

## CHAPTER 7819

### PUBLIC UTILITIES COMMISSION

### PUBLIC RIGHTS-OF-WAY STANDARDS

7819.0050	APPLICABILITY.	7819.5100	CONSTRUCTION AND LOCATION REQUIREMENTS.
7819.0100	DEFINITIONS.	7819.9900	UTILITY TRENCH RESTORATION; PLATES 1 AND 2.
7819.0200	HIGH-DENSITY CORRIDOR.	7819.9905	UTILITY TRENCH RESTORATION; PLATES 3 AND 4.
7819.1000	FEEES AND PENALTIES.	7819.9910	UTILITY TRENCH RESTORATION; PLATE 5.
7819.1100	RESTORATION OF RIGHT-OF-WAY. NOTICE.	7819.9915	UTILITY TRENCH RESTORATION; PLATE 6.
7819.1200	INDEMNIFICATION.	7819.9920	UTILITY HOLE RESTORATION; PLATE 7.
7819.1250	COMPLETION CERTIFICATE.	7819.9925	UTILITY HOLE RESTORATION; PLATE 8.
7819.1300	CONSTRUCTION PERFORMANCE BOND.	7819.9930	UTILITY HOLE RESTORATION; PLATE 9.
7819.3000	RELOCATION OF EXISTING FACILITIES.	7819.9935	UTILITY HOLE RESTORATION; PLATE 10.
7819.3100	RIGHT-OF-WAY VACATION.	7819.9940	TYPICAL ROAD PLAN; PLATE 11.
7819.3200	ABANDONED FACILITIES.	7819.9945	TYPICAL ROAD RESTORATION; PLATE 12.
7819.3300		7819.9950	TYPICAL ROAD SHOULDER RESTORATION; PLATE 13.
	<b>MAPPING SYSTEMS</b>		
7819.4000	AUTHORITY; PURPOSE.		
7819.4100	REQUIRED MAPPING INFORMATION.		
	<b>FACILITY INSTALLATION, CONSTRUCTION, LOCATION</b>		
7819.5000	INSTALLATION OF TELECOMMUNICATIONS FACILITY.		

#### 7819.0050 APPLICABILITY.

With the exception of part 7819.1100, subparts 1 and 2 and the associated plates at parts 7819.9900 to 7819.9950, part 7819.1200, part 7819.5000, and part 7819.5100, this chapter applies to all local government units that have elected, pursuant to Minnesota Statutes, section 237.163, subdivision 2, to exercise the authority to manage their public rights-of-way under Minnesota Statutes, sections 237.162 and 237.163. Part 7819.1100, subparts 1 and 2 and the associated plates at parts 7819.9900 to 7819.9950, part 7819.1200, part 7819.5000, and part 7819.5100 apply whether or not the local government unit has elected to manage its public right-of-way under Minnesota Statutes, sections 237.162 and 237.163. Part 7819.1200 is not applicable to a local government unit that has adopted an ordinance requiring a right-of-way user to obtain a permit or to provide a notice for certain types of work in lieu of a permit.

This chapter applies to all right-of-way users as defined in part 7819.0100, subpart 21.

For right-of-way users subject to the franchising authority of a local government unit, to the extent that rights, duties, and obligations regarding the use of the public right-of-way are addressed in the terms of any applicable franchise agreement, the terms of the franchise prevail over any conflicting provisions in this chapter.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

#### 7819.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given in this part.

Subp. 2. **Abandoned facility.** "Abandoned facility" means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

The definition of abandoned facility in this chapter is not meant to affect the treatment of the term abandoned facility under any other rules.

Subp. 3. **City.** "City" means a statutory or home rule charter city.

Subp. 4. **Commission.** "Commission" means the state Public Utilities Commission.

Subp. 5. **Congested right-of-way.** "Congested right-of-way" means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum

lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, section 216D.04, subdivision 3, over a continuous length in excess of 500 feet.

**Subp. 6. Construction performance bond.** "Construction performance bond," as referenced in Minnesota Statutes, section 237.162, subdivision 8, clause (2), means any of the following forms of security provided at the permittee's option:

- A. individual project bond;
- B. cash deposit;
- C. security of a form listed or approved under Minnesota Statutes, section 15.73, subdivision 3;
- D. letter of credit, in a form acceptable to the local government unit;
- E. self-insurance, in a form acceptable to the local government unit; and
- F. a blanket bond for projects within the local government unit, or other form of construction bond, for a time specified and in a form acceptable to the local government unit.

**Subp. 7. Degradation cost.** "Degradation cost" means the cost to achieve a level of restoration as determined by the local government unit at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, which are set forth in parts 7819.9900 to 7819.9950.

**Subp. 8. Degradation fee.** "Degradation fee" means the estimated fee established at the time of permitting by the local government unit to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

**Subp. 9. Facility.** "Facility" means any tangible asset in the public right-of-way required to provide utility service.

**Subp. 10. Five-year project plan.** "Five-year project plan" shows projects adopted by the local government unit for construction within the next five years.

**Subp. 11. High-density corridor.** "High-density corridor" means a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

**Subp. 12. Hole.** "Hole" means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

**Subp. 13. Local government unit.** "Local government unit" has the meaning given it in Minnesota Statutes, section 237.162.

**Subp. 14. Patch.** "Patch" means a method of pavement replacement that is temporary in nature. A patch consists of: (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the local government unit's five-year project plan.

**Subp. 15. Pavement.** "Pavement" means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

**Subp. 16. Permit.** "Permit" has the meaning given "right-of-way permit" in Minnesota Statutes, section 237.162.

**Subp. 17. Permittee.** "Permittee" means a person to whom a permit to excavate or obstruct a right-of-way has been granted by a local government unit under this chapter.

**Subp. 18. Person.** "Person" means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political. Examples include:

**7819.0100 PUBLIC RIGHTS-OF-WAY STANDARDS**

980

A. a business or commercial enterprise organized as any type or combination of corporation, limited liability company, partnership, limited liability partnership, proprietorship, association, cooperative, joint venture, carrier or utility, and any successor or assignee of any of them;

B. a social or charitable organization; and

C. any type or combination of political subdivision, which includes the executive, judicial, or legislative branch of the state, a local government unit, or a combination of any of them.

Subp. 19. **Public right-of-way.** "Public right-of-way" has the meaning given it in Minnesota Statutes, section 237.162.

