

UTILITY POLICY NO. 2017-1

MICROCELL/TRANSPORT/SMALL CELL/AND DISTRIBUTED ANTENNA SYSTEMS

IN STATE AND STATE-AID RIGHTS-OF-WAY

Initial Policy Development Date: October 2017

Last Revision Date: October 2017

Purpose, Scope and Background:

The purpose of this policy is to address the accommodation of emergent cellular facilities (e.g. Microcell, Transport Facilities, Small Cell, and Distributed Antenna System technologies). The Department has responded to inquiries regarding small Distributed Antenna Systems placed on utility poles owned by MaineDOT as well as other pole owners in the state. Accommodation of wireless technologies within State and State-Aid Rights-Of-Way (ROW) are at the discretion of MaineDOT in accordance with the authority vested in the Department under MRSA Title 35-A, Chapters 23 and 25. This policy will define acceptable and unacceptable installations in the context of Maine law.

Definitions:

Permit or Application Fees – Where appropriate, the MaineDOT will collect permit or application fees for attachment to existing poles owned by the Department or construction of monopoles on MaineDOT surplus property. The fees will reflect process and administrative costs, ROW maintenance costs, legal fees, costs incurred working around wireless facilities, impact upon the pole or structure, its ongoing maintenance, rates charged for similar attachments on other similar structures within the highway corridors, or other appropriate and reasonable considerations reflective of accommodation costs.

Monopole Installations – Monopole installations, as envisioned in this policy, include any Microcell, Transport Facilities, Small Cell, and Distributed Antenna System technologies installed on poles or self-supporting towers greater than 50 feet in height. Taller monopole installations ranging in height between 75 and 120 feet are typically constructed on large diameter concrete foundations.

Acceptable and Unacceptable Microcell, Transport, Small Cell and Distributed Antenna Systems in State and State-Aid ROW:

- Monopole installations will not be allowed in the normal State or State-Aid Right-Of-Way limits. These installations are not among the types of facilities specifically authorized to use the highway corridors in accordance with MRSA Title 35-A, Chapter 23, nor are they compatible with the types of structures that can be safely located within the typical right-of-way corridor widths. Utility “poles” that have been deemed to warrant accommodation

within the highway corridors in accordance with MRSA Title 35-A, Chapter 25, and 17-229 CMR Chapter 210, Utility Accommodation Rules, refer only to the standard wooden utility poles, typically 40-50 feet in height, that have been accommodated for decades along Maine's roadsides. Although these types of poles do present a level of risk to errant vehicles along Maine's roadsides, higher class poles and other structures constructed of steel, laminated wood, composites, or other materials create a more significant and unnecessary exposure for the traveling public and are therefore not accommodated.

- The Department may, at its sole discretion and on a case-by-case basis, allow monopole installations up to and exceeding the size of typical wooden utility poles on surplus property beyond the normal right of way widths. In those cases, an application will be made and all aspects of the installations must meet all industry and engineering standards. For example, structural, electrical, telecommunications, land use, etc.

Where surplus Right-Of-Way or other separate MaineDOT properties may enable accommodation, and where these facilities are deemed acceptable after review of the application, MaineDOT reserves the right to establish lease rates based on prevailing real estate values. The lease rate process for surplus property will be the same for all companies providing similar services.

- The Department may, at its sole discretion and on an asset by asset basis, allow singular small antenna systems to be located on existing poles or other structures owned by the Department. In those cases, an application will be made and all aspects of the installations must meet all industry and engineering standards. For example, structural, electrical, telecommunications, land use, etc.

The Department will review the applications for acceptability. If the installations are deemed acceptable, the Department may charge a reasonable fee for each attachment that is based upon consideration of the facility's impact upon the pole or structure, its ongoing maintenance, rates charged for similar attachments on other similar structures within the highway corridors, or other appropriate and reasonable considerations.

- The Department may, at its sole discretion and on an asset by asset basis, allow singular instances of shared facilities when the proposed location of a monopole structure and the need for a highway facility, such as high mast lighting, may coincide.

The Department will review the applications for acceptability. If the installations are deemed acceptable, the Department will charge a reasonable fee for such co-location based upon consideration of the facility's construction, impact upon the pole or structure, its ongoing maintenance, rates charged for similar co-located structures within the highway corridors, or other appropriate and reasonable considerations.

- The Department is aware that aerial utility companies in the state are being approached by wireless technology companies to rent space by attaching to their existing utility poles or

using other existing facilities such as fiber. The Department will not interfere with the leasing of their utility poles, fiber cable, or other wholly-owned utility facilities.

However, the Department requires that utility company lease agreements with the wireless technology companies stipulate that the wireless technology company submit a Location Permit for their facilities. This is to establish their occupation in the Right-Of-Way as a legal installation, and to gather company contact information for the MaineDOT Utility Database. In this case, the Department reserves the right to establish a one-time permit fee for installations covered under each lease agreement. These fees will be the same for all companies providing similar services.