Right-of-Way

TCP - Traffic Control Plan

TW - Traveled Way

USC - United States Code

USDOT - United States Department of Transportation

4. DEFINITIONS

The following terms used in this policy shall be interpreted as follows:

Appurtenance - Any manhole, pull box, junction box, Vent, riser, anchor, guy wire, push brace or other incidental component of a Utility system, whether aboveground or belowground, excluding Facilities.

APWA Uniform Color Code - *Red* = Electric; *Yello*w = Gas-Oil-Steam; *Orange* = Communication-CATV; *Blue* = Potable Water; *Purple* = Reclaimed Water; *Green* = Sewer; *Pink* = Temporary Survey Markings; *White* = Proposed Excavation

Authorized Entity – any entity authorized to have Facilities within highway limits.

Backfill - Replacement of soil around and over a Facility or Appurtenance.

Backslope - The graded slope between the centerline of ditch and the original ground, located on the side of the ditch opposite the Traveled Way. *Ref. Appendix*

Bridge - A structure designed to carry pedestrians, vehicles, trains or other modes of transportation over another transportation corridor, water, or other physical barrier and having a single span of at least 10 feet between supports or a combined open area of 80 square feet for multiple structures (i.e. multiple culverts). For the purpose of this policy, this term shall include both bridges and minor spans as defined in 23 MRSA §562.

Casing - Pipe or other separate structure around and outside an underground Facility that is designed to support the dead loads of the Highway and superimposed loads thereon, including that of construction machinery.

Clear Zone - A Recovery Area established through consideration of traffic volumes, speed, recoverable and non-recoverable slopes, and roadside geometry and as applied through procedures defined in the *Roadside Design Guide* published by AASHTO.

Commissioner - The Commissioner of MaineDOT.

Communication Lines - The conductors and their supporting or containing structures that are used for public or private signal or communications service, and which operate at potentials not exceeding 400 V to ground or 750 V between any two points of the circuit, and the transmitted power of which does not exceed 150 W. When operating at less than a nominal voltage of 90 V, no limit is placed on the transmitted power of the system. Under specified conditions, communication cables may include communication circuits exceeding the preceding limitation where such circuits are also used to supply power solely to communications equipment. *Note: Telephone, telegraph, Railroad signal, data, clock, fire and police alarm, cable television and other systems conforming with the above are included. Lines used for signaling purposes, but not included*

under the above definition, are considered as (electric) supply lines of the same voltage and are to be so installed. [NESC]

Compact Area - An area in which a Municipality has the responsibility for maintenance of state and state-aid roads. Factors that define a Compact area are specified in 23 MRSA §754. A current list of Municipalities having Compact Areas is available through the Utilities Web Site.

Conduit - A structure containing one or more Ducts. [NESC]

Construction Manager - The authorized field representative assigned to oversee and manage a particular MaineDOT Project. This individual may also be referred to as the Resident Engineer or Resident Inspector.

Construction Season – The portion of any calendar year in which most Utility or Highway construction occurs (typically April through November).

Controlled Access - A type of Right-of-Way where all rights of access have been acquired from the abutting property owners. MaineDOT has the full power and authority to lay out, establish, acquire, open, construct, improve, maintain, discontinue and regulate the use of all Highways so designated. [23 MRSA Chapter 7]

Coordination Meeting - A meeting that is held to discuss project specifics and concerns with the representatives of Authorized Entities having known, proposed or existing Facilities in the General Area of a Proposed Installation.

Cover - Depth of material between the top of a Facility or Appurtenance and the finished grade of the Highway.

Curb - A raised strip of bituminous, concrete or granite that is located at the Edge of Shoulder for surface drainage.

Day(s) - Calendar days. Each day shown on the calendar including Saturdays, Sundays and holidays.

MaineDOT - The State of Maine Department of Transportation.

Direct Burial - Installing a Facility underground without Conduit, duct, Sleeve or any type of Encasement.

Duct - A single enclosed raceway for conductors or cable. [NESC]

Edge of Pavement - (EP) - The outside edge of the paved portion of the Highway constructed and surfaced for normal travel, including any surfaced Shoulders but excluding sidewalks. *Ref. Appendix*

Edge of Shoulder - (ES) - The outside edge of the Shoulder not adjacent to the Traveled Way. This term may be used whenever a Shoulder exists, regardless of whether or not the Shoulder is surfaced with hot bituminous pavement. *Ref. Appendix*

Edge of Traveled Way - (ETW) - The outer edge of the outmost lane intended for vehicular traffic and exclusive of shoulders, turning lanes or climbing lanes. The ETW is often indicated by a solid white edge line that exists between the Traveled Way and the Shoulder. In the absence of a painted edge line, the Traveled Way width shall be assumed as 12 feet for all NHS highways or as defined in the tables provided in Section 10(2)(C)(2) for all non-NHS highways, unless otherwise directed by a MaineDOT Region Engineer. *Ref. Appendix*

Electric Supply Lines - Those conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 V are always supply lines within the meaning of the rules, and those of less than 400 V may be considered supply lines, if so run and operated throughout. *Syn: supply lines* [NESC].

Encasement - Structural element surrounding a Facility (Ref. "Casing").

Facility - "Facilities" means: A) If under the surface of the Public Way, pipes, cables and Conduits; and B) If on or over the surface of the Public Way, poles, hydrants, cables, wires and any plant or equipment located on or over the surface of the Public Way. [35-A MRSA §2502] For the purposes of this policy, "Facility" shall include all components of a system not covered by the definition of Appurtenance.

Flow Area - The strip of land that includes the full width of a ditch line, plus the bottom 2 feet of both the Inslope and Backslope. For example, a flat bottom ditch with a width of 2 feet results in a Flow Area width of 6 feet. Since a standard "V" ditch has no width, the Flow Area has a total width of 4 feet. *Ref. Appendix*

Freeway - The highest type of arterial Highway with full Controlled Access. Essential Freeway elements include: Medians, grade separations at cross streets, ramp connections for entrance to and exit from the Traveled Way, and, in some cases, frontage roads [AASHTO, A policy on Geometric Design of Highways and Streets]. Examples of Freeways in Maine include the Interstate system and the portion of Route 1 between Brunswick and Bath.

General Location - The location along a Highway to be occupied or crossed by a Proposed Installation. Descriptions of a General Location must include a distance from the center of an appropriate Reference Point to the beginning or end of the Proposed Installation, reference to the county and Municipality in which the Proposed Installation will be installed and the relevant Highway name(s) and route number(s) (as applicable). [17-229 CMR Chapter 205]

Hazardous Transmittant - A substance or material which has been determined by the Federal Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. [49 CFR 121.8].

Highway - A Public Way including all of the Right-of-Way that may have been laid out by the State, county or town. [23 MRSA §2 (2)] *Ref. Appendix*; *Syn: street, road*

Highway Opening Permit - A permit that authorizes making any underground installation as provided in chapter 23 (Title 35-A MRSA) and Title 23, sections 54 and 3351 to 3359. [35-A MRSA §2503 (14)]

Highway Structure - A general term referring to any part of the Highway that has been designed and constructed with structural considerations to serve a specific highway purpose. Included under this term are Bridges, retaining walls, major drainage structures (not including standard catch basins or culverts), and other similar structures.

Inslope - The graded slope between the Edge of Shoulder and the centerline of an adjacent ditch or the bottom of the slope. *Ref. Appendix*

Interstate - A Highway on the National System of Interstate and Defense Highways having Freeway characteristics.

Licensing Authority - "Licensing Authority" means: A) The Department of Transportation, when the Public Way is a state, or state-aid Highway, except for state or state-aid Highways in the Compact Areas of urban compact municipalities as defined in Title 23, section 754; B) The municipal officers or their designees, when the Public Way is a city street or town way or a state or state-aid Highway in the compact areas of urban compact municipalities and as defined in Title 23, section 754; and C) The county commissioners, for all other Public Ways. [35-A MRSA §2502 (1)] MaineDOT is the Licensing Authority for Bridges and Controlled Access Highways, including those within Compact Areas, because of MaineDOT's maintenance responsibility for these assets.

Location Permit - A permit that authorizes the location of an Authorized Entity's Facility within the Right-of-Way limits in accordance with 35-A MRSA Chapter 25.

Median - The portion of a divided Highway separating the traveled ways for traffic in opposite directions.

MaineDOT Project - Any capital improvement of a transportation facility administered by or funded through the Maine Department of Transportation. This does not include maintenance activities.

Multiple Pole Lines - Two or more sets of Utility poles located along a Highway for the conveyance of transmission or distribution wires or cables, not including service lines.

Municipality - A city or town. [30-A MRSA §2001 (8)]

National Highway System - Interconnected urban and rural principal arterials and highways (including toll facilities) which serve major population centers, international border crossings, ports, airports, public

transportation facilities, other intermodal transportation facilities and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. All routes on the Interstate System are a part of the National Highway System [23 CFR 470]. The NHS Highways in the State of Maine are identified on the Utilities Web Site.

National Standards - Any standards that have been developed and adopted to apply throughout the United States to specifically address Facilities of a defined type. Specific examples include the USDOT Pipeline Safety Regulations and the NESC.

Out-of-Service Facility - A Facility or Appurtenance that is disconnected from the system and not intended to be used in the future by the operating Authorized Entity. Such Facilities may also be considered "abandoned" by the MPUC.

Pavement Overlay - A MaineDOT Project with a scope consisting of placing new pavement over an existing paved highway surface without realignment of any part of the centerline or additional widening.

Pavement Structure - The portion of the Highway specifically designed or designated to support vehicular travel including the full width of Traveled Way, the full width of adjacent Shoulders, and the area beyond the Edge of Shoulder to the limits of Subgrade. *Ref. Appendix*

Preliminary Engineering - The locating, making of surveys, soil and foundation investigations, and the preparation of plans, specifications and estimates in advance of construction operations.

Private Entity – A private organization or individual, other than a Utility, which owns, operates, controls and maintains Facilities that exist for its own use.

Private Facility Exception License - A license from MaineDOT (formerly called a Letter of No Objection) that acknowledges a private Facility within the Highway limits and states that MaineDOT currently has no objection to the Facility being so located. There are no continuous rights conveyed with this license, and MaineDOT may require modification, relocation or complete removal of the private Facility and Appurtenances at any time. The private Facility owner bears all costs and risks relating to the Facility and Appurtenances and is liable for any damage the Facility or Appurtenances may cause.

Proposed Installation - Facilities proposed to be constructed within a Highway, including future replacements, additions and associated services planned within the next five years and to the extent that they are known by the applicant at the time of application. [17-229 CMR Chapter 205]

Public Way - Any road capable of carrying motor vehicles, including, but not limited to, any state Highway, municipal road, county road, unincorporated territory road or other road dedicated to the public. [23 MRSA §1903 (11)]

Railroad - "Railroad" includes every commercial, interurban and other railway and each and every branch and extension thereof by whatsoever power operated, together with all tracks, bridges, trestles, rights-of-way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property. [23 MRSA §5001 (1)]

Railroad Company - Every corporation or person, their lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any railroad for compensation within this State. [23 MRSA §5001 (2)]

Recovery Area - The unobstructed portion of the Highway beyond the Edge of Traveled Way that is preserved to provide drivers of errant vehicles a reasonable opportunity to stop safely or otherwise regain control.

Reference Point - A point on the face of the earth that is easily identified on most street maps and on the ground or a point defined from MaineDOT's inventory road, Bridge or node numbers. Acceptable examples of these include town lines, major intersections, major stream crossings, Railroad crossings, or Bridges.

Region Engineer - The engineer with engineering authority for the purposes of region input to this policy for any of the five MaineDOT Maintenance Regions. MaineDOT Region Offices are currently located in Presque Isle, Bangor, Augusta, Scarborough and Dixfield.

Right-of-Way - Real property or interests therein, acquired, dedicated or reserved for the construction, operation and maintenance of a transportation facility and other related facilities.

Scenic Byway - A Highway having special scenic, historic, recreational, cultural, archeological, and/or natural qualities that have been recognized as such through legislation or some other official declaration. The terms State Scenic Byway, National Scenic Byway, or All-American Road are designations included under this general term. [FHWA Docket No. 95-15 & 23 M.R.S.A. §4206 (G)]

Service - A Facility that connects a customer to a Utility distribution system or network.

Shoulder - That portion of the Highway contiguous with the traveled way for lateral support of base and surface courses and support of a vehicle. *Ref. Appendix*

Sleeve - A larger pipe enclosing a Facility. Also see "Casing".

Special Materials - A general term referring to any materials that have been designed with structural considerations to treat special or unique conditions of the Highway. Included under this term are geotextiles,

geofoams, lightweight fills, tire chips and other similar materials. This term is not intended to apply to any structures covered under the terms "Highway Structure" or "Pavement Structure".

Specific Location Plan - A plan that indicates the location of Facilities and significant Appurtenances (such as manholes, vaults, and guys) along a Highway. The plan may or may not be drawn to scale, but must be adequately dimensioned to accurately identify the location of a Proposed Installation. Longitudinal distances are provided between control points, bends, manholes, poles, and other similar features. Horizontal offset distances are provided from the centerline of the Traveled Way, nearest Edge of Traveled Way, nearest Edge of Shoulder, face of Curb, or other well defined, applicable reference. Offsets indicated are to the centerline of underground installations or to the Traveled Way side of aboveground installations. The Edge of Traveled Way, Right-of-Way lines (assumed or otherwise), and other pertinent Highway features shall also be indicated on this plan.