Subp. 20. **Restoration.** "Restoration" means the process by which an excavated public right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before excavation.

Subp. 21. **Right-of-way user.** "Right-of-way user" means: (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the public right-of-way that is used or is intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

Subp. 22. **Temporary surface.** "Temporary surface" means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the local government unit's two-year project plan, in which case it is considered full restoration.

Subp. 23. **Trench.** "Trench" means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Subp. 24. **Two-year project plan.** "Two-year project plan" shows projects adopted by the local government unit for construction within the next two years.

Subp. 25. **Utility service.** "Utility service" includes: (1) services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in Minnesota Statutes, chapter 238; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling, or heating services.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**7819.0200 HIGH-DENSITY CORRIDOR.**

An ordinance establishing the procedure for installing a high-density corridor must conform to the following standards:

A. The ordinance must provide for competitive neutrality among telecommunications right-of-way users.

B. The local government unit's procedure to establish the high-density corridor must include the following elements:

(1) a need and opportunity analysis by the local government unit;

(2) a finding by the local government unit that the designated portion of the public right-of-way is, or will imminently be, congested right-of-way;

(3) a determination by the local government unit governing council that a high-density corridor should be established;

(4) notice and opportunity for interested parties to be heard on the proposed high-density corridor;

(5) the development by the local government unit of a cost study that includes the allocation of the cost of building and maintaining the high-density corridor, principles of cost recovery, and the allocation of capacity within it, which must be submitted to public hearing and review by the governing body of the local government unit; and

(6) the opportunity for any party providing utility service in the applicable right-of-way to appeal the governing body's adoption of the cost study to the commission.

C. Existing telecommunications facilities shall not be relocated to the high-density corridor, unless required pursuant to part 7819.3100.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

### **7819.1000 FEES AND PENALTIES.**

Subpart 1. **Permit fee.** A local government unit that requires a permit for excavation in or obstruction of the public right-of-way shall make its permit fee schedule available to the public. The permit fee schedule must be established in advance and designed to recover the local government unit's actual costs incurred in managing the public right-of-way.

Subp. 2. **Allocation of permit fees.** Permit fees must be based on an allocation among all users of the public right-of-way, which shall include the local government unit itself, so as to reflect the proportionate costs imposed on the local government unit by each of the various types of users of the public rights-of-way. Although the local government unit must be allocated its proportionate share of permit fees, the local government unit need not transfer funds to pay permit fees.

Permit fees must be allocated in a competitively neutral manner and must be imposed in a manner so that aboveground uses of public rights-of-way do not bear costs incurred by the local government unit to regulate underground uses of public rights-of-way.

Subp. 3. **Delay penalty.** A local government unit may establish and impose a reasonable penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty must be established from time to time by resolution of the local government unit's governing body. A delay penalty must not be imposed if the delay in project completion is due to circumstances beyond the control of the applicant, including without limitation inclement weather, acts of God, or civil strife.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

### **7819.1100 RESTORATION OF RIGHT-OF-WAY.**

Subpart 1. **Restoration standards.** Restoration must return the right-of-way to the same condition that existed before excavation. Subject to this standard, plates 1 to 13, shown in parts 7819.9900 to 7819.9950, indicate maximum limits of restoration methods and area requirements the local government unit can impose when a right-of-way user excavates in the public right-of-way. The local government unit and right-of-way user may agree to a lesser requirement.

The right-of-way user is responsible for all of its work done in the public right-of-way, whether by employees, agents, or independent contractors.

Subp. 2. **Levels of restoration.** All levels of restoration include compaction of the materials placed in the excavation of the subgrade and aggregate base, plus pavement replacement, in kind. If required by the local government unit, all work must be performed according to the local government unit's specifications and drawings.

Subp. 3. **Degradation fee.** A right-of-way user may elect to pay a degradation fee in lieu of restoration. However, the right-of-way user shall remain responsible for

## 7819.1100 PUBLIC RIGHTS-OF-WAY STANDARDS

982

replacing and compacting the subgrade and aggregate base material in the excavation and the degradation fee must not include the cost to accomplish these responsibilities.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

## 7819.1200 NOTICE.

Subpart 1. **Requirement.** Except in the case of an emergency, before initiating excavation in a public right-of-way, obstruction of a public right-of-way for more than two hours, or obstruction of more than one lane of traffic, the right-of-way user shall notify the local government unit in writing. The information in the notice must include the name, address, and telephone number of the right-of-way user and any contractors involved in the excavation; the anticipated start and completion dates; the typical depth of the lines; and the general location of the work.

Subp. 2. **Waiver.** The local government unit may waive all or any portion of the requirements of subpart 1. A waiver of the notice requirement must be renewed on an annual basis, unless a different waiver period is agreed to by the local government unit.

Subp. 3. **Applicability.** This part is not applicable to a local government unit that has adopted an ordinance requiring a right-of-way user to obtain a permit or to provide a notice for certain types of work in lieu of a permit.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

## 7819.1250 INDEMNIFICATION.

Subpart 1. **Authority, generally.** As a condition for issuing a permit for work on a public right-of-way, a local government unit may require the permittee to indemnify the local government unit against liability claims. The local government unit may require indemnification when a permit authorizes a permittee to obstruct or excavate on or within a public right-of-way to install, maintain, or repair the permittee's facilities.

Subp. 2. **Claims indemnified.** The local government unit may require the permittee to defend, indemnify, and hold harmless the local government unit from all liability or claims of liability for bodily injury or death to persons, or for property damage, in which the claim:

A. alleges a negligent or otherwise wrongful act or omission of the permittee or its employee, agent, or independent contractor in installing, maintaining, or repairing the permittee's facilities; and alleges that the local government unit is liable, without alleging any independent negligent, or otherwise wrongful, act or omission on the part of the local government unit; or

B. is based on the local government unit's negligent or otherwise wrongful act or omission in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition, or purpose of the permit granted to the permittee.

Subp. 3. **Claims not indemnified.** A permittee is not required to indemnify a local government unit for losses or claims occasioned by the negligent or otherwise wrongful act or omission of the local government unit, except:

A. to the extent authorized in subpart 2 regarding the issuance of a permit or the inspection or enforcement of compliance with the permit; or

B. when otherwise provided in an applicable franchise agreement.

Subp. 4. **Remedy is additional; subrogation.** A defense or indemnification of a local government unit by a permittee is deemed not to be a waiver of any defense or immunity otherwise available to the local government unit.

