

IMPORTANT INFORMATION ABOUT BROADBAND PERMITTING ACTIVITIES

History

- Caltrans has been a key player in the implementation of Governor Schwarzenegger's Executive Order S-23-06 (EO), "Twenty-First Century Government: Expanding Broadband Access and Usage in California". The Final Report of the California Broadband Task Force was issued January 2008.
- Business, Transportation and Housing Agency (BTH) staff requested that Caltrans staff help develop the new "Broadband Facilities Installation and Use Request Application" which is now used by all State agencies and Departments.
Web site: www.cio.ca.gov/broadband/statepermitting/application.asp
- Caltrans hosted a Broadband Forum in March 2008 which was facilitated by the California Public Utilities Commission (CPUC). The forum covered the various options and procedures Caltrans' offers for placement of broadband and wireless facilities, as well as the streamlining measures Caltrans has instituted or is instituting.
- Caltrans has also led or participated in other Broadband Workshops and in multiple Broadband-related meetings. Caltrans has made presentations to various Broadband provider groups interested in getting Broadband service to rural areas. Caltrans has received kudos for the steps taken so far to streamline the Broadband approval process and the support for Broadband.
- Caltrans has offered broadband providers with the opportunity to install broadband facilities in collaboration with Caltrans projects planned and under design by project delivery; so far, no takers. Web site: www.dot.ca.gov/broadband/
- Regulations have been approved and published. They are in the California Code of Regulations, Title 21, Sections 1412.1 thru 1412.9.

Purpose of the Regulations

- The regulations:
 - Provide definitions for common understanding and interpretation.
 - Describe the Broadband Encroachment Permit Application process and list conditions for approval and the process used for the denial of a Broadband Facilities Installation and Use Request Application.
 - Describe the processes for dispute resolution, reconsideration requests and formal appeals to the State Director.

- Overall review time reduced
 - The regulations establish guidelines for the permitting of broadband facility installations in the State highway right-of-way, as well as an expedited dispute resolution process for permit denials in the districts. Caltrans has established an internal management goal to expedite approval or denial of broadband permit applications within a period of 40 calendar days.
 - For formal appeals, the State Director has 60 days to make a decision although prior reconsideration timeframes have been reduced to speed up the overall process. A new Broadband Permit Dispute Resolution Committee (BPDRC) will review the appeal and make a recommendation to the Director. The Director continues to have final decision authority.

Next Steps

- Prepare for a possible influx of broadband projects using Recovery funds.
- Caltrans is very supportive of projects to install broadband in unserved and underserved areas where long distance learning and telehealth need to be implemented.

Related Issues - Microtrenching

- As broadband providers commit to reaching underserved areas, they are attempting to do so at minimal cost by installing fiber optic cables using microtrenching.
- Microtrenching enables cable to be placed with 6” to 12” of cover in paved areas in a 1” slot. Our current requirement is 42” depth of cover and as close to the right-of-way line as possible. Other requirements for longitudinal telecommunications encroachments on controlled access right-of-way are contained in the Caltrans Encroachment Permits Manual, Chapter 600, Table 6.0 at web site:
http://www.dot.ca.gov/hq/traffops/developserv/permits/encroachment_permits_manual/index.html
- Significant risk of damage due to maintenance activities, accidents, hazardous material spills and related clean up activities, freeze/thaw cycles, frost heave, future construction activities, etc. When installed with a 42” depth of cover, these risks are significantly reduced.
- After contacting about a dozen other states, it was concluded that microtrenching is not allowed on the State highway system in any similar sized state, and no one that was contacted knew of any state that allowed it. While microtrenching appears to work well where the cable ends at the customer’s property, it is not desirable where high traffic volumes with a large number of heavy trucks exist. Concerns about sealed joint failures and water intrusion into the joint leading to premature pavement failure were expressed by all who were contacted. It appears that microtrenching may work on low speed, low volume local roads.

- During a demonstration at the CHP Academy in West Sacramento, the microtrenching representative explained that the buried duct/cable would have to be pulled out of the pavement and laid to the side of the road while the pavement was rehabilitated using common milling and failed area dig out techniques. The contractor would be forced to work around the duct/cable as it lay to the side of the pavement without damaging it. Once the paving was completed, the microtrench slot would be cut into the new pavement, the conduit would be placed and the slot backfilled and sealed. This approach is not desirable to Caltrans on high speed, generally high volume highways carrying a high percentage of trucks.
- Microtrenching is not approved for the installation of broadband on the State highway system. The current 42" depth of cover must be met except in extreme circumstances where other installation methods may be proposed by the provider. Other methods may include aerial installations and installations with less than 42" depth of cover where terrain makes compliance with the requirements impractical (steep slopes, rocky terrain, etc.). A longitudinal exception must be requested and approved by the Department. High installation costs are generally not acceptable as the basis for an exemption request.