Subgrade - The graded portion of a Highway upon which the Pavement Structure is constructed to support vehicular travel. Subgrade exists as a plane located parallel to and at a specified depth below the surface of the Traveled Way. This plane extends horizontally, at the same cross-slope as the Traveled Way, to the intersection with the Inslope or the centerline of ditch, whichever is closer to the Traveled Way centerline. Where no ditch is present, the horizontal limit of Subgrade is one foot beyond the Edge of Shoulder or face of Curb. The depth to Subgrade from the centerline of the Traveled Way surface is based upon the design of the Pavement Structure. On Highways that lack a defined Subgrade or have a Subgrade of less than 24 inches below the Traveled Way surface, a minimum depth of 24 inches shall be used. *Ref. Appendix*

Traffic Control Plan (TCP) - A plan, prepared in accordance with the MUTCD, which indicates the type and placement of traffic control devices to be used around and within work areas on Public Ways. These plans are designed and stamped by a Professional Engineer registered in the State of Maine or an American Traffic Safety Services Association (ATSSA) Certified Worksite Traffic Supervisor. The plan represents actual site conditions and clearly indicates the type, location and number of signs, the use of message or arrow boards, the use of police officers or flaggers, and any other information relating to maintaining the safe and efficient flow of traffic.

Traveled Way (TW) - That portion of a Highway designated for the use of vehicular traffic excluding any Shoulders, sidewalks or parking spaces. *Ref. Appendix*

Trenchless Installation Methods - Any process through which a pipe, Casing or other Facility is installed underground without using an open cut. This includes: tunneling, pipe jacking, microtunneling, pipe bursting, directional drilling, auger boring, guided boring, and pipe ramming.

Utilities Web Site - The web site maintained by MaineDOT for the purpose of providing current data to Utilities. The address for the Utilities Web Site is: *http://www.maine.gov/mdot/utilities-home.php*

Utility – For purposes of this policy, Utility, consists of:

1. Public utilities that are regulated by the Maine Public Utilities Commission.
2. Such other entities authorized to locate their facilities in, upon, along, over, across or under the public ways of this State by Chapter 23 of Title 35-A of the Maine Revised Statutes, if such entities are providing services to the general public or to regulated Public Utilities.

These entities consist of every public or private entity that operates telephones or transmits television signals; that owns, controls, operates or manages any pipeline within or through this State for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases; that makes, generates, sells, distributes and supplies gas or electricity; every water or sewer company, district or system owned or operated by a public or private entity; every municipally owned or operated fire alarm, police alarm or street lighting circuit or system; every cooperative organized under chapter 35 (Title 35-A MRSA); the University of Maine System, for purposes described in 35-A MRSA § 2301-A; and any other public or private entity engaged in telecommunications or the transmission of heat, or electricity. [35-A MRSA §2501].

Utility Coordinator - The person responsible for coordinating Authorized Entity Facility relocations in conjunction with MaineDOT Projects.

Vent - An Appurtenance to discharge gaseous emissions from a Casing.

5. LOCATION PERMITS

1. Location Permits Required/Not Required

A Utility may not construct new Facilities within the limits of a Highway without applying for and obtaining a Location Permit from the applicable Licensing Authority except as specified herein. [35-A MRSA § 2501, 23 CFR 645 Subpart B]. Private Entities may not apply for and obtain a Location Permit.

A. Location Permit Required:

A Location Permit is required in each of the following circumstances.

(1) All new Facilities except as specifically exempted in Section 5(1)(B), including Facilities proposed within Compact Areas that are also proposed to be installed on or within 25' of Bridges or within the limits of a Controlled Access Highway.

(2) Replacement of more than 5 poles or 150 feet of underground Facilities, regardless of whether those Facilities were previously permitted or deemed legal structures in accordance with 35-A MRSA §2309. For the purposes of this section, Facilities that exceed these limits are hereby considered new Facilities and not "replacements" or "additions" under 35-A MRSA §2503 (9).

(3) Installation of cabinets, transformers or other similar system components that are mounted on pads or multiple poles, not to include standard pedestals or those that are supported on an existing, single pole. Replacement of such Facilities requires permitting only if the existing supporting pad or poles are to be replaced.

(4) Replacement of any aboveground Facility or Appurtenance resulting from damage caused by a vehicle two or more times within the past 12 months.

B. Location Permit Not Required:

A Location Permit is not required in the following circumstances, providing the Facility or Appurtenance being installed meets the standards defined herein unless otherwise specified. Where an exception is required, an application shall be submitted in accordance with Section 5(2).

(1) Attaching additional wires, cables or Appurtenances to existing poles, providing the Utility making such attachment has permitted or legally located Facilities under 35-A MRSA §2309 upon all of the same poles.

(2) Services, as defined in 35-A MRSA §2503 (10)

(3) Replacement of up to 5 poles or 150 feet of underground Facilities within the location tolerance as specified in Section 5(4)

with respect to the original location of the Facilities being replaced. Poles replaced under this section are not required to meet the corridor offsets as specified in Section 10(2)(C). Utilities shall not replace Facilities in greater amounts than authorized herein by dividing projects having one primary engineering purpose into multiple, smaller projects.

(4) New wires or cables in existing conduit that is either permitted or legally located under 35-A MRSA §2309.

(5) Emergency Replacements: Replacement of Facilities that present an immediate hazard or are needed to restore utility service, providing after-the-fact permitting occurs within 60 days when required.

C. Highway Opening Permits:

Applicants are advised that, depending upon the type of installation proposed, a separate Highway Opening Permit might also be required from the applicable Licensing Authority.

2. Application Process [35-A MRSA Chapter 25]

This section outlines the application procedures for Location Permits on all Highways and Bridges for which the Maine Department of Transportation is the Licensing Authority. There are two processes available to obtain a Location Permit: Statutory Application Process and the Permit-By-Rule process. MaineDOT reserves the right to require additional information on any applications as necessary.

A. Statutory Application Process [35-A MRSA §2503]

The Statutory Application Process may be used by all Utilities to apply for a Location Permit.

(1) Submission Requirements

In order to obtain a Location Permit through the statutory application process, a Utility or authorized agent must first submit a completed application to MaineDOT that includes each of the components listed below. A single application may include multiple Facilities of the same type, provided the general and specific location of each Facility is clearly noted on the application.

(a) Completed Application Form(s): A blank application form is available on the Utilities Web Site. Applications shall provide the following information:

(i) Description of the General Location: The description of the General Location shall be as defined in Section 4, Definitions. Alternatively, if the Proposed Installation involves only attachment

to existing poles and a permit is required, the description may simply reference the MaineDOT Location Permit number issued to the owner of the poles.

(ii) Description of the Proposed Installation: The description of the Proposed Installation shall be as defined and shall include, as appropriate, the type of installation, the size of pipes, the number and kind of poles, voltage and number of phases, and the number of cables, anchors and guys. [17-229 CMR Chapter 205] This section is not intended to limit future additions as authorized by Section 5(1)(B)(1).

(iii) Minimum depth below / height above ground: Indicate the minimum Cover for underground Facilities or the minimum height above the Highway surface for aerial wires and cables.

(iv) Maximum operating pressures: The maximum operating pressure must be stated for pressurized pipelines

(v) Statement of intent to publish [35-A MRSA § 2503 (2,3,4)]*:* If a Proposed Installation involves the construction of Electric Supply Lines carrying over 50,000 volts (phase to ground) or the installation of a cabinet, transformer(s) or other similar structure(s) mounted upon a pad or multiple poles, public notice is required. Otherwise, public notice of a Proposed Installation is at the applicant's option. If published, the applicant shall include the text of the application at least one time in a newspaper circulated within the Municipality (or Municipalities) encompassing the limits of the Proposed Installation. The publication shall include a statement informing any person owning property that abuts the applicable Public Way of their right to file a written objection with the Licensing Authority within 14 days after publication. Evidence of publication shall be submitted to MaineDOT before a permit can be issued. If not published, the application will be processed and objections may be filed in accordance with 35A MRSA §2503 (3). Objections received in this manner could result in

the applicant being required to relocate the Facility and all Appurtenances at its expense.

(vi) Owner's signature: The owner or operator of the Proposed Installation must sign the application. Any person signing on behalf of the owner or operator must provide evidence of authorization to sign.

(vii) Construction by Others: If a Proposed Installation is to be constructed by a person or entity other than a Utility, that person or entity shall include a signed letter with the application acknowledging complete responsibility for the Proposed Installation until such time that the Facility is conveyed to the Utility. In no case shall a Proposed Installation constructed by others be connected to a Utility system or network prior to such conveyance unless otherwise permitted.

Applications submitted in this manner shall be signed by the Utility to indicate their agreement with the location of the proposed Facility and their intent to accept the Facility upon completion of construction. If a Location Permit is issued, it will include a special condition acknowledging construction by a non-Utility.

(b) Specific Location Plan(s): The Specific Location Plan shall be as defined in Section 4, Definitions. A separate Specific Location Plan shall be submitted for each proposed Facility. Specific Location Plans shall be submitted on standard letter, legal size or 11-inch by 17-inch sheets (for archive purposes) with no more than two Highways being shown on one sheet.

If the Proposed Installation only involves attachment to existing poles and a permit is required, the plan may simply locate the starting and ending points in relation to any of the major features indicated in the General Location. Offsets to existing poles are not necessary.

(c) General Location Map: For each Proposed Installation, the Utility must submit an accurate area map (examples - MaineDOT Highway Attributes plan available on the MaineDOT Utilities website, MaineDOT Highway plan or U.S.G.S. quadrangle) or a sketch traced from such a

map identifying the General Location of the Proposed Installations.

(d) Supporting Data: All applications must also contain statements that clearly indicate the following:

(i) Whether or not joint use or ownership of the Facility is reasonably anticipated within a year of the date of initial installation.

If the Proposed Installation involves attachment to the poles of another Utility, a copy of the lease or agreement showing evidence of the right to occupy the poles shall be included with the application. Alternatively, the application may also be signed by the Utility that owns the poles.

(ii) Whether or not there are any existing Facilities of others which are located within the minimum clearance offset specified in Section 8(1)(I);

(iii) That a copy of the application has been submitted to the municipal clerk of each Municipality or the clerk of the County Commissioners in the case of unorganized townships; and

(iv) The name, address and telephone number of a person that will be available to answer questions regarding the application or to review the Proposed Installation on-site.

(e) Special Materials & Highway Structures: If any part of the Proposed Installation is to be made on or within 25 feet of a Highway Structure or area involving Special Materials (as measured horizontally), the application must be accompanied by plans showing the location, method of construction, clearances and other data pertinent to how the Proposed Installation may impact those areas. For detailed requirements regarding Bridges and other Highway Structures, please refer to Section 12.

(f) Traffic Control Plan: Any work proposed within the limits of a Freeway shall include a Traffic Control Plan as defined in Section 4, Definitions. Specific requirements are further described within Section 6(6)(B), Maintenance of Traffic, Freeways.

(2) Processing

Three complete copies shall be submitted to MaineDOT at the address provided on the application form. One complete copy shall also be submitted to the municipal clerk of the applicable Municipality or the clerk of the county commissioners in the case of unorganized townships. The application will be reviewed with primary consideration of the standards defined within this rule, however, specific site conditions, proposed work in the same General Location, public comments, or other concerns of MaineDOT may also affect permit conditions. Permits will normally be processed within 30 Days, however, up to 60 Days is permissible. [35-A MRSA § 2503 (19)]

(3) Completion Confirmation

The MaineDOT will send the Utility a Completion Confirmation Form along with an approved Location Permit. Upon completion of installation of a permitted Facility, the Utility shall return the completed form to MaineDOT, stating that all work has been completed in accordance with the specified permit. If field modifications were necessary or the scope of the original project was reduced, amended sketch plans from the original permit shall be submitted to indicate the changes. If field changes beyond the tolerance specified in Section 5(4) were necessary, the name of the MaineDOT representative and the date of all applicable approvals shall be indicated on the form. All amendments submitted as described above shall be deemed accepted by the MaineDOT unless MaineDOT notifies the Utility otherwise within 60 days of receipt.