A permittee, in defending any action on behalf of the local government unit, is entitled to assert every defense or immunity that the local government unit could assert in its own behalf.

Subp. 5. **Local government unit's authorization to proceed.** A local government unit's authorization to proceed with excavation or obstruction in the right-of-way pursuant to notice under part 7819.1200 is deemed a permit for the purpose of this part.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

#### **7819.1300 COMPLETION CERTIFICATE.**

Subpart 1. **Requirement.** If required by the local government unit as part of its permit process, a person designated by the right-of-way user as a responsible employee shall sign a completion certificate showing the completion date for the work performed, identifying the installer and designer of record, and certifying that work was completed according to the requirements of the local government unit.

Subp. 2. **"As built" drawings.** If required by the local government unit as part of its permit process and if necessary due to changes from the work as projected when the permit was applied for, the permittee shall submit "as built" drawings or maps within six months of completing the work, showing any deviations from the plan that are greater than plus or minus two feet.

Subp. 3. **Response.** The local government unit shall respond within 30 days of receipt of the completion certificate. Failure to approve or disapprove the permittee's performance within 30 days is deemed to be approval by the local government unit.

Subp. 4. **Obligation.** Construction triggers an obligation of the right-of-way user that the right-of-way restoration be completed according to the conditions in part 7819.1100. The right-of-way user also assumes responsibility for "as built" drawings and for repairing facilities or structures, including right-of-way that was damaged during facility installation. The obligation is limited to one year for plantings and turf establishment.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

#### **7819.3000 CONSTRUCTION PERFORMANCE BOND.**

Subpart 1. **Authority to require performance bond.** At the time of application for an excavation permit, the local government unit may require a right-of-way user who elects to restore the right-of-way to post a construction performance bond, as defined in part 7819.0100, subpart 6.

A local government unit does not need to provide a construction performance bond to ensure the restoration of streets following its own excavation.

Subp. 2. **Amount.** The security provided by a construction performance bond must cover an amount reasonably estimated to restore the right-of-way to the condition that existed before the excavation, and may also include reasonable, directly related costs that the local government unit estimates will be incurred if the right-of-way user fails to perform under the bond. Litigation costs and attorney fees are not direct costs to be included in calculating the amount of the bond.

Subp. 3. **Term.** If, 24 months after completion of the restoration of the right-of-way, the representative of the local government unit determines that the right-of-way has been properly restored, the surety on the construction performance bond must be released.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

#### **7819.3100 RELOCATION OF EXISTING FACILITIES.**

Subpart 1. **Requirement.** A right-of-way user shall promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way when it is necessary to prevent interference,

**7819.3100 PUBLIC RIGHTS-OF-WAY STANDARDS**

984

and not merely for convenience of the local government unit, in connection with: (1) a present or future local government use of the right-of-way for a public project; (2) the public health or safety; or (3) the safety and convenience of travel over the right-of-way.

Subp. 2. **Exception.** Notwithstanding subpart 1, a right-of-way user is not required to remove or relocate its facilities from a right-of-way that has been vacated in favor of a nongovernmental entity unless and until the reasonable costs to do so are first paid to the right-of-way user.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**7819.3200 RIGHT-OF-WAY VACATION.**

Subpart 1. **Reservation of right.** If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation does not require the relocation of the right-of-way user's facilities, the local government unit shall, except when it would not be in the public interest, reserve to and for itself and all right-of-way users having facilities in the vacated right-of-way, the right to install, maintain, and operate facilities in the vacated right-of-way and to enter upon the right-of-way at any time to reconstruct, inspect, maintain, or repair the facilities.

Subp. 2. **Relocation of facilities.** If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation requires the relocation of the right-of-way user's facilities, payment of the relocation costs must be determined as follows: (1) if the vacation proceedings are initiated by the right-of-way user, the right-of-way user must pay the relocation costs; (2) if the vacation proceedings are initiated by the local government unit for a public project, the right-of-way user must pay the relocation costs unless otherwise agreed to by the local government unit and the right-of-way user; or (3) if the vacation proceedings are initiated for the purpose of benefiting a person other than the right-of-way user, the benefited person must pay the relocation costs.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**7819.3300 ABANDONED FACILITIES.**

A right-of-way user shall notify the local government unit when facilities are to be abandoned. A right-of-way user that has abandoned facilities in a right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the local government unit.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**MAPPING SYSTEMS****7819.4000 AUTHORITY; PURPOSE.**

In managing the use of its public rights-of-way, a local government unit may establish, develop, and implement a right-of-way mapping system according to this part and part 7819.4100. The purpose of a mapping system is to:

- A. allow flexibility in its use by the local government unit as an effective management tool;
- B. enhance public safety and user facility safety;
- C. provide for long-term cost savings;
- D. improve public right-of-way design quality; and
- E. allow for better information collection and cooperative usage among local government units, telecommunications companies, and other users of the public right-of-way.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**7819.4100 REQUIRED MAPPING INFORMATION.**

Subpart 1. **Application required.** When a local government unit requires a permit for excavation in or obstruction of its public right-of-way, a person wishing to undertake a project within the public right-of-way shall submit a right-of-way permit application, which may require the filing of mapping information pursuant to subpart 2.

Subp. 2. **Information.** The local government unit may require as part of its permit application the filing of all the following information:

A. location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on:

(1) offsets from property lines, distances from the centerline of the public right-of-way, and curb lines as determined by the local government unit;

(2) coordinates derived from the coordinate system being used by the local government unit; or

(3) any other system agreed upon by the right-of-way user and local government unit;

B. the type and size of the utility facility;

C. a description showing aboveground appurtenances;

D. a legend explaining symbols, characters, abbreviations, scale, and other data shown on the map; and

E. any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes, section 216D.04, subdivision 3.

Subp. 3. **Changes and corrections.** The application must provide that the applicant agrees to submit "as built" drawings, reflecting any changes and variations from the information provided under subpart 2, items A to E.

Subp. 4. **Additional construction information.** In addition, the right-of-way user shall submit to the local government unit at the time the project is completed a completion certificate according to part 7819.1300.

Subp. 5. **Manner of conveying permit data.** A right-of-way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the right-of-way user to a format currently in use by the local unit of government. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.

