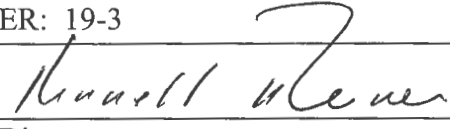


WYOMING DEPARTMENT OF TRANSPORTATION		OPERATING POLICY
ISSUED: September 25, 2020	POLICY NUMBER: 19-3	
	AUTHORITY:  Director	

SUBJECT: Utility and Railroad Right of Way Encroachments

Purpose: To establish Wyoming Department of Transportation (WYDOT) procedures and guidelines for permitting utility and railroad right of way encroachments. For all other encroachments, please see Operating Policy 19-9, Non-Utility Right of Way Encroachments.

I. Encroachment

An encroachment is a facility owned and maintained by someone other than WYDOT located, above or below ground, within a highway right of way.

II. Permitting Authority

W.S. 1-26-813 and the WYDOT Rules and Regulations grant WYDOT encroachment permitting authority. Permit issuance under the Rules and Regulations do not guarantee any real property title interest, and the licensee assumes all responsibility for highway right of way occupancy. Owners and their successors bear maintenance responsibility for permitted encroachments. The district engineers have legal enforcement authority and responsibility for these provisions in their districts.

III. Utility Permitting and Installations

A. All Utilities

All public, private, and cooperative owned utilities must obtain department approval to place facilities along, across, or under streets, roads, and highways within WYDOT jurisdiction. The WYDOT Rules and Regulations, Utility Accommodation Section, establish facility location requirements within WYDOT rights of way. Interested facility owners must submit Form M-54, Utility License, to the appropriate district office for approval using the WYDOT online permitting system. The district reviews all submissions related to the Rules and Regulations.

B. Gas Pipelines

Parallel gas line installations are prohibited except for low pressure (less than 60 pounds per square inch) distribution systems or when extenuating circumstances dictate otherwise as covered in the Rules and Regulations.

C. Telecommunications and Broadband

WYDOT employs a dig-once policy to facilitate statewide infrastructure development for telecommunication and broadband services. WYDOT may permit parallel telecommunications and data cable encroachments on interstate, primary, and secondary rights of way on a first come, first serve basis under a shared resource agreement that benefits the State of Wyoming.

1. **For interstates**, the company will install 2 additional conduits or an alternate solution providing increased capacity for future use by the utility company or competitors.
2. **For primary and secondary highways**, the company will install additional conduits or an alternate solution based on local community needs providing increased capacity for future use by the utility company or competitors.

The Utilities Section and WYDOT's chief technology officer will verify interstate alternate solutions and increased capacity established for primary and secondary highways.

The telecommunication and/or broadband company will provide access points or vaults at every metropolitan and rural community and at each interchange for the length of the proposed facility. For highway rights of way occupancy, the companies will provide service connections to state facilities within a specified distance as described in the shared resource agreement.

The district engineer approves all agreements before execution.

D. Railroads

The district engineer does not issue utility licenses to railroads for crossings but submits all data to the Right of Way Program to write a specific agreement. Requests from industrial users for spur tracks are submitted in conjunction with a railroad company request.

The district engineer must approve all agreements before they are sent to the railroad for final approval.

E. Companies with Condemnation Authority

WYDOT investigates transmission lines, such as coal slurry or petroleum pipelines, from companies with condemnation authority. If the line serves public interests and does not interfere with highway purposes, the Utilities Section drafts a special agreement permitting the encroachment that specifies:

1. Construction and maintenance access rights,
2. Detailed alignment and grade,

3. Construction procedures around WYDOT structures,
4. Insurance requirements, and
5. Inspection provisions.

WYDOT prohibits access to utility lines from the right of way and access to lines outside the right of way where no access is maintained. The district engineer approves all agreements before execution.

F. Small Cell Wireless Technology

WYDOT may allow small cell wireless technology in the right of way under a lease agreement. Operating Policy 19-9, Non-Utility Right of Way Encroachments, describes the procedures and requirements for right of way lease agreements. Prospective small cell wireless technology lessees agree to:

1. Design and engineer poles that accommodate at least 3 antenna systems;
2. Install only one pole at each location;
3. Provide WYDOT with engineering computations and plans prepared and sealed by a Wyoming licensed professional engineer and a proposal for pole sharing with other small cell wireless technology providers;
4. Ensure that the proposed equipment will not cause interference with current department technology;
5. Place poles on WYDOT property such as shop sites, field offices, rest areas, and salt/sand sheds to minimize right of way impacts whenever possible;
6. Construct poles as close to the right of way line as possible and where they will not endanger the roadway if they collapse;
7. Hold the agency harmless of any public or private property damage that may result from a pole collapse;
8. Inspect all poles annually and provide a written report of findings to the department;
9. Provide a technician to service any equipment site within 2 hours of department request;
10. Remove any pole and attached infrastructure that is not activated within 60 days; and
11. Pay any future maintenance, relocation, and removal costs.

G. Seismographic Activity

See WYDOT Rules and Regulations, Chapter 24, Highway Right-of-Way Encroachment, for the requirements for seismographic activities.

IV. Suspension of Right of Way Access

WYDOT will suspend right of way access to any person or company violating this policy or the Rules and Regulations and will report each violation and subsequent suspensions to the state maintenance engineer and the Utilities Section for compilation and distribution to the other districts. Suspensions are binding in all districts.

References: WYDOT Maintenance Manual.
Operating Policy 19-9, Non-Utility Right-of-Way Encroachments.
Operating Policy 21-1, Highway Access Control.
WYDOT Rules and Regulations, General Section, Chapter 24, Highway Right-of-Way Encroachments.
WYDOT Rules and Regulations, Utility Accommodation Section.
W.S. 1-26-813, Right-of-way along public ways granted; permission necessary for new lines.
W.S. 37-3-114, Safety standards.