B. Facility Locations Authorized Through MaineDOT Projects

Locations of Facilities authorized through MaineDOT Projects are permitted through the coordination process that occurs in the Preliminary Engineering phase of a MaineDOT Project. Through this process, the Utility Coordinator and a representative from the Utility work together to generally determine the best location for the proposed or relocated Facilities. The Utility then designs its Facilities and Appurtenances in accordance with the accommodation standards defined within this manual or as otherwise authorized by MaineDOT. Once all available information regarding the new location of the Facilities is submitted to and accepted by MaineDOT, a Location Permit for the relocated facilities, while not required by statute, will be issued to reflect the change and to evidence the legality of the relocation. This paragraph shall only apply to Facilities that must be relocated as a result of the MaineDOT Project. New Facilities (not replacement Facilities) must be permitted as otherwise described herein. [35-A MRSA § 2503 (8)]

C. Permit-By-Rule (PBR) [17-229 CMR Chapter 205]

The Permit-By-Rule for aboveground Facilities was originally adopted in July 1995 to streamline the procedure for permitting aboveground Facilities. PBR is an alternative to the Statutory Application Process. It allows an application, which is submitted in accordance with the requirements of Chapter 205 of MaineDOT's rules, to automatically become a valid permit within 14 or 30 Days, providing MaineDOT raises no objections. As described in Chapter 205, this process is only available to Utilities proposing to install poles, guys, cables, wires and related aboveground equipment in areas that are not within the Right-of-Way of Controlled Access Highways, Scenic Byways or within the limits of a MaineDOT Project. Facilities properly installed pursuant to these rules are legal and permitted structures. [35-A MRSA §2503(16)]

D. Additional Process For Significant Facility Installations

In addition to the applicable application process described in 5(2)(A) and 5(2)(C), Proposed Installations involving underground Facilities of at least 500 feet in length (excluding new or replacement wires or cables within existing Encasement) or the installation of 25 or more utility poles require evidence of coordination with at least one representative for every Utility having existing or Proposed Installations within the General Location. Coordination may occur individually with each Utility or through Coordination Meeting(s). Coordination Meetings shall be setup by the entity proposing a new project at least one week in advance of the actual meeting date. A reasonable effort shall be made to assure the availability of as many attendees as possible. Additional evidence submitted with the Location Permit application shall include:

(1) Identification of all known Utilities having existing or Proposed Installations in the General Location,

(2) The name and telephone number of each individual associated with each of the Utilities identified in subparagraph (1),

(3) Identification of any major concerns identified by the other Utilities and how each concern will be addressed.

The form which should be used to confirm this coordination is located on MaineDOT's Utility Website as part of the Location Permit application.

3. Lapse of Permit

Permits granted pursuant to these rules shall expire if substantial construction of the Proposed Installation is not commenced within 12 months of the permit date or if construction work is suspended for one or more entire Construction Seasons.

4. Installation in Conformance With a Location Permit

As determined by MaineDOT through its application review process, specific permits may include requirements beyond the minimum standards stated within this policy to the extent necessary to protect the traveling public, minimize conflicts or ensure the efficient use of the Highway corridor. Proposed Installations or replacements shall be installed as permitted. If changes beyond the tolerance of the permit become necessary, the Utility shall notify the Region Engineer or authorized representative and request permission to amend the application or, if a permit has already been issued, request that MaineDOT amend the permit.

Unless otherwise specified in the permit, field changes are considered to be within the horizontal tolerance of the permit providing they comply with all of the following:

A. The offset of the modified location of aboveground Facilities is within 10 feet of the permitted location and no closer to the Highway, or, the offset of the modified location of underground Facilities is within 3 feet of the permitted location;

B. The modified location does not conflict with any existing Facilities, Appurtenances, Highway features (i.e. sidewalks, drainage pipes, Curb, entrances, etc), or other Proposed Installations within the Highway; and

C. The modified location otherwise complies with all standards defined in this policy.

5. Unauthorized Facilities

Any Facility installed within the Highway limits and not in compliance with the terms of its Location Permit, 35-A MRSA Chapter 23, 35-A MRSA Chapter 25, or this policy, is considered an Unauthorized Facility. As such, there is no legal right for that Facility to be located or maintained within the Highway limits unless the location is otherwise authorized by deed or easement. Upon notice from MaineDOT, the entity owning or operating the Unauthorized Facility is fully responsible for correcting any Unauthorized Facility and all Appurtenances as directed by MaineDOT, which may include after-the-fact permitting or removal of the Facility and all Appurtenances.

6. Private Facilities

Since private Facilities located within the Highway limits reduce the available Right-of-Way for public use, there are greater restrictions placed thereupon. Upon receipt of a complete application from a Private Entity and with consideration of the standards provided herein, MaineDOT may issue a Private Facility Exception License to permit a private Facility to exist within the limits of the Highway. Said permit shall only be valid until such time that MaineDOT determines that the Facility interferes with the Highway, its maintenance or any of its uses. The Facility owner shall bear all costs relating to the Facility and any Appurtenances including installation, relocation, adjustment and removal.

Owning a private Facility within the Highway limits does not guarantee continued use.

A. Application

Applications for Private Facility Exception Licences may be obtained from the Utilities Web Site and shall include any applicable information as specified in Section 5(2)(A)(1). First-time applicants are encouraged to contact MaineDOT to review the application requirements. In instances where a Private Facility or Appurtenance is proposed in a Highway in front of property not owned by the applicant, a letter from that abutting property owner stating no objection to the proposed installation shall accompany the application. (Note: A Facility is deemed "in front of" a parcel of property whenever it is located between the centerline of the Traveled Way and the Right of Way line adjacent to the parcel in concern).

B. Crossings

Private Facilities, not directly connected to a Utility distribution system or network or having characteristics that may be detrimental to the highway, will normally be authorized to cross Highways, providing all applicable standards are met as well as any special requirements specified by MaineDOT.

C. Longitudinal Installations

Private installations parallel to and within the limits of the Highway will not normally be authorized. However, where a proposed installation is less than 500 feet in length, MaineDOT will consider each application on a case-by-case basis.

6. FACILITY MAINTENANCE OBLIGATIONS

This section outlines the requirements for all Authorized Entities having Facilities that are either permitted, licensed or deemed legal structures within the limits of state or state-aid Highways or attached to Bridge structures. These requirements are applicable to all new and existing Facilities and Appurtenances.

1. Maintenance of Facilities

Every Authorized Entity is responsible for keeping its Facilities and Appurtenances sufficiently maintained so as not to degrade the integrity of the Highway or reduce the overall level of safety. Any deficiencies in a Facility or Appurtenance that create a potential hazard to the Highway users or maintenance crews shall be promptly corrected upon notice from MaineDOT.

2. Records and Locating Facilities

Every Authorized Entity is responsible for maintaining records regarding the following:

A. The Highway and Municipality in which each Facility is located,

B. Evidence of all applicable permits, easements, deeds, or other applicable rights for any Facilities and Appurtenances within the limits of the Highway,

C. The specific installed location of underground Facilities and Appurtenances within the limits of the Highway.

Authorized Entities not having the records specified above shall be responsible for obtaining that information for MaineDOT to the extent requested by MaineDOT and reasonably necessary for MaineDOT activities.

Authorized Entities are responsible for marking the location of underground facilities and Appurtenances at the request of MaineDOT prior to survey or other preliminary engineering or maintenance activities to ensure the location of these Facilities and Appurtenances is properly considered.

3. Services

Each Utility is responsible for assuring proper adjustment, relocation or repair of any portion of a Service that is located within the limits of the Highway and connected to that Utility's distribution system or network.

4. Out-of-Service Facilities

All Facilities and Appurtenances taken out of service and located either aboveground or attached to Highway Structures shall be removed within 60 days of their last use. If a Utility is required to obtain MPUC approval, the Facilities and Appurtenances may be removed within 60 days of said approval, providing the process is initiated within 60 days of their last use. Underground Facilities and Appurtenances that are taken out of service may remain in their existing locations providing the Authorized Entity retains full responsibility for the Facility and Appurtenances as provided herein. Should a remaining Out-of-Service Facility or

Appurtenance degrade the Highway or interfere with its use, construction or maintenance, the Authorized Entity is responsible for either correcting the conflict or removal of the Facility or Appurtenance at MaineDOT's option.

5. Utility Pole Replacement and Wire Transfers:

Unless otherwise approved by MaineDOT, all wire transfers and removal of replaced poles shall not extend beyond one year from the installation date of the new pole(s). Poles that remain beyond this one-year, maximum tolerance, or otherwise approved completion date, are not considered maintained in accordance with the terms of their permit as specified in 35-A MRSA §2503(6). All replaced poles are deemed Out of Service upon transfer or removal of all wires and/or cables and shall be removed from the Highway limits in accordance with Section 6(4).

6. Maintenance of Traffic

A. State and State-aid Highways

Any work performed by any party within the limits of a state or state-aid Highway, whether new construction, adjustment, or maintenance operations, shall be conducted in a manner to protect the public. Traffic control methods consistent with the current version of the MUTCD shall be consistently implemented to ensure the safe and expeditious movement of the traveling public [23 CFR 645.209]. MaineDOT may specify additional requirements in locations having high traffic, poor geometry or other special considerations.

B. Freeways

On Freeways, additional requirements beyond those provided within the MUTCD may be required. The MaineDOT must approve all work occurring within the Right-of-Way limits of a Freeway in advance. A Traffic Control Plan shall be submitted as part of the application. Additional requirements are specified as follows:

(1) General

(a) Median crossovers shall not be used at any time.

(b) Personal vehicles owned by any of the work area employees shall not access the work area from the Interstate or be parked within the Right-of-Way.

(c) Traffic shall not be interrupted during inclement weather, weekends or periods of heavy traffic

(d) All sign arrays, cones, and flashing arrow boards shall be in place and operating before the start of any other work.

(e) The Authorized Entity shall have a competent individual on site for the entire duration of the work that is familiar with MUTCD standards and is capable of

diagnosing and correcting any traffic problems that may arise as a result of the work.

(f) 48 hours advance notice shall be given to both the Region Engineer and the Maine State Police prior to the start of any work.

(2) Short-Term Wire Crossings

If an Authorized Entity must pull an aerial wire across a Freeway and there is no alternative to briefly interrupting the through traffic, a "Rolling Roadblock" procedure may be utilized in accordance with the following requirements:

(a) Immediately prior to the start of work, all advance signing shall be positioned in accordance with the Traffic Control Plan.

(b) Only the State Police shall stop Interstate traffic. One police cruiser shall be used for each lane of traffic, in each direction.

(c) Traffic shall only be stopped between the hours of 10:00 p.m. and 5:00 am

(d) Traffic shall not be stopped for more than 10 minutes in any 1-hour period.

(3) Underground Crossings by Trenchless Installation Methods

The following shall apply whenever Trenchless Installation Methods are used to cross a Freeway:

(a) No access to the work site will be permitted from the Controlled Access Highway.

(b) Pits will normally be located outside the Right-of-Way limits. If conditions warrant, MaineDOT may elect to allow pits within the Right-of-Way limits, providing no part of the operation encroaches within the Clear Zone limits.

If all work is to occur outside of the Right-of Way limits, work zone signing on the Interstate will not be necessary. If the work is to occur within the Right-of-Way, but outside of the Clear Zone limits, "Work Area Ahead" signs shall be used.

C. Railroad Crossings

Any work performed within the area defined by the crossing of the Highway and the Railroad limits shall also comply with all reasonable requirements of the Railroad Company to ensure the safety of the workers, the traveling public and the safe operations of the trains.

D. Noncompliance

Should any person fail to comply with the requirements set forth above, MaineDOT may suspend the work until the noted deficiency is corrected. When the work being performed is within the Highway limits and not located within the construction limits of a MaineDOT Project, the Region Engineer or authorized representative shall determine when a suspension is warranted. If the work being done is within the construction limits of a MaineDOT Project, the Construction Manager or authorized representative shall determine when a suspension is warranted.

7. Tree Clearing/Trimming

A. General

Authorized Entities are responsible for all work associated with any tree clearing and/or trimming required to install and maintain their Facilities and Appurtenances.

B. Notification

Authorized Entities must notify MaineDOT, in writing, at least 30 days prior to any trimming, cutting, or removal of trees by the Authorized Entity within the Highway limits. Such notification shall include:

(1) the names of the Municipalities where the operations are to be performed,

(2) a description of the maintenance operations,

(3) the name and work phone number of the person(s) responsible for the maintenance operations, and

(4) whether any of the areas listed are on a Scenic Byway.

All notifications shall be sent to the Region where the tree maintenance operation is to be performed. The addresses and corresponding areas for each Region are provided on the Utilities Web Site. If the tree maintenance operations are to be performed on a designated Scenic Byway, then a copy of the notification must be sent to the MaineDOT Director of the Bureau of Maintenance and Operations.

C. Notification Exceptions

When 30 days notice cannot be provided for "hot spot" work or new construction line clearance work that was not anticipated, the Regions may be contacted by phone and the thirty Days notice will be waived. This does not apply to work on Scenic Byways or typical tree maintenance operations on other Highways. Emergency trimming and removal of trees to restore power or communications do not require notification.

D. Herbicide

With the exception of coniferous (softwood) trees, any stumps over 1 inch in diameter that are to remain within the Highway limits shall be treated with an approved herbicide spray mixture by a Certified

Pesticide Applicator and in accordance with State Board of Pesticides Control Regulations unless otherwise restricted by the DEP.

7. SCENIC AREAS

Certain lands are acquired or set aside for scenic enhancement and natural beauty. Such areas include Scenic Byways, scenic strips, overlooks, rest areas, recreation areas, wildlife and waterfowl refuges, historic sites, public parks, and landscaped areas. The Utilities Web Site indicates the designated state and federal Scenic Byways within the State of Maine.