Subp. 6. **Data on existing facilities.** At the request of a local government unit, a right-of-way user shall provide existing data on its existing facilities within the public right-of-way in the form maintained by the user at the time the request was made, if available.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

**FACILITY INSTALLATION, CONSTRUCTION, LOCATION****7819.5000 INSTALLATION OF TELECOMMUNICATIONS FACILITY.**

Subpart 1. **Requirements.** The following requirements pertain to telecommunications facility installation in a public right-of-way.

A. During plowing or trenching of a facility, a warning tape must be placed at a depth of 12 to 18 inches above copper cables with over 200 pairs and above each fiber facility.

B. A directional bore facility within the limits of a city must be placed in conduit below a concrete- or bituminous-paved road surface or in conduit or armored cable in other locations. The conduit or armored cable must be of a type determined by



## 7819.5000 PUBLIC RIGHTS-OF-WAY STANDARDS

986

the telecommunications right-of-way user. The city may waive this provision if the right-of-way user agrees to additional marking of the facility. This provision does not apply to residential connections.

C. A buried telecommunications facility must have a locating wire or conductive shield, except for dielectric cables.

D. Unless the local government unit directs that no location markers be placed, a location marker must be placed at least every 1,300 feet, as well as at road crossings and at culverts. For areas outside of cities, unless the local government unit directs that no location markers be placed, the markers must be placed at least every 1,300 feet or within line of sight whichever is less, as well as at road crossings and at culverts.

E. A buried fiber facility installed within the limits of a city must be placed in conduit of a type determined by the telecommunications right-of-way user, unless this requirement is specifically waived by the city. A buried fiber facility beyond city limits must be placed by the telecommunications right-of-way user, in its discretion, using industry-acceptable standards.

F. A buried fiber facility, conditions permitting, must be placed at a minimum depth of 36 inches below the surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.

G. In a city, urban town, urban county, or urban service area, conditions permitting, a copper facility buried below a concrete- or bituminous-paved road surface must be placed at a minimum depth of 36 inches below the road surface and a maximum of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis. Any other copper facility in a city, urban town, urban county, or urban service area must be placed at a minimum depth of 30 inches below the surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.

H. A copper facility in a public right-of-way not covered in item G, conditions permitting, must be placed at a minimum depth of 30 inches below the surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.

I. The placing of any telecommunications facility must comply with the National Electric Safety Code, as incorporated by reference in Minnesota Statutes, section 326.243.

J. For purposes of this part:

(1) an "urban town" is a town described in Minnesota Statutes, section 368.01, subdivision 1 or 1a;

(2) an "urban county" is Anoka, Carver, Dakota, Hennepin, Ramsey, St. Louis, Scott, or Washington county; and

(3) an "urban service area" is an unincorporated area within two miles of the corporate limits of a city, over which a joint planning board is authorized to exercise planning and land use control under Minnesota Statutes, section 462.3585.

Subp. 2. **Locating, marking, or exposing facility.** If a telecommunications facility owner is unable to locate its underground facility as required under Minnesota Statutes, section 216D.04, it must expose the facility so that it can be located.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

## 7819.5100 CONSTRUCTION AND LOCATION REQUIREMENTS.

Subpart 1. **Installation requirements for telecommunications facility.** The installation of a telecommunications facility in the right-of-way must be done in conformance with part 7819.5000.

Subp. 2. **Installation requirements for gas or electric facility.** The installation requirements for an electric facility must comply with the construction standards

established by the National Electrical Safety Code as directed by the Minnesota Electrical Act, Minnesota Statutes, sections 326.241 to 326.448, or any superseding authority. The installation requirements for a gas facility must comply with the construction standards established by Code of Federal Regulations, title 47, parts 191, 192, 193, and 199, as directed by Minnesota Statutes, section 299F.57, or any superseding legal authority.

**Subp. 3. Location of facility.** Placement of a facility in a particular location within the right-of-way must take into account the current and anticipated uses of the right-of-way and the distinct engineering, construction, operation, and maintenance characteristics of each type of use.

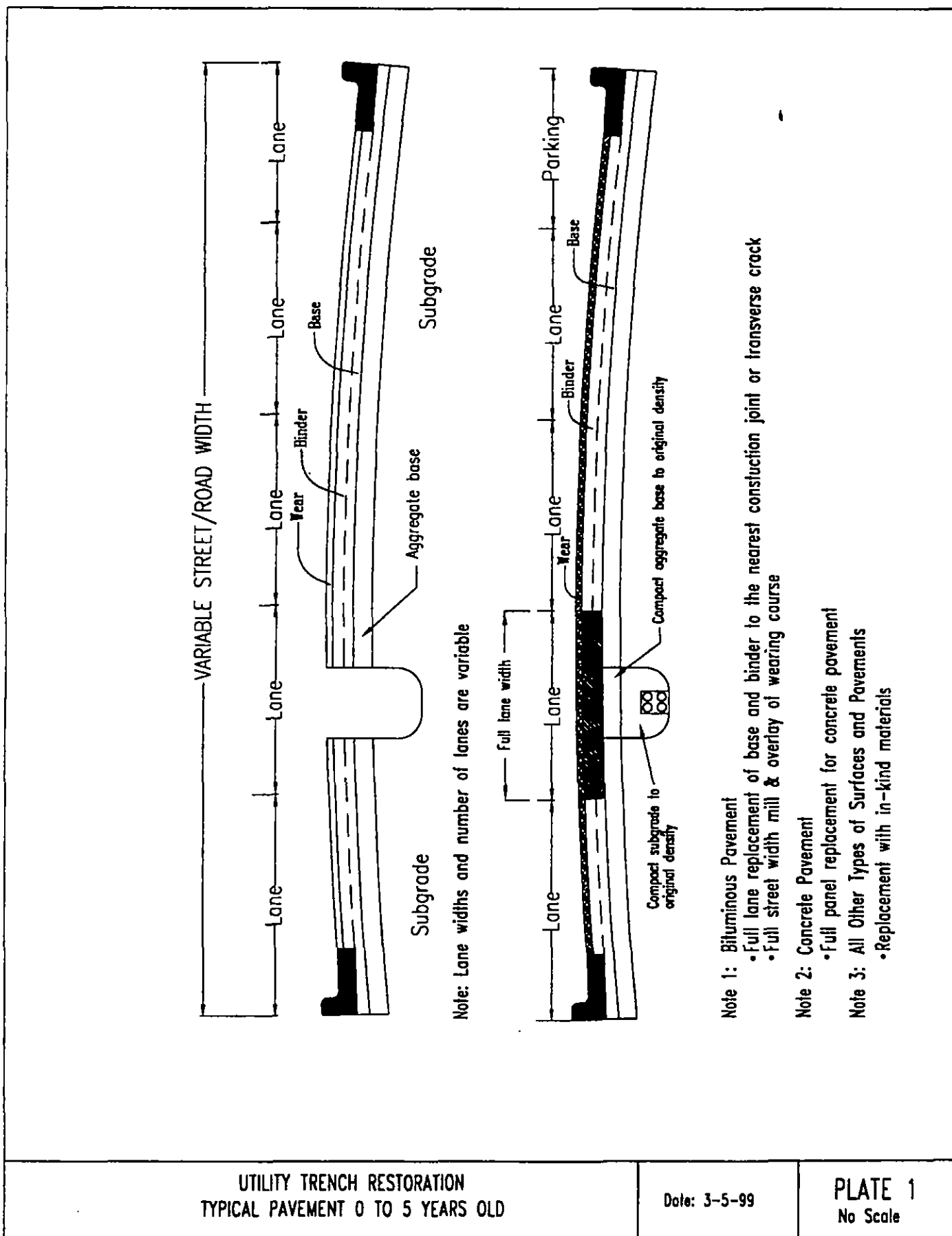
**Subp. 4. Access to nontraveled portion of right-of-way.** A local government unit shall not unreasonably prohibit the placement of a facility in the nontraveled portion of the right-of-way. The traveled portion of the right-of-way includes the shoulder of the road or highway.

**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

7819.9900 UTILITY TRENCH RESTORATION; PLATES 1 AND 2.

Subpart 1. Plate 1.

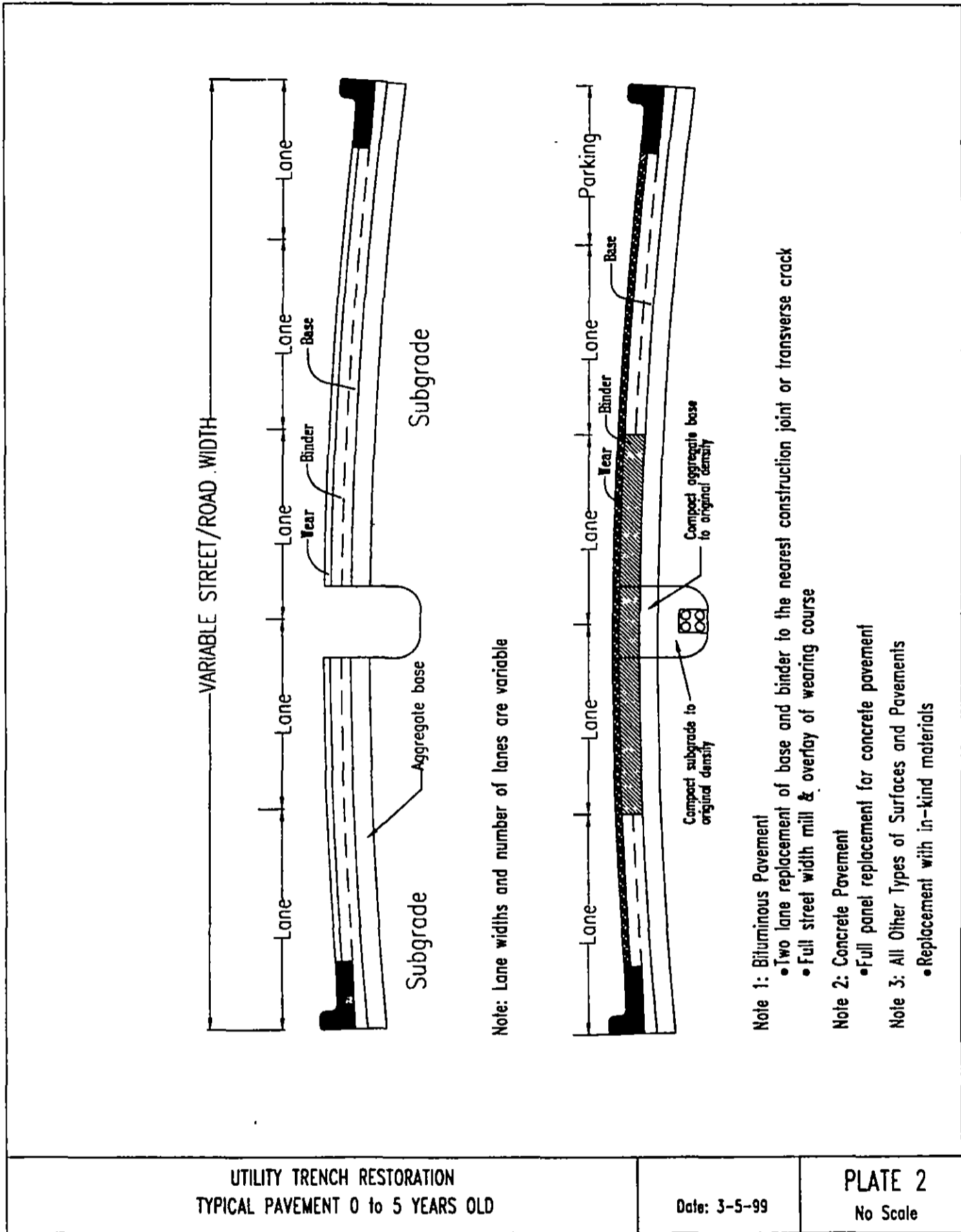


UTILITY TRENCH RESTORATION  
TYPICAL PAVEMENT 0 TO 5 YEARS OLD

Date: 3-5-99

PLATE 1  
No Scale

Subp. 2. Plate 2.