To protect the aesthetic quality of these areas, new Facility installations are not permitted within scenic areas unless the following criteria are met: [23 CFR 645.209]

A. The installation does not require extensive removal or alteration of trees or other natural features visible to the Highway user, or impair the aesthetic quality of the lands.

B. New aerial installations are permitted only if:

1. Other locations or underground construction are not technically feasible, cost prohibitive or less desirable from a visual quality standpoint.

2. The design provides adequate attention to the protection and preservation of the visual qualities of the area in location, materials and methods of construction.

C. Installations for Highway Purposes - All criteria set forth in Paragraphs A and B shall also apply to Facilities needed solely for Highway purposes, such as continuous lighting or services to a safety area, rest area or recreational area.

8. GENERAL LOCATION REQUIREMENTS

This section outlines the general requirements for all Facilities and Appurtenances within the Highway limits. Additional standards that are specific to the type of Facility or the type of Right-of-Way are discussed in subsequent chapters.

1. Design/Construction

The Authorized Entity is fully responsible for the design of any of its Facilities and Appurtenances to be installed within the Highway limits.

A. National Standards: All Facilities and Appurtenances within the Highway limits must also comply with any applicable National Standards. Where those standards differ from what is stated herein, the higher degree of protection shall prevail.

B. Public Laws/Orders: Nothing in this rule is intended to interfere with the applicability or enforcement of any laws, rules, orders of the MPUC, or ordinances consistent with this policy. This specifically includes the Americans With Disabilities Act of 1990 [PL 101-336].

C. Design Life: All permanent Facility and Appurtenance installations on, over, or under the Highway or attached to any Highway Structures shall be of durable materials designed for long service life expectancy with due consideration given to the overall needs of the Highway corridor. Facilities and Appurtenances shall be designed to be relatively free from routine servicing and maintenance.

D. Uniform Alignment: Longitudinal installations shall be designed and installed on as uniform an alignment as possible to minimize potential conflicts and to aid in locating underground Facilities in the future.

E. Minimize Interference: Wherever possible, Facilities and Appurtenances shall be located to minimize the possibility of interference with other Facilities or Highway work.

F. Crossings: To the extent feasible and practicable, Facility crossings of the Highway shall be generally perpendicular to the Highway alignment.

G. Permits: The Authorized Entity is required to secure all permits necessary for the installation, adjustment or maintenance of its Facilities.

H. Cooperation With Other Authorized Entities: Throughout the design and installation of any Facilities and Appurtenances within the Highway limits, Authorized Entities must address the needs of all other Authorized Entities with regard to their existing or Proposed Installations located in the vicinity of another Proposed Installation. This shall include maintaining sufficient offsets from other Facilities and Appurtenances and assuring that all other Authorized Entities have reasonable access to their own Facilities and Appurtenances during construction. Where Authorized Entities are unable to resolve conflicts in accordance with this policy, MaineDOT shall make the final determination.

I. Clearance Between Facilities: The following defines the minimum clearance standards for Facilities within the Highway limits. Greater clearances are encouraged and may be required whenever possible. Authorized Entities are encouraged to undertake joint construction whenever possible, and MaineDOT will generally issue an exception to these standards when all affected parties agree to a lesser requirement that is consistent with the applicable National Standard(s).

(1) Horizontal Clearance Between Longitudinal Facilities: Unless specifically permitted otherwise, a 3-foot minimum horizontal clearance shall be maintained between all underground Facilities and Appurtenances. Measurement between underground Facilities and Appurtenances shall be taken horizontally from the closest edge of the Facility or Appurtenance. Aboveground pole lines (excepting crossings and services) shall also be included in this standard where those poles occupy a reasonably consistent offset. Measurement to a pole line shall be to the nearest face of pole or to the vertical plane established longitudinally through the center of the pole line between poles.

(2) Vertical Clearance Between Facilities: Where underground Facilities must cross other Facilities or Appurtenances; the angle of such crossing shall be as close to 90 degrees as possible, with a minimum vertical clearance of 1 foot. Facilities of one Authorized Entity shall not be constructed longitudinally over or under another Authorized Entity's underground Facilities.

J. Erosion Control and Restoration of Vegetation: Authorized Entities shall stabilize the soil in all work areas within the Highway limits to minimize erosion. Restoration of loam, grass or other landscaping vegetation is required following the completion of Backfill as soon as weather conditions and/or seasons of the year allow. Temporary mulch shall be used until permanent treatments can be applied.

2. Preferred Corridors

To obtain consistency and maximize the use of the Highway, "preferred corridors" have been specified below for each type of Facility. In the process of establishing plans, Authorized Entities are encouraged to utilize these corridors whenever practical.

Type of Facility	Preferred Corridor
Water & Sewer Lines	Under the Traveled Way
Gas Lines	Under the Shoulder
Telephone/Electric Conduit	Under the Shoulder or Sidewalk
Direct-bury Communications	2 feet from ES
Pole Line	As close to R/W limit as practical

9. UNDERGROUND INSTALLATIONS

1. General

A. Depth of Cover

The minimum depth of Cover for any Facility within the right of way limits is 36 inches. Additional requirements are specified herein for each type of Facility.

Any wires, pipes, conduits or cables that are presently located within the Highway limits at a depth of less than 1 foot and not specifically permitted to be at that depth, shall be relocated in accordance with this policy.

B. Encasement

Casings shall be used under Bridge approach slabs and in close proximity to Highway Structure footings. Due to the wide variety of designs and the differing schedules for construction or maintenance, MaineDOT will need to determine Casing requirements near footings on a case-by-case basis. Where Encasement is to be employed in other areas, such Encasement shall be provided under center Medians and within the Pavement Structure limits to a point beyond the ditch line for cut sections, 5 feet beyond the toe of slope for fill sections, or 5 feet beyond the face of Curb on urban section roadways (including side streets). Exceptions for Encasement within a portion of the Median may be approved when excessive Median width or significant changes in the roadway cross-section make a continuous installation impractical.

C. Markers & Detection Aids

(1) Warning Tape: Upon installation, all underground Facilities installed by open cut shall include warning tape, of a color consistent with the APWA Uniform Color Code, located roughly 18 inches directly above and parallel to the entire installation.

(2) Signs: All underground utilities crossing the entire Right-of-Way (from one boundary to the other) shall have a readily identifiable marker installed at each Right-of-Way line crossed to indicate the type of Facility, the name of the owner and a telephone number to call. Signs shall be maintained with current, legible information.

(3) Pedestals: All pedestals shall have a readily identifiable marker installed on each pedestal to indicate the type of Facility, the name of the owner and a telephone number to call. Markers shall be maintained with current, legible information.

(4) Detection Aids: All nonmetallic underground Facilities shall include some metallic component installed directly above, below,

or as an integral part of the Facility to aid in the future detection and location of the Facility.

D. Appurtenances

Aboveground Appurtenances installed as a part of an underground Facility shall be located in accordance with Section 10 - Aboveground Installations.

E. Methods of Installation

(1) Trenchless Installation Methods: All pits associated with Trenchless Installation Methods shall be located as far from the ETW as possible, preferably outside the Clear Zone. Pits shall be located and constructed so as not to compromise public safety or the integrity of any Highway Structure. The bottom of the roadway edge of all pits shall, at a minimum, be located beyond a line created by a 1:1 slope projected down from the ETW. The Region Engineer may require the use of support structures to achieve the proper degree of protection.

(2) Blasting: 24 hours notice must be given to the appropriate MaineDOT Region Office prior to any blasting within the Highway limits. When blasting is to occur within 100 feet of a Highway Structure, prior approval must specifically be obtained from MaineDOT. MaineDOT may require that detailed plans and procedures prepared by a licensed blaster be submitted by the Authorized Entity. Pre-blast surveys may also be specified as a work condition.

(3) Pavement Cuts: Wherever pavement is to be cut, all edges shall be cut neat and reasonably straight.

(4) Backfill/Compaction: Backfill compaction shall equal that of the surrounding soil outside of the Pavement Structure limits. Within the Pavement Structure limits, Backfill and compaction requirements shall be in accordance with the latest edition of MaineDOT's Standard Specifications for Highways and Bridges.

F. Locations of Installations

(1) Undesirable Locations: Locations in deep cuts, near footings of Bridges or retaining walls, within areas of Special Materials, across intersections at grade, across ramp terminals, or in areas where it will be difficult to attain minimum Cover shall be avoided whenever possible.

(2) Clearance from Highway Structures: Vertical and horizontal clearance between any Facility or Appurtenance and a Highway Structure shall be sufficient to permit maintenance of both without interference. Clearances shall comply with Section 8(1)(I).

(3) Road Side of the Utility Pole Line: Mainline underground Facilities should normally be installed on the Traveled Way side of the pole line.

(4) Additional Requirements: The location of any Facilities or Appurtenances may be further restricted by the Region Engineer to insure that a proposed Facility or Appurtenance will not interfere with existing or currently planned Highway construction and/or maintenance activities.

(5) Highway Drainage Pipes: Highway drainage pipes and structures shall be protected during any Facility and Appurtenance installation and maintenance. Utilization of existing drainage pipes as Sleeves is not permitted.

2. Gas, Liquid Petroleum, and Other Hazardous Transmittant Pipelines

A. Cover

Hazardous Transmittant pipelines shall have a minimum Cover of 36 inches.

B. Multiple Lines

In the event that a Utility proposes to install two active Hazardous Transmittant pipelines along the same corridor, the two lines shall be placed one above the other, as reasonably vertical as practicable, considering safe operation and maintenance of the lines. The lower-pressure line shall be installed above the higher-pressure line and must meet the minimum cover requirements as specified in Section 9(2)(A).

C. Vents

One or more Vents shall be provided for each Casing or series of Casing. For Casing longer than 150 feet, Vents shall be provided at both ends. On shorter Casing a Vent shall be located at the high end with a marker placed at the low end. Vents shall be placed at the Right-of-Way line immediately above the pipeline, situated so as not to interfere with Highway maintenance or be concealed by vegetation. Ownership of the lines and an emergency contact number shall be shown on the Vents.

D. Drains

Drains for Hazardous Transmittant pipelines will not be permitted to outfall into drainage ditches, natural watercourses or onto the Highway.

3. Water Lines

A. Cover

The minimum Cover for waterlines shall be 36 inches. The Authorized Entity is responsible to assure that all waterlines are suitably

protected against freezing. All uninsulated water lines shall have sufficient Cover to exceed the depth of frost penetration.

B. Drains

Waterline Encasement or drains may be permitted to outfall into roadside ditches at locations approved by MaineDOT.

4. Sanitary Sewer Lines

A. Cover

Reference "Water Lines", Section 9(3)(A).

B. Drains

Sanitary sewer line Encasement drains shall not outfall into drainage ditches, natural watercourses, or onto the Highway.

C. Manholes

Manholes serving sewer lines up to 24 inches in diameter shall have a minimum inside diameter of 48 inches. For any increase in line size or number of pipes, the inside diameter of the manhole may be increased a like amount. Manholes for large interceptor sewers should be specially designed, keeping the overall dimensions to a minimum. The outside diameter of the manhole chimney at the ground level shall not exceed 36 inches. Any manholes allowed within the pavement shall be set flush with the pavement and will not be in the vehicular wheel path.

5. Electric Supply Lines

A. Cover

The minimum Cover for underground Electric Supply Lines and Services within the Highway limits shall be 36 inches.

B. Conduit

All underground Electric Supply Lines within the Highway limits shall be in steel or PVC Conduit. PVC Conduit shall be encased, above, below and on both sides, with a minimum of 4 inches of concrete, that shall have a minimum compressive strength of 2900 psi and a maximum aggregate size of 1-inch.

C. Services

In addition to complying with all other applicable standards specified herein, Underground Electric Supply Line Services within the Highway limits, shall be in steel or PVC Conduit. Both steel and PVC Conduit shall be encased, above and on both sides, with a minimum of 4 inches of concrete, that shall have a minimum compressive strength of 2900 psi and a maximum aggregate size of 1-inch.

D. Manholes

Manholes shall be limited to those necessary for installation and maintenance of underground lines. The elevation of manhole rims and covers shall be set at finished grade. New manholes will not be permitted within the Traveled Way or Shoulder of a Highway except within urban areas.

To conserve space within the Right-of-Way for the needs of the Highway corridor, manhole vault dimensions should be no larger than is necessary to hold the equipment involved and for safety standards to be assured for maintenance personnel. Outside width should not exceed 7 feet, with the length held to a reasonable minimum. The outside dimensions of a manhole chimney should not exceed the minimum required to support the manhole frame and cover. Manhole covers (for personnel access) shall be installed flush with finished grade and shall not be in the vehicular wheel path. The top of the roof of the manhole vault shall be set to meet a minimum Cover of 36 inches.

6. Communication Lines (Telephone, CATV, etc...)

A. Cover

The minimum Cover for underground Communication Lines within the Highway limits shall be 36 inches for either encased or unencased installations.

B. Manholes

Section 9(5)(D) applies.

10. ABOVEGROUND INSTALLATIONS

1. General

A. Vertical Clearances

The vertical clearance of new overhead lines above Highways and intersecting Public Ways shall be a minimum of 18 feet. When existing roadway elevations are increased, existing overhead Facilities that meet vertical clearances defined within applicable National Standards may be allowed to remain unless otherwise directed by MaineDOT. New or adjusted overhead lines running parallel to the Highway and not crossing intersecting Public Ways shall have a minimum vertical clearance as defined within applicable National Standards.