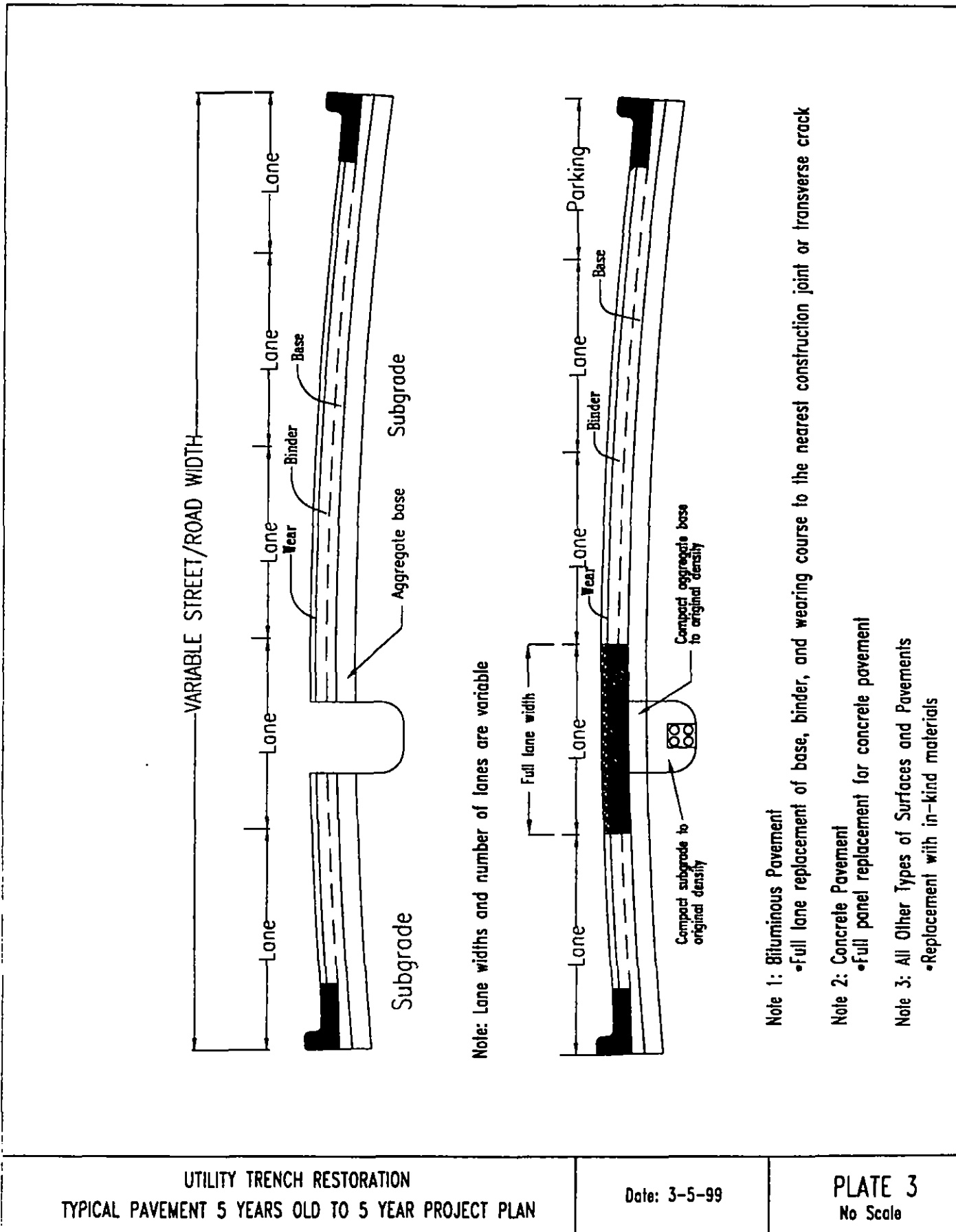


Statutory Authority: *MS s 237.163*

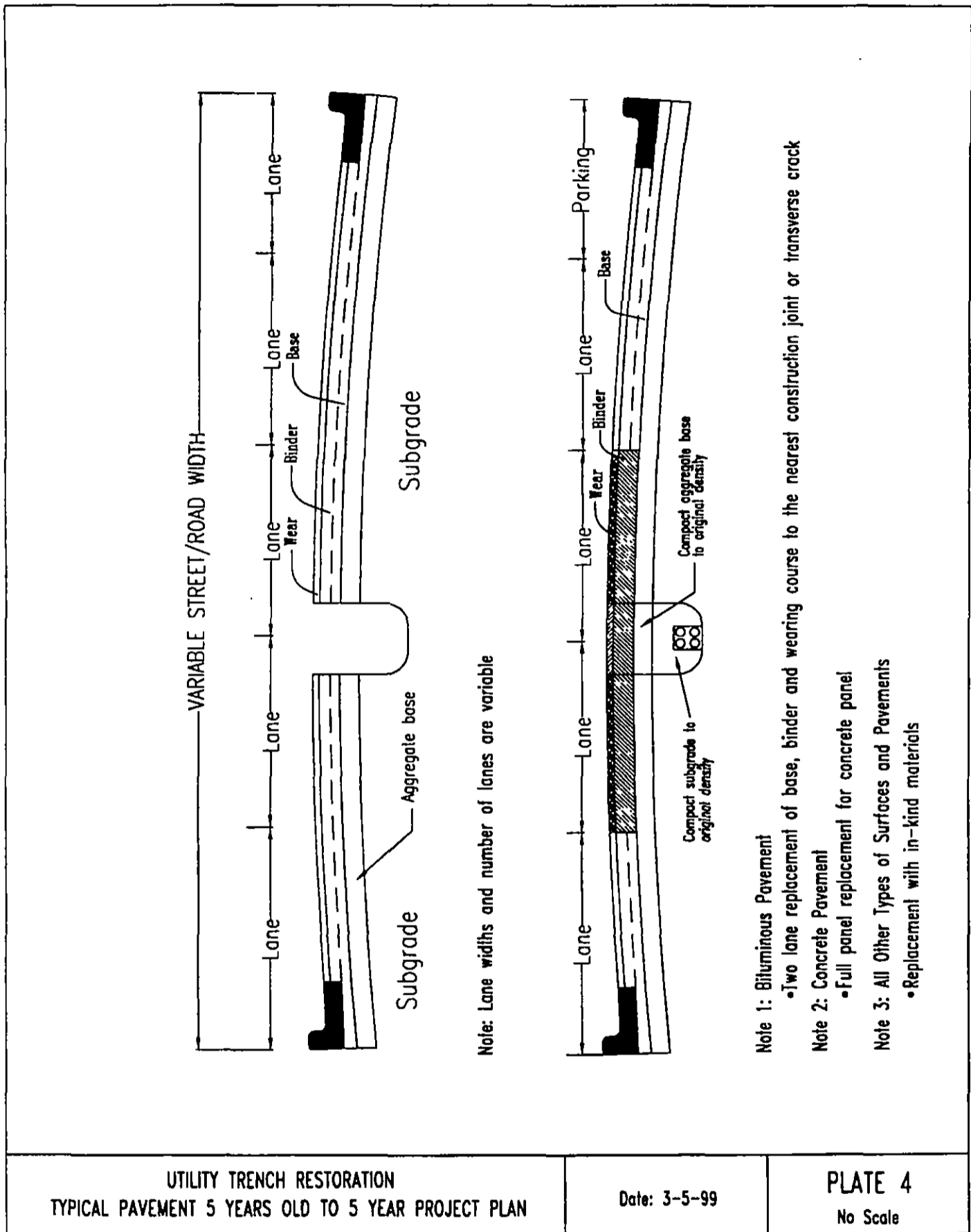
History: *23 SR 2004*

7819.9905 UTILITY TRENCH RESTORATION; PLATES 3 AND 4.

Subpart 1. Plate 3.