B. Utility Poles

(1) Pole Construction: Poles within the Highway limits shall be single-pole construction.

(2) Multiple Pole Lines: Multiple Pole Lines are no longer permitted within the Highway limits. Stub poles or service poles that must be located within the Right-of-Way are not considered a separate pole line, but shall conform to all applicable offset criteria. Existing areas having Multiple Pole Lines shall be reduced to a single, joint use pole line whenever:

(a) MaineDOT undertakes any construction project having a scope beyond a Pavement Overlay and existing poles are required to be relocated, or

(b) MaineDOT determines a particular area to present a significant hazard to the traveling public.

If any Authorized Entity undertakes a project in an area with an existing Multiple Pole Line that is separate from a MaineDOT Project and consists of the replacement of ten or more consecutive poles, one of the following must occur:

(a) the owners of the aboveground Facilities must agree to combine their Facilities onto a single pole line as part of the proposed project, or

(b) the Authorized Entity undertaking the pole replacements must install poles of sufficient height to accommodate the other Facilities when they are upgraded.

Existing Multiple Pole Lines, which involve Electric Supply Lines owned by different Authorized Entities, will not be forced to combine onto a single pole line providing all offset criteria are met.

(3) Service Poles: Unless vertical clearances and the local terrain dictate otherwise, all poles used to exclusively provide service to a customer shall normally be installed at or beyond the Highway limits.

(4) Anchors: Utility pole anchors shall not be installed on the Traveled Way side of a pole unless located behind guardrail and in compliance with Section 10(2)(B)(1). Anchors shall be adequately designed and installed to enable shared-use whenever possible with standard utility equipment.

2. Offsets

Aboveground offsets define the horizontal clearance required to provide a Recovery Area and room for adequate Highway maintenance. Although specific offset values are defined herein, it is important to recognize that these offsets are minimum values. Greater setbacks (preferably in accordance with Clear Zone standards) should be provided whenever possible to provide improved safety and to minimize the potential for conflicts with future Highway construction. Unless otherwise noted, all offsets are to the portion of the aboveground Facility or Appurtenance that is below a vertical height of 13 feet and located closest to the Edge of Traveled Way.

Existing aboveground Facilities and Appurtenances that are located within the limits of MaineDOT Projects with a scope greater than a Pavement Overlay shall be adjusted to meet the standards defined in this policy. Existing aboveground Facilities and Appurtenances in other areas that do not presently meet the minimum offset standards may remain in place until MaineDOT determines that those Facilities or Appurtenances present a safety problem or otherwise conflict with the use, construction or maintenance of the Highway.

A. General

(1) Offset From Edge of Shoulder: Unless site-specific conditions pertaining to guardrail, curb or the "2-foot Rule" apply as described under Section 10(2)(B), no offset shall result in an aboveground Facility or Appurtenance being located within 6 feet from the Edge of Shoulder, regardless of whether the surface of the Shoulder is paved or unpaved.

(2) Fire Hydrants: Hydrants shall be of breakaway construction and generally located in accordance with the offsets defined herein. However, where local fire equipment presents limitations, the maximum offset possible may be used, providing it is in accordance with Section 10(2)(A)(1).

(3) Breakaway Devices: Aboveground Facilities and Appurtenances may be permitted within the minimum offsets specified when authorized by MaineDOT, and when a breakaway system is utilized.

(4) Mid-Span Poles: New poles located between two existing poles may be permitted at lesser offsets than defined herein provided that the new pole is "in-line" with the two existing, adjacent poles and that the offset of the new pole is equal to or greater than the smallest offset of the adjacent poles.

B. Site-Specific Conditions

(1) Guardrail: For steel beam guardrail, aboveground Facilities and Appurtenances shall be set back a minimum distance of 3 feet from the back of post. Where space permits, greater offsets are encouraged to facilitate snowplowing. Aboveground Facilities and Appurtenances located behind cable guardrail shall be set back 12 feet or in accordance with the offset standards without guardrail, whichever is less.

(2) Curb: In urban areas with posted speed limits of 35 MPH or less, aboveground Facilities and Appurtenances may be installed 5 feet behind the face of Curb. In locations where insufficient Right-of-Way or other restrictions are present and no other practical solution exists, MaineDOT may elect to allow aboveground Facilities and Appurtenances as close as 1 foot behind the face of Curb.

(3) Ditches: No aboveground Facilities or Appurtenances shall be set in the Flow Area of a ditch. New Facilities and Appurtenances installed in areas with ditches shall generally be installed behind the ditch and at least 2 feet up the Backslope (as measured horizontally) unless the offset of the ditch exceeds the required aboveground offset by at least 8 feet. Existing Facilities or Appurtenances that meet offset standards in the Inslope of a ditch area may be permitted to remain in their present locations until replaced.

(4) Islands/Traffic Circles: Aboveground Facilities and Appurtenances are not permitted in the center island of a traffic circle, roundabout or in traffic islands.

(5) Culverts: Aboveground Facilities and Appurtenances are not permitted within 8 feet of the end of any culvert.

(6) Restricted Right-of-Way: If a Highway segment has not experienced 3 or more crashes relating to aboveground Facilities and Appurtenances in the past 3 years, and there is insufficient Right-of-Way to attain the minimum offset requirements defined herein, MaineDOT may elect to permit aboveground Facilities as close as practicable to the existing Right-of-Way limits.

(7) Urban Areas With No Curb: Aboveground offsets may be limited to that specified in Section 10(2)(A)(1), *Offset From Edge*

of Shoulder, in urban areas with speed limits of 35 MPH or less when Curb is not present.

(8) MaineDOT Projects

(a) Resurfacing Projects: Offsets for existing aboveground Facilities and Appurtenances may be limited to 10 feet from the Edge of Traveled Way or as stated in 10(2)(A)(1), *Offset From Edge of Shoulder*, whichever is greater, whenever MaineDOT undertakes a Highway project greater than a Pavement Overlay scope.

(b) "2-foot Rule": When aboveground offsets are reviewed for compliance in conjunction with a MaineDOT Project, MaineDOT may elect to allow a Facility or Appurtenance to remain at an offset of up to 2 feet less than the required minimum providing the existing location complies with the following:

(i) The existing Facility or Appurtenance does not conflict with the Highway construction or any of the permanent Highway features*;*

(ii) The existing Facility or Appurtenance does not conflict with any other standard defined in this policy.

(iii) The existing Facility or Appurtenance has not been involved with past run-off-the-road crashes.

C. Corridor Offsets

The following defines the standard offsets that apply to a given corridor whenever the site-specific conditions described in Section 10(2)(B) are not applicable. Maps that identify the classification of all state and state-aid Highways are available on the Utilities Web Site.

(1) National Highway System (NHS)

The aboveground offset standards applicable to all non-breakaway Facilities and Appurtenances along Highways in the National Highway System shall comply with Clear Zone standards as prescribed in Volume One, Maine Highway Design Guide.

(2) State Standards Tables (Non-NHS Highways)

The following tables define the minimum offsets for all aboveground Facilities and Appurtenances located along rural, non-NHS Highways. These standards are based upon the classification of the Highway and the highest AADT anticipated within the life of the Facility.

Minor Collector Highways

Design Year AADT	Paved Width	Typical Section feet	Min Pole Offset from ETW
Under 1000	24 feet.	12 - 12 ETW at: 10	**8 feet**
1000 to 4000	28 feet	14 - 14 ETW at: 11	**9 feet**
Over 4000	*Ref. Major Coll.*	*Ref. Major Coll.*	***Ref. Major Coll.***

Major Collector Highways

Design Year AADT	Paved Width	Typical Section feet	Min Pole Offset from ETW
Under 1000	24 feet	12 - 12 ETW at: 10	**10 feet**
1000 to 4000	28 feet	14 - 14 ETW at: 11	**10 feet**
4000 to 6000	30 feet	15 - 15 ETW at: 11	**10 feet**
Over 6000	36 feet	6 - 24 - 6 ETW at: 12	**15 feet**

Minor Arterial Highways

Design Year AADT	Paved Width	Typical Section feet	Min Pole Offset from ETW
Under 1000	28 feet	14 - 14 ETW at: 11	**(10 feet)**
1000 to 6000	*Ref. Major Coll.*	*Ref. Major Coll.*	***Ref. Major Coll.***
6000 to 8000	36 feet	6 - 24 - 6 ETW at: 12	**20 feet**
Over 8000	40 feet	8 - 24 - 8 ETW at: 12	**20 feet**

11. CONTROLLED ACCESS HIGHWAYS

For the purposes of this policy, Controlled Access Highways are separated into two categories: Freeways and non-Freeways.

1. Freeways

A. New Utility Installations Along Freeways

New Facilities will not normally be permitted longitudinally within Freeway COA. Where special circumstances exist, MaineDOT may elect to permit such installations under strictly controlled conditions.

Where such longitudinal installations are requested, the Authorized Entity must demonstrate to MaineDOT's satisfaction:

(1) That the accommodation will not adversely affect Highway and traffic safety.

(2) That alternate locations are not available or cannot be implemented at reasonable cost, from the standpoint of providing efficient service in a manner conducive to safety, durability, and economy of maintenance and operations; that the accommodation will not adversely affect the design, construction operation, maintenance, or stability of the Freeway; and that it will not interfere with or impair the present use or future expansion of the Freeway.

(3) That the accommodation satisfies the conditions of Section 11(1)(D), *Access for Constructing and/or Servicing Utilities*.

(4) That the accommodation will be shown to be in the substantial public interest of the State of Maine.

All longitudinal accommodations as may be warranted herein shall only be in accordance with a valid Location Permit. Where longitudinal installations must traverse interchange areas, they shall be located and treated in the same manner as Facility crossings within interchange areas, as in Section 11(1)(C).

Service connections to adjacent properties shall not be permitted from longitudinal installations located within the Freeway COA.

B. Existing Facilities Along Proposed Freeways.

Where a Facility or Appurtenance already exists within the proposed Right-of-Way of a Freeway, and it can be serviced, maintained and operated without access from the through traffic roadways or ramps, it may remain as long as it does not adversely affect the safety, design, construction, operation, maintenance or stability of the Freeway.

Otherwise, it must be relocated, except for special cases as covered by Section 11(1)(A).

C. Facilities Crossing Freeways

New Facilities and adjustments or relocations of existing Facilities may be permitted to cross a Freeway. To the extent feasible and practicable they should cross on a line generally normal to the Freeway alignment and preferably under the Freeway.

(1) Facilities Along Roads or Streets Crossing Freeways

Where a Facility follows a crossroad or street that is carried over or under a Freeway, provision should be made for the Facility to cross the Freeway on the locations of the crossroad or street in such manner that the Facility could be constructed and/or serviced without access from the Freeway or ramps. Generally the Facilities and Appurtenances are to be located within the Right-of-Way of the crossroad or street, existing or relocated, and may cross over or under the Freeway or be carried on or through the grade separation structure as may be authorized, provided installation and servicing thereof can be accomplished without access from the through-traffic roadways or ramps. Where distinct advantage and appreciable cost saving is effected by locating the Facilities or Appurtenances outside the Right-of-Way of the crossroad or street they may be so located, in which case they shall be located and treated in the same manner as overhead Facilities crossing the Freeway at points removed from grade separation structures as in subparagraphs (2) and (3) which follow.

(2) Overhead Facility Crossings

Overhead Facilities crossing a Freeway at points removed from grade separation structures, or those crossing near a grade separation but not within the Right-of-Way of a crossroad or street, in general, should be adjusted so that supporting structures are located outside the COA. In any case supporting poles shall:

(a) Not be placed within the appropriate Clear Zone.

(b) Not be located within a Median of 80 feet or less in width.

(c) Not impair sight distance from any point on the through roadway or ramps.

The vertical clearance to overhead Facilities crossing Freeways shall be the greater of 20 feet or as required by the National Electrical Safety Code, ANSI C2, Institute of Electrical and Electronics Engineers, Inc.

(3) Underground Facility Crossings

Facilities crossing underground below the Freeways shall be of durable materials and so installed as to virtually preclude any necessity for disturbing the roadways to perform maintenance or expansion operations. The design and types of materials shall conform to appropriate National Standards. Manholes and other points of access to underground utilities shall be located outside the Right-of-Way limits.

(4) Provisions for Expansion of Facilities

When existing Facilities are relocated or adjusted in conjunction with construction of a Freeway, provisions may be made for known and planned expansion of the Facilities, particularly those underground. They should be planned to avoid interference with traffic at some future date when additional or new overhead or underground Facilities and Appurtenances are installed.

D. Access for Constructing and/or Servicing Facilities

In general, Facilities and Appurtenances are to be located and designed in such a manner that they can be constructed and/or serviced without direct access from the through roadways or connecting ramps. Such direct access shall not be permitted except for special cases where alternate locations and/or means of access are unavailable or impractical due to terrain and/or environmental constraints, and such use will not adversely affect safety or damage any part of the Highway. Where direct access is requested for the Interstate System, a permit must be obtained from MaineDOT and coordinated with the FHWA for approval.

Access for construction and/or servicing a Facility along or across a Freeway should be limited to access via (a) frontage roads where provided, (b) nearby or adjacent public roads and streets, or (c) trails along or near the Highway, connecting only to an intersecting road, from any one or all of which entry may be made to the outer portion of the Freeway Right-of-Way. Subject to 23 USC 111, a locked gate along with COA fence may be utilized to meet periodic service access needs. Where a gate is allowed, it will be documented by an approved permit that will include adequate provisions against unauthorized use.

In those special cases where supports, manholes, or other Appurtenances are located in Medians, interchange areas, or otherwise inaccessible portions of Freeway Rights-of-Way, access to them from through-traffic roadways or ramps may be permitted when other alternatives do not exist. Such access shall be by permit setting forth the conditions for policing and other controls to protect Highway users.

Entry to the Median area should be restricted where possible to nearby grade separation structures, stream channel crossings, or other suitable locations not involving direct access from through roadways or ramps.

Where Facilities and Appurtenances are located outside the COA line and where such Facilities and Appurtenances may require maintenance from within the Freeway Right-of-Way, a permit must be obtained from MaineDOT.

All permits shall include adequate provisions for COA to the Facility work zone, direction of traffic and protection of workers and the traveling public. Advance arrangements should also be made between the Authorized Entity and MaineDOT for emergency maintenance procedures.

E. Manner of Making Utility Installations and Adjustments

In general, Authorized Entity installations and adjustments are to be made with due consideration to Highway and Authorized Entity costs and in a manner that will provide maximum safety to the Highway users, will cause the least possible interference with the Highway facility and its operation, and will not increase the difficulty of or cost of maintenance of the Highway.

F. Special Case Underground Point-to-point Facilities

Anything herein to the contrary notwithstanding, upon a determination that it is in the best interest of the State to do so, MaineDOT may grant non-exclusive permits allowing the longitudinal underground installation of transmission or backbone Facilities and Appurtenances within the rights-of-way of Freeways.

(1) MaineDOT may negotiate agreements and receive compensation for the use of Freeway rights-of-way to install such Facilities.

(2) Upon a determination that it is in the best interest of the State to do so, MaineDOT may waive the requirements of Section 11 (1) (A) (2) with regard to the availablility of alternate locations.

(3) All other applicable provisions of this Chapter regarding the siting, installation and maintenance of such Facilities shall apply.

2. Non-Freeways

Non-Freeway Controlled Access can vary from small segments along a Highway to entire corridors, such as a bypass. In general, Facilities within these Controlled Access areas will be treated in the same manner as Freeways. However, based upon the specific conditions involved, MaineDOT may consider allowing longitudinal installations.

A list of Non-Freeway Controlled Access areas is available on the Utilities Web Site.

12. BRIDGES AND OTHER HIGHWAY STRUCTURES

1. General

Where other arrangements are not feasible, MaineDOT will consider permitting attachment of Facilities on Highway Structures. Each such attachment will be considered on an individual basis, and permission to attach will not be considered as establishing a precedent for granting subsequent requests for attachment. The following requirements are established for attachment to any Highway Structure:

A. *P.E. License & Certification:* A Maine Licensed Professional Engineer shall design all proposals for attachments to Highway Structures in accordance with the latest AASHTO standards. In the case of Bridges, each design proposal shall be fully evaluated in accordance with the latest edition of AASHTO *LRFD Bridge Design Specifications* or AASHTO *Standard Specifications for Highway Bridges, 16th edition* and the Maine Department of Transportation Bridge Design Manual (as applicable) to assess the effect of the attachment(s). A statement certifying that the additional loading will not exceed allowable limits is required as part of the design submittal.

B. *Out-of-Service Facilities:* All Facilities that are taken out-of-service shall be removed in accordance with Section 6(4). If any such Facilities are not removed, MaineDOT may elect to remove such Facilities at the Authorized Entity's expense.

C. *Other Applicable Permits:* Authorized Entities are responsible for acquiring any and all permits that may be applicable to their proposed work. Some of the applicable permits may include:

(1) *Coast Guard Permits:* A Coast Guard permit or notification may be required whenever the proposed work will occur over a navigable waterway.

(2) *Railroad Permits:* Work permits may be required for any work done over, under or near a Railroad and are obtained directly from the Railroad Company.

(3) *Environmental Permits:* Permits may be required by the Natural Resources Protection Act (NRPA) administered through the Department of Environmental Protection (DEP), Shoreland Zoning, Army Corps and others.

D. *Identification Tag:* A permanent tag shall be affixed to each end of the attached Facility identifying the Authorized Entity, the type of attachment, and a contact telephone number. All tags shall be maintained in a legible condition with current information.**E.** *Electric Supply Lines /Communication Lines:* Communication and Electric Supply Lines shall be suitably insulated, grounded, and carried in protective Conduit or pipe

from the point of attachment to the point of exit per applicable National Standards.

F. *Hazardous Transmittants:* Mutually Hazardous Transmittants shall be isolated by compartmentalizing or by auxiliary Encasement of incompatible carriers. This shall include Electric Supply Lines, gas lines, effluent lines and sanitary sewer lines.

G. *Casing Vents:* Where a pipeline on or in a structure is encased, the Casing shall be effectively opened or Vented at each end to prevent possible buildup of pressure and to detect leakage of gases or fluids.

H. *Unencased Attachments:* Where a Casing is not provided for a pipeline on or in a structure, additional protective measure shall be taken, such as employing a higher factor of safety in the design, construction and testing of the pipeline than would normally be required for encased construction.

I. *Pipeline Shutoffs:* Pipeline shutoffs, preferably automatic, shall be required within close proximity of attachments unless other sectionalizing devices can isolate segments of the lines. Shutoff valves shall be located on both sides of a Highway Structure footing.

J. *Brackets/Bolt Material:* For painted steel structures, all brackets and bolt material in contact with the structure shall be hot-dipped galvanized. For weathering steel (ASTM A588, A709, etc…), all brackets and bolt material shall also meet an applicable ASTM weathering steel designation.

K. *Connection Type:* All attachments shall be bolted. Bolt holes are normally drilled 1/16 inch larger than the bolt diameter. No stainless steel bolts shall be used except on concrete or timber structures.

L. *Welding:* Welding to steel components is not permitted.

2. Bridges

The following standards are specific to Bridges and in addition to the General Standards listed above.

A. General

(1) *First Girder/Beam:* All Facilities attached to a Bridge shall not be located outside the first girder or beam, except for precast box beam and voided slab as long as they were originally designed for Facility installation.

(2) *Precast & Truss Bridges:* Attachments that are not incorporated in the original Bridge design will not be permitted on either precast concrete Bridges or on the main truss members of a truss Bridge.

(3) *Vertical Clearances:* Vertical clearances for any Highway or Railroad overpasses or for Bridges over navigable waters shall not be reduced.

(4) *Conduits in New Bridges:* When a request is made during the design phase of a proposed Bridge, MaineDOT may allow Conduits to be incorporated into the construction of the Bridge. The Authorized Entity will be responsible for the additional costs relating to such accommodation. Facilities shall not be allowed in the bridge sidewalk, bridge rail or hollow bridge members that are not of sufficient size to allow maintenance personnel to maintain the structure while protecting the Facility.

(5) *Connections to the Bottom of Bridge Decks:* No Facility connections shall be allowed to the bottom of the bridge deck.

B. Connection Requirements

(1) *Flanges/Webs:* Drilled holes in the web area, which are located at least 6 inches from the flanges, are permitted. Attachments to the flanges are not permitted.

(2) *Diaphragms:* For any attachments located between two steel beams, replacement of the diaphragms with Facility support brackets may be permitted, provided the replacement is equal in strength to the original and of compatible materials.

(3) *Holes through Abutments:* Any holes through concrete abutments shall be core drilled and sealed with a waterproof seal, such as a link seal, to prevent water leakage and migration of fines.

(4) *Approach Slabs:* Cutting through concrete approach slabs may be permitted providing the slab is repaired to achieve the same strength as the original design. The method of these proposed repairs are to be reviewed and accepted by MaineDOT.

(5) *Electric Supply Lines /Communication Lines:* Buried cable shall be carried to a manhole located beyond the backwall and/or approach slabs of the Bridge. Carrier and Casing pipe should be suitably insulated from Electric Supply Line attachments.

(6) *Clearances:*

(a) A minimum offset of 12 inches from any point on the main carrying members (flanges & webs) and substructure units (foundations) to the edge of the outer face of the pipe or insulation is required. Additional clearance may be required for smaller beams or Facilities over 12 inches to ensure adequate access for future maintenance.

(b) Brackets shall be located a minimum of 6 inches above the bottom flange of the steel beams to allow sufficient clearance for rolled staging.

(c) A minimum 2-foot clearance is required on at least one side of any Facility attachment located between beams to allow access for maintenance.

(d) Any attachments to concrete members (such as abutments, piers, and concrete slab superstructures) require a minimum 12-inch clearance.

3. Buried Highway Structures

1. *Clearance:* For buried Highway Structures, the preferred location for any Facilities is at the edge of the right of way or at least 15 feet upstream or downstream from the end of the structure. If it is not possible to be located in this manner and the Facility must be buried in the roadway, a 12 inch vertical clearance from the structure to the Facility is required.

2. *Additional Design Requirements:* All Facilities and Appurtenances must be located and designed to allow reasonable replacement of Highway Structures. In most cases, excavation slopes will be at least 1.5:1. For example: a 10 foot pipe with 3 feet of fill will necessitate an excavation width at the roadway surface of at least 50 feet in length. Facilities installed within such areas shall be designed and constructed with due consideration given toward providing temporary support of the Facility during replacement or repair of the Highway Structure.

13. EXCEPTIONS & APPEALS

1. Exceptions

MaineDOT may authorize an exception to any provision of this rule whenever it determines that an exception will best serve the purpose of the Highway corridor, or that compliance with the requirement would be unduly burdensome, and granting the exception would not undermine the purpose of this rule. Some considerations that may contribute to such a decision include:

A. Application of the standards presents an exceptional hardship or unreasonable cost under the circumstances;

B. A unique situation exists which could not have been anticipated or considered in the development of this rule;

C. All affected parties, as determined by MaineDOT, jointly agree to a lesser requirement that is supported by applicable National Standards; or

D. The requirements stated herein exceed the limits of the available Highway corridor.

In instances where an applicant initiates a request for an exception, MaineDOT may require supporting documentation that any other location is extremely difficult and unreasonably costly to the consumer, and that the installation will not adversely affect the design, construction, stability, traffic safety or operation of the highway. Requests for exceptions shall be in writing stating the reasons for the deviation from the policy. This written request must accompany the application for a Location Permit and be transmitted to the Region Engineer for action.

2. Appeals

The applicant has the right to appeal a negative finding for an exception. All appeals shall be submitted in writing to the MaineDOT Director of the Bureau of Maintenance and Operations, detailing the reason for the exception and specifically requesting an appeal to the previous finding. MaineDOT will review the request, and a final decision will be issued in writing.

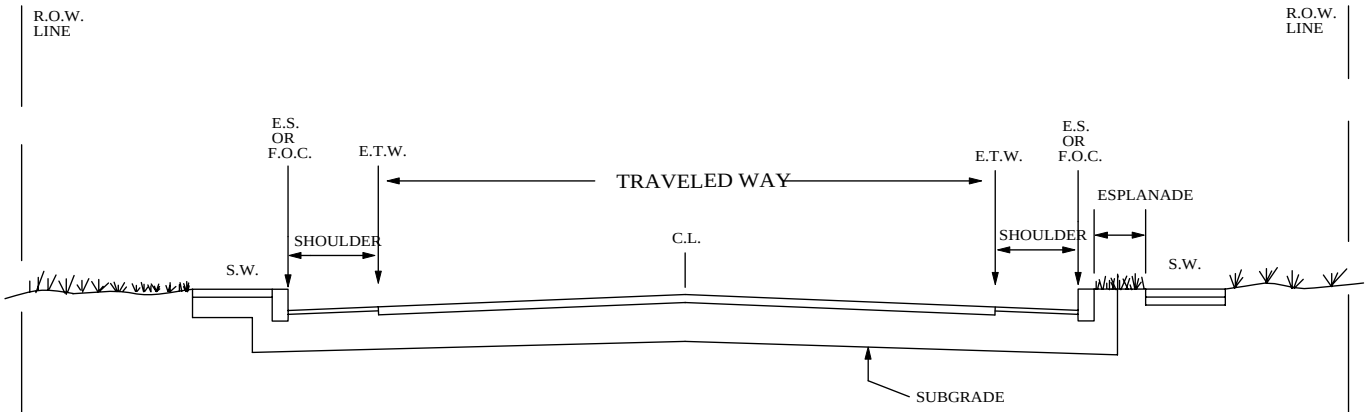
3. FHWA Approval

Requests for exceptions on Scenic Byways, the NHS, the Interstate System, or other areas involving federal aid may be subject to FHWA approval.

APPENDIX

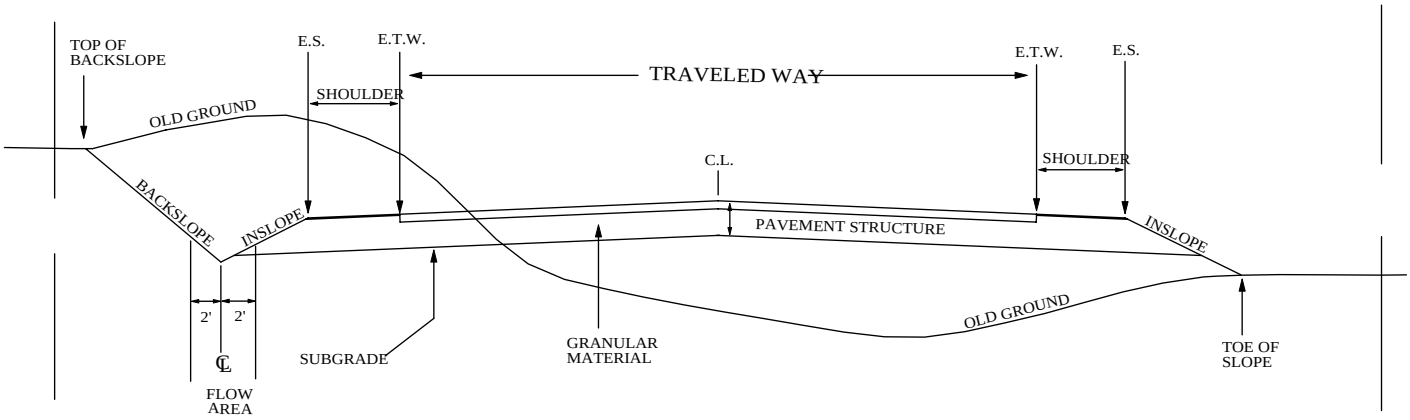
Typical Cross Section Elements

TYPICAL CROSS SECTION ELEMENTS



URBAN

HIGHWAY



RURAL

17-229
DEPARTMENT OF TRANSPORTATION

Chapter 205:
Permit-By-Rule Regulations for Aboveground Utility Facilities

17-229 DEPARTMENT OF TRANSPORTATION

Chapter 205 - PERMIT-BY-RULE REGULATIONS FOR ABOVEGROUND UTILITY FACILITIES

SUMMARY: This chapter sets forth standards and streamlined procedures for permitting aboveground utility facilities by utilizing a permit by rule process. This process allows utilities to design and install proposed utility poles and accessory anchors and guys according to the technical standards set forth herein, and further allows for automatic approval of permit applications unless objections are raised by the Maine Department of Transportation.

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§1 FINDINGS, PURPOSE & RATIONALE

The current Statutory Application Procedure for siting utility facilities is too slow and is not required for most simple utility pole installations. The purpose of these rules is to streamline this permitting process by allowing Utilities to design and install proposed installations in accordance with the rules set forth herein, including the Technical Standards, and to allow for automatic approval of permits unless objections are raised by MDOT. This is a so-called "Permit-By-Rule" process. In exchange for a quicker permitting period, this process places a much greater burden on Utilities to determine on their own whether its proposed installations are in compliance with these rules.

§2 APPLICABILITY

Except as specifically set forth below, these rules shall apply to the installation of facilities on or over the surface of public ways for which the MDOT is the licensing authority pursuant to 35-A M.R.S.A. §2502(l)(A).

These rules shall not apply to facility installations in Prohibited Highways.

Within one year of the effective date of these rules, the Utility Engineer shall have distributed to the Utilities updated maps clearly identifying Prohibited Highways. Facilities installed in areas other than Prohibited Highways as shown on said maps shall be legal structures and shall not be affected by changes or updates to the maps which are received by the Utilities after the proper filing of a conforming PBR Documents for such facilities.

For the one year period immediately following the effective date of these rules or until such time as MDOT has distributed to Utilities the Prohibited Highway maps referred to in the preceding paragraph (whichever occurs first), facilities installed pursuant to these rules in Prohibited Highways shall not be legal structures unless (a) the Utility has contacted the Utility Engineer before submitting the Notification Form to determine whether the proposed installation is located on a Prohibited Highway or (b) MDOT reasonably determines that the Utility could not have reasonably recognized that the location of the proposed installation was in a Prohibited Highway.

Pursuant to 35-A M.R.S.A. §2503(8), these rules also shall not apply to the relocation of facilities when the relocation is because of the construction, reconstruction or relocation of the roadway.

§3 - DEFINITIONS

AASHTO American Association of State Highway and Transportation Officials.

Anchor A device wholly or partially impeded in the ground used to provide increased support to a utility pole.

Anchor Guy A cable running from a utility pole to an anchor used to provide support to said pole.

Bridge Any structure used to convey vehicular traffic over roadways, water, railroads, etc. that has a span of 10 or more feet and/or an open area of 80 or more square feet.

Bridge Deck The surface span of a bridge over which pedestrian or vehicular traffic travels.

Curb A raised strip of bituminous, concrete or granite that is located at the edge of the shoulder.

Day(s) Each day shown on the calendar, including Saturdays, Sundays and Holidays.

Department Maine Department of Transportation.

Designated Scenic Highway A highway designated by the Department as a scenic highway pursuant to 23 M.R.S.A. §4206(G) and any related authority.

Drainage Ditch A ditch or swale where water will collect and flow.

Edge of the Shoulder The outside edge of the shoulder not adjacent to the travel lane.

Edge of Travel Lane The outside edge of the travel lane adjacent to the shoulder of the road.

Facilities Poles, guys, cables, wires and related aboveground equipment.

Flow Area The strip of land four (4) feet in width and located two (2) feet on either side of the line marking the bottom of the drainage ditch.

Fully Controlled Access Highway A highway where preference is given to through traffic by providing highway access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

MDOT Permit-By-Rule Regulations for Aboveground Utility Facilities 17-229 CMR 205

General Location The location along the public way to be occupied or crossed by the proposed installation established by reference to some point easily identifiable on reference maps and on the ground.

Acceptable points of reference include town lines, readily identifiable intersections, major stream crossings, railroad crossings, or bridge numbers. The distance from the center of the point of reference to the beginning or end of the proposed installation shall be given. Further, the general location must include reference to the municipality and county of the proposed installation and the relevant highway name and/or route number.

Highway,-Street, or Road A general term denoting a public way for the transportation of people, materials, goods, and services but primarily for vehicular travel, including the entire area within the right of way and all appurtenant easements.

Interstate Highway Interstate highway or interstate system means any state highway which is or does become part of the national system of interstate or defense highways as described in the United States Code, Title 23, Section 103(e) and amendments thereto or replacements thereof. The rights of access of owners or occupants abutting such highways are fully or partially controlled by public authority.

MDOT Maine Department of Transportation.

MPH Miles per Hour.

Minimum Roadway Vertical Clearance The minimum distance between the roadway and the wire or cable crossing said roadway.

National Electrical Safety Code (NESC) A set of national, industry accepted standards that are designed to safeguard persons from hazards arising from the installation, operation, or maintenance of: 1.) Conductors and equipment in electric supply stations, and 2.) Overhead and underground electric supply and communication lines. It also includes work rules for the construction, maintenance, and operation of the electric supply and communication lines and equipment.

NESC See National Electrical Safety Code.

Notification Form A form approved by the Utility Engineer for use in connection with these Permit-By-Rule provisions as more fully described in §6A below.

Partially Controlled Access Highway A highway where preference is given to through traffic through access connections with selected public roads, but with some crossings at grade and some private driveway connections.

PBR Documents The documents that must be submitted by the Utility pursuant to these rules. Such documents shall include the Notification

Form, the General Location Map, the Specific Location Plan, Supporting Data and any special submission requirements.

Permit Authorization that a facility is a legal structure lawfully installed or existing pursuant to these rules or the Statutory Application Procedure.

Pole Offsets The distance from a stated reference point to the face of a pole nearest to the reference point.

Poles Vertical structures used to support wires, cables, and lighting owned by the Utilities, Municipalities, or the State of Maine.

Prohibited Highways All interstate highways, all other partially or fully controlled access highways, or all designated scenic highways.

Proposed Installation The facilities to be constructed within the general location including reasonably anticipated future replacements or additions. A description of the proposed installation shall include, as appropriate, the number and kind of poles, voltage and the number of phases of electrical line, number of cables or strands, anchors and anchor guys.

Right Of Way A general term denoting land, property, or any interest therein, usually in the shape of a strip, acquired for or devoted to transportation purposes.

Roadway The portion of the highway; including shoulders, used for vehicular purposes.

Shoulder The portion of the roadway outside the travel lanes.

Statutory Application Procedure The 60-day (or less) permitting process set forth in 35-A M.R.S.A. §2501, et. seq., whereby Utilities must submit a written application to MDOT and receive from MDOT a written location permit before they can legally install a facility.

Traffic Island or Center Island Typically a raised portion within the roadway that serves to direct traffic.

Travel Lane The portion of the roadway for the movement of through traffic.

Utility All persons or entities engaged in the business of the transmission of communications, electricity, or television signals by wire.

Utility Engineer The Utility Engineer of the Maine Department of Transportation. Current mailing address: Maine Department of Transportation, Right of Way Division, Attn: Utility Engineer, State House Station 16, Augusta, ME 04333.

§4 - OPTIONS, RESPONSIBILITIES AND LIABILITY OF UTILITIES

A. Authorization

In cases where a Utility is required by statute to obtain a written location permit to install facilities, a Utility, at its option, may utilize these Permit-By-Rule rules, rather than the Statutory Application Procedure, in order to permit installation of facilities to which these rules apply. Facilities properly installed pursuant to these rules are legal structures within the meaning of 35-A M.R.S.A. §2303(16).

B. Utility Responsibilities / Liability

To qualify for permit by rule, the Utilities must submit sufficient documentation to demonstrate compliance with all of these rules, including the Technical Standards set forth below. If such sufficient documentation is not submitted in the form and manner required by these rules, then the automatic approval procedure set forth in §8(C) below will not apply.

The Utility shall be fully responsible for the design, construction, maintenance and operation of its facilities and, to the extent provided by 35-A M.R.S.A. §2503(6), for any damages resulting from the Utility's negligence in the installation or maintenance of said facilities and its appurtenances.

The Utility shall be fully responsible for all costs associated with moving a facility if it is installed in violation of these rules.

§5 MDOT POWERS

A. Imposition of Stricter Design Standards

Before the date of automatic approval as set forth in §8(C) below, the Department may require that such a facility meet additional and/or more stringent design standards than those contained in these rules, including greater pole offsets, when the Department reasonably determines that such standards are in the best interests of public safety due to the specific characteristics of the proposed installation, specific location, general location, or highway.

B. Alteration of Installed Facilities

If, through accident reports or public complaints, an individual pole or facility is identified as an impediment to the free and safe flow of traffic, the Utility Engineer will consult the owner(s) of the facility and consider possible means of reducing the impediment. Alteration of the utility facility at Utility expense may be required pursuant to Title 35-A, M.R.S.A. Section 2503.

§6 GENERAL SUBMISSION REQUIREMENTS

In order to install a facility pursuant to these rules, a Utility must submit one original and two copies of the PBR documents to the MDOT as follows: The original and one copy to the Utility Engineer and one copy to the Maine Department of Transportation Division Office responsible for the General Location in which the proposed installation is located.

A. NOTIFICATION FORM

The Utility shall submit a Permit-By-Rule Notification Form on a form approved by the Utility Engineer. As is described below, this form will require a narrative description of the proposed installation and the appropriate permit number.

1. Narrative Description Required

The Utility must describe, in narrative format, the proposed installation including:

a. description of the General Location.

b. description of the Proposed Installation including, as appropriate,

(i) the number of poles,

(ii) for electric facilities, the voltage and the number of phases,

(iii) for cable and telephone facilities, the number of cables, wires, or strands, and

(iv) any anchor guys that cross a drainage ditch or are to be located closer to the roadway than the pole.

c. the proposed Minimum Roadway Vertical Clearance if the facility is to cross a roadway.

2. Permit Number

Each notification form shall include a permit number which will be used by both the Utility and MDOT as a unique identifying number. This number shall contain four components and shall be in the following format:

A B C D

94 01 - 00001 - 001

Where: A - The last two digits of the year in which the notification form was submitted to MDOT.

B - A two digit Utility code used by MDOT to identify the Utility filing the permit.

Note: This will be constant for all permits from a given Utility.

C - A five digit code used by the State Planning Office to identify the municipality or unorganized territory in which the facilities are proposed.

D - A three digit sequential number starting at 001 for each municipality to be assigned by each Utility each year.

This number shall be prominently included in all correspondence or communication regarding the permit.

B. GENERAL LOCATION MAP

For each proposed installation, the Utility must submit an accurate area map (examples - MDOT highway plan or U.S.G.S. quadrangle) or a sketch traced from such a map identifying the general location of the proposed installations.

C. SPECIFIC LOCATION PLAN

A Specific Location Plan shall be submitted for each proposed installation. This plan shall show the relative location of the roadway and each of the proposed facilities. Longitudinal distances between control points, poles, etc., shall be given. Offset distances from the highway centerline, edge of pavement, curb or other well defined applicable reference shall be given. The edges of the traveled way or assumed or apparent right of way lines, and other pertinent highway features shall be indicated.

D. SUPPORTING DATA

The Utility must also submit the following supporting data:

1. a statement, by the checking of the appropriate box on the Notification Form, that a copy of the Notification Form has been sent to the appropriate municipal or county officials;
2. a statement, by checking of the appropriate box on the Notification Form, as to whether the Utility has or intends to publish notice of the proposed installation in an appropriate newspaper and, if so, the text of the notice to be published;
3. a statement, by the checking of the appropriate box on the Notification Form, as to whether joint use or ownership of the facility is reasonably anticipated at the time of submission of the permit and a brief description of such anticipated joint use or ownership;
4. any existing facility owned by the Utility at the General Location of the Proposed Installation; and
5. the name, address, and telephone number of a Utility contract person available to review proposed locations at the site.

§7 SPECIAL SUBMISSION REQUIREMENTS

A. BRIDGES

If a Proposed Installation is to be made over or within 25 feet, as measured horizontally, of the outermost edge of a bridge deck, the PBR Documents must also include plans showing the location of the proposed installation relative to the bridge deck, the method of support, the method of construction, clearances and other data pertinent to the safety and use of the bridge.

B. USE OF POLES OF ANOTHER UTILITY

When a Utility is required by statute to obtain a permit to occupy an existing pole of another Utility, the submission requirements for the PBR Documents shall be identical to those for any permit under these rules, with the following exceptions and additions.

1. The General Location description may be in any of the following forms:

    a. as required for any application;

    b. the description used by the Utility that owns the poles with reference to the work order number, plans number, or application number relating to said poles along with the date;

    c. reference to the MDOT Permit Number assigned to the Utility that owns the poles, if any

2. A Specific Location plan is not required.

3. The PBR Documents shall be signed by the Utility that owns the poles to demonstrate its approval.

§8 PROCEDURAL REQUIREMENTS

A. PUBLICATION OF NOTICE

The Utility may give public notice of the proposed installation by publishing a brief but accurate description of the General Location and Proposed Installation once in a newspaper circulated in the municipality, municipalities, or unorganized territories encompassing the limits of the General Location. The applicant must publish such a notice if the proposed installation will carry 50,000 volts or more.

If publication is made, the notice shall also include a statement equivalent to the following: "Any person, firm, or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed installation, may file a written objection with the Department of Transportation, State House Station #16, R/W Division, Utility Section, Attn: Utility Engineer, Augusta, Maine 04333 within fourteen (14) days after the publication of this notice. The objection filed must state the reason for such objection".

If the Utility elects to not publish any public notice, the Utility is advised that, pursuant to 35-A M.R.S.A. §2503(3)(B), objections may be filed in certain cases up to 90 days after installation that may require the Utility to move the facility at its expense.

B. ON-SITE INSPECTION

An on-site inspection of the proposed facility installation is not required by these rules. However, the MDOT may require an on-site inspection if it determines it is in the best interest of public safety to do so. **The Utility may also request an on-site inspection, and is encouraged to do so, if it has any specific questions or concerns regarding a particular highway or proposed installation**.

C. AUTOMATIC APPROVAL UNLESS MDOT OBJECTIONS RAISED

(1) Projects Involving 10 or Fewer Poles

If the Utility is not notified of any objections of the MDOT within fourteen (14) days from the date of receipt of properly filed and conforming PBR Documents, then the proposed facility location is automatically deemed approved without any further notification from the MDOT.

(2) Projects Involving More Than 10 Poles

If the Utility is not notified of any objections of the MDOT within thirty (30) days from the date of receipt of properly filed and conforming PBR Documents, then the proposed facility location is automatically deemed approved without any further notification from the Department.

(3) Division of Projects Prohibited

Utilities shall not divide projects having one primary engineering purpose and more than 10 poles into multiple projects involving 10 or fewer poles for the purpose of availing themselves of the fourteen day automatic approval process provided above.

D. LAPSE OF PERMIT

Permits automatically granted pursuant to these rules shall expire if substantial construction of the Proposed Installation is not commenced within twelve (12) months after the date the permit is automatically granted.

E. MOVING OF FACILITY STILL POSSIBLE DESPITE LACK OF MDOT OBJECTIONS

Utilities are advised that, pursuant to 35-A M.R.S.A. §2503(3), objections that may require a Utility to move a facility at its expense can be filed in certain cases up to 90 days after installation.

§9 TECHNICAL STANDARDS

In order to install a facility pursuant to these rules, the facility must comply with the following technical standards. No exceptions to these Technical Standards will be considered under the Permit-By-Rule process. **If an exception is needed to allow installation, the Utility must use the Statutory Application Procedure.**

In addition, and except as otherwise expressly provided in these rules, the Maine Department of Transportation subscribes to AASHTO's "A Guide for Accommodating Utilities Within Highway Right-of-Way". This Guide, to the extent not in conflict with these rules, is incorporated herein by reference.

A. Pole Offset Measurement

The Pole Offsets shall be measured from the face of the pole to the edge of the designed travel lane or to other reference points as noted.

B. Minimum Pole Offsets

Minimum Pole offsets are dependent upon the maximum speed limit and shall be in accordance with the attached Appendix A. Greater setbacks are encouraged when space permits.

C. Vertical Clearances

Minimum vertical clearance for overhead wires, guys, etc., shall in no case be less than prescribed by the National Electrical Safety Code, National Bureau of Standards, United States Department of Commerce. Notwithstanding the preceding sentence, Minimum Roadway Vertical Clearances measured at 60 degrees Fahrenheit with no wind, shall be at least eighteen (18) feet.

D. NESC Compliance

Design and construction of all wire and cable line, electrical, telephone, fire alarm, etc., shall comply with the National Electrical Safety Code.

E. Traffic Control During Construction

The Utility shall provide such protective services, including flaggers and police as may be necessary to safeguard traffic during construction, inspection, maintenance and operation and shall remove all equipment and materials not in actual use for construction, inspection, maintenance and operation from the highway as expeditiously as possible. Such protective services shall be in compliance with the Manual of Uniform Traffic Control Devices, Part VI.

F. Maximum Allowable Variation from Permit Location

The Utility may install the proposed facility up to 10 feet at variance from the Specific Location contained in the PBR Documents or replace an existing facility up to 10 feet at variance from the current location if

(a) the change in location is necessary due to an unexpected variation in field conditions, (e.g. ledge),

(b) the 10 foot moving of the facility is "in-line", (usually approximately parallel to the roadway), and (c) otherwise complies with the Technical Standards.

G. Installation Farther From Roadway Allowed

The Utility may install the proposed facility farther away from the roadway than specified in the PBR Documents provided the facility is actually installed

(a) within the highway right of way and

(b) otherwise complies with the Technical Standards.

H. Guardrail Setbacks

Poles shall be set back a minimum of three (3) feet from the back of the guardrail posts to the face of the pole. Where space permits, greater pole offsets are encouraged to facilitate snowplowing.

I. Poles, Anchors and Ditches / Anchor Guys Toward Roadway

No poles or anchors shall be set in a flow area. If anchor guys are proposed to cross a ditch or are to be located closer to the roadway than the pole, then the Utility shall (a) notify MDOT of this situation by checking the appropriate box on the Notification Form and by including a description of said guy in its description of the Proposed Installation and (b) in the design and installation of the guy, consider the ditch maintenance responsibilities of MDOT to the maximum extent practical with reference to geometric conditions, the right of way width, and the configuration of property boundaries. The Utility shall be responsible for the cost of moving such anchor guys if the MDOT reasonably determines that such moving is required.

J. Islands of Traffic Circles

Permanent poles shall not be permitted in the center island of a traffic circle. Poles shall not be permitted in any other traffic island.

K. Culverts

Poles shall not be permitted within eight (8) feet of the end of any culvert.

L. Mid-Span Poles

A Utility may install a pole that is located in the span between two existing permitted poles and closer to the roadway than the minimum pole offsets described in Appendix A, provided that

(1) the proposed mid-span pole is "in-line" with the two adjacent poles, and

(2) the offset of the proposed mid-span pole is equal to or greater than the smaller of the pole offsets of the two adjacent poles. Notwithstanding the preceding sentence, this subsection 9(L) does not permit a utility to place mid-span poles within more than two adjacent spans between existing permitted poles.

M. ADA Applicability

These rules are not intended to limit in any way the applicability of any relevant federal, state or local law, regulation, or guidance regarding accessibility for disabled persons which otherwise apply to the installation of utility facilities including the Accessibility Guidelines promulgated pursuant to the Americans with Disabilities Act (ADA).

EFFECTIVE DATE: June 7, 1995

APPENDIX A

Pole Setback Requirements for New Poles or Applicable Pole Relocations.

Speeds over 35 MPH

6 feet from edge of shoulder or

10 feet from edge of travel lane

(whichever is farther from the roadway).

Speeds 35 MPH or Less

3 feet from edge of shoulder if no curb

1 foot from face of curb when curb exists.

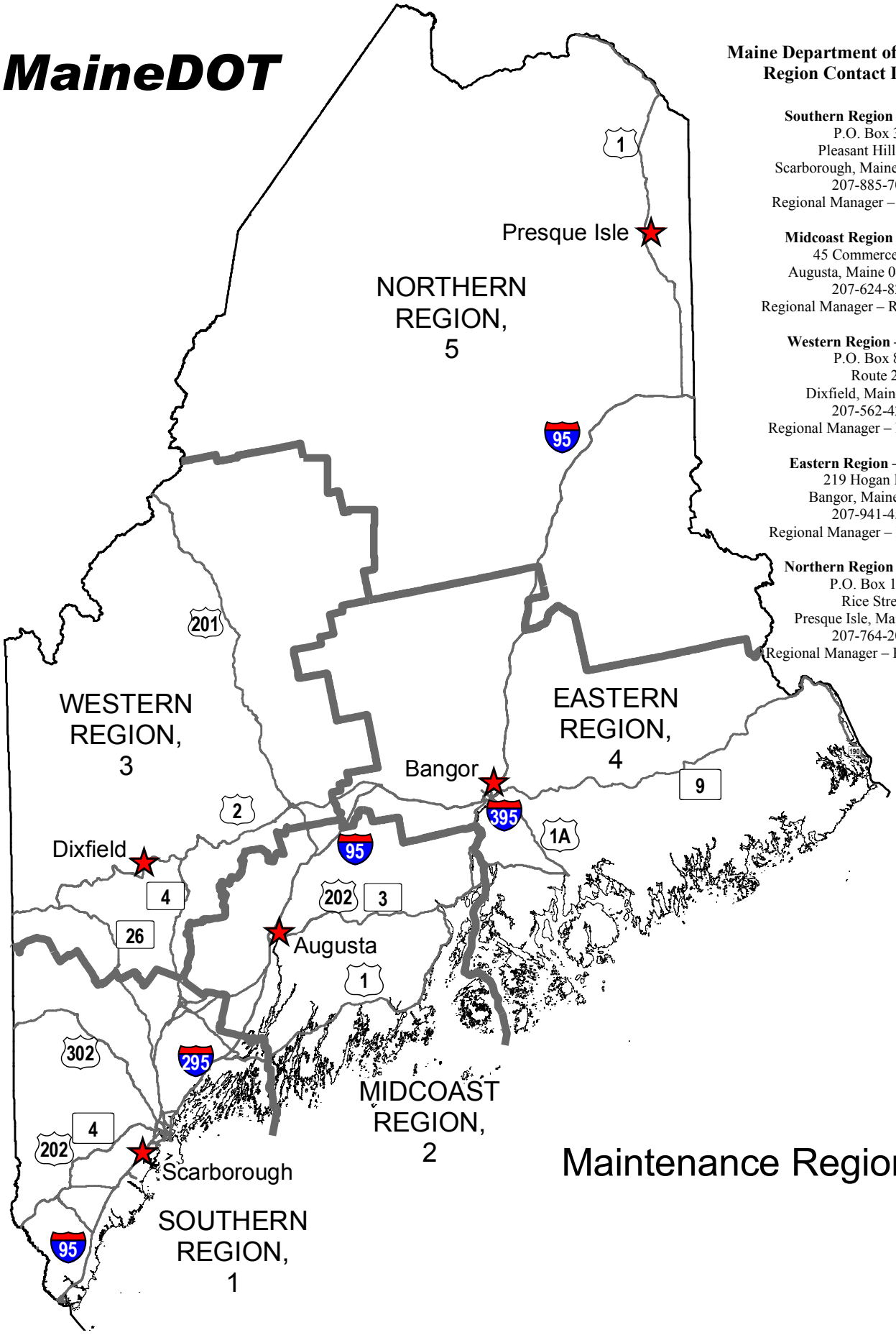
Note that greater pole setback requirements exist for pole installation or relocation in connection with MDOT projects including new construction, reconstruction, rehabilitation, restoration, and structural pavement overlay projects. A table of such setbacks, which is a codification of existing practice standards between MDOT and Utilities regarding such road projects, is available from the Utility Engineer.

STATUTORY AUTHORITY: 35 M.R.S.A. §2503(16)

EFFECTIVE DATE: June 7, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION): April 24, 1996

MaineDOT



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