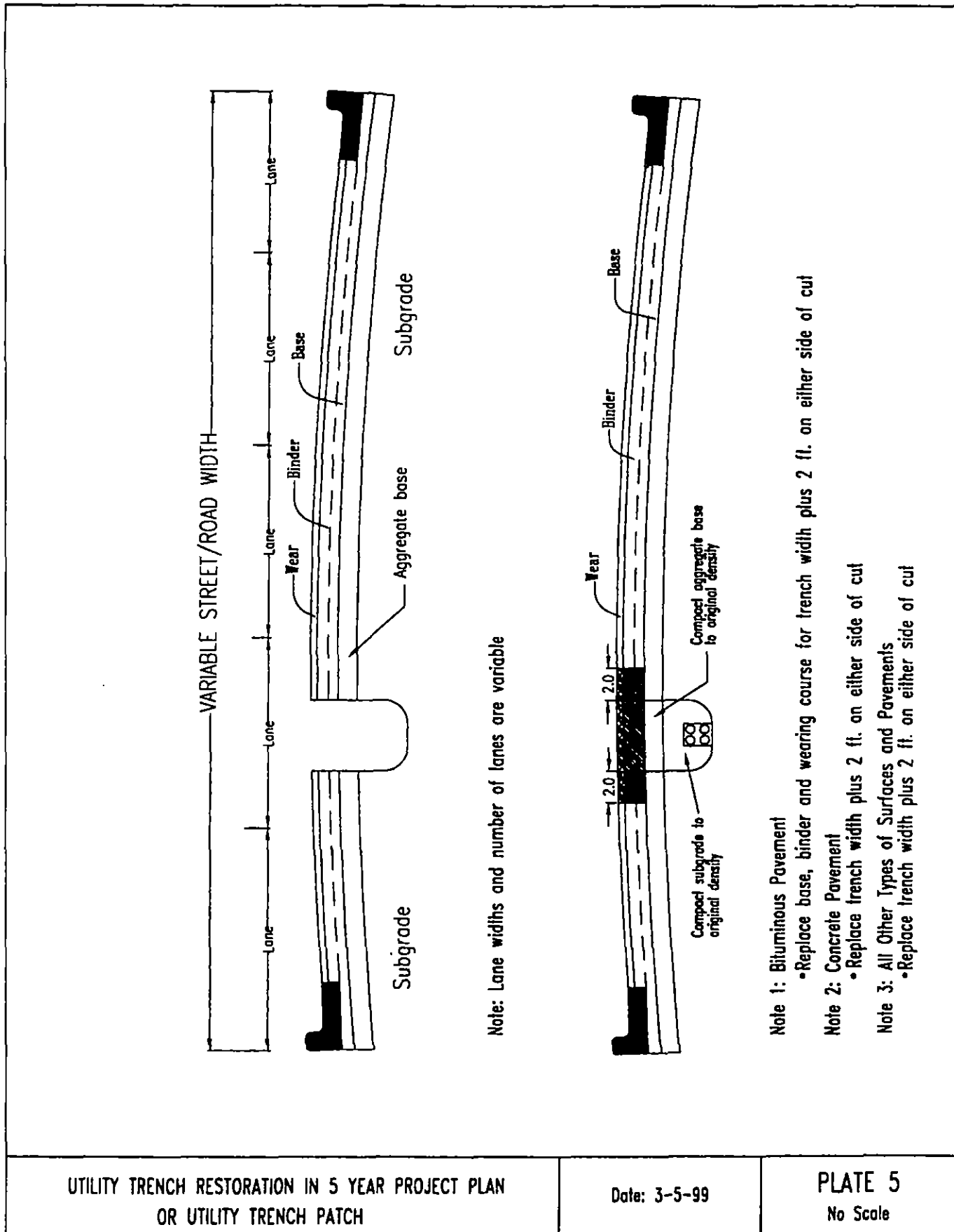
Subp. 2. Plate 4.



Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

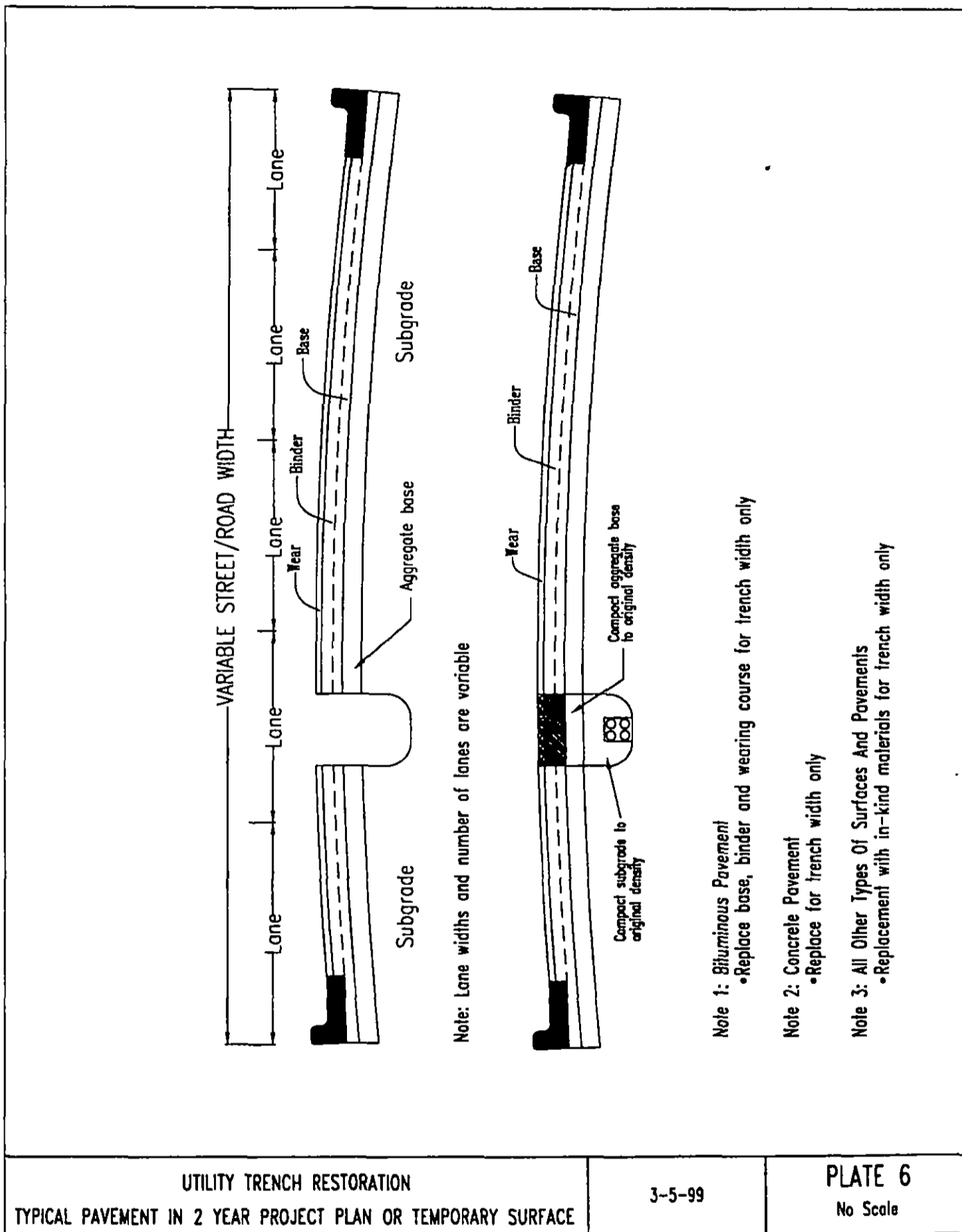
7819.9910 UTILITY TRENCH RESTORATION; PLATE 5.



Statutory Authority: *MS s 237.163*

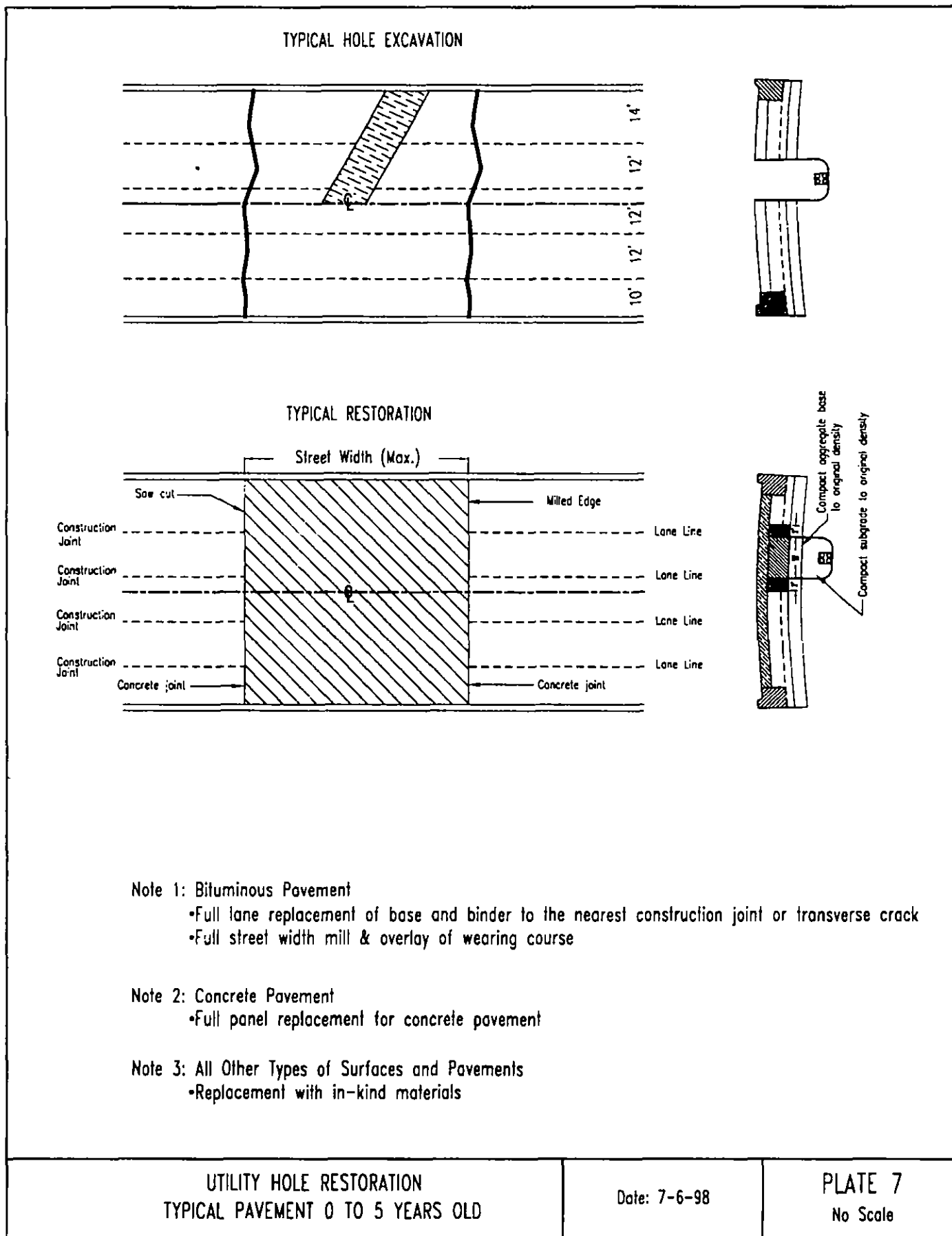
History: *23 SR 2004*

7819.9915 UTILITY TRENCH RESTORATION; PLATE 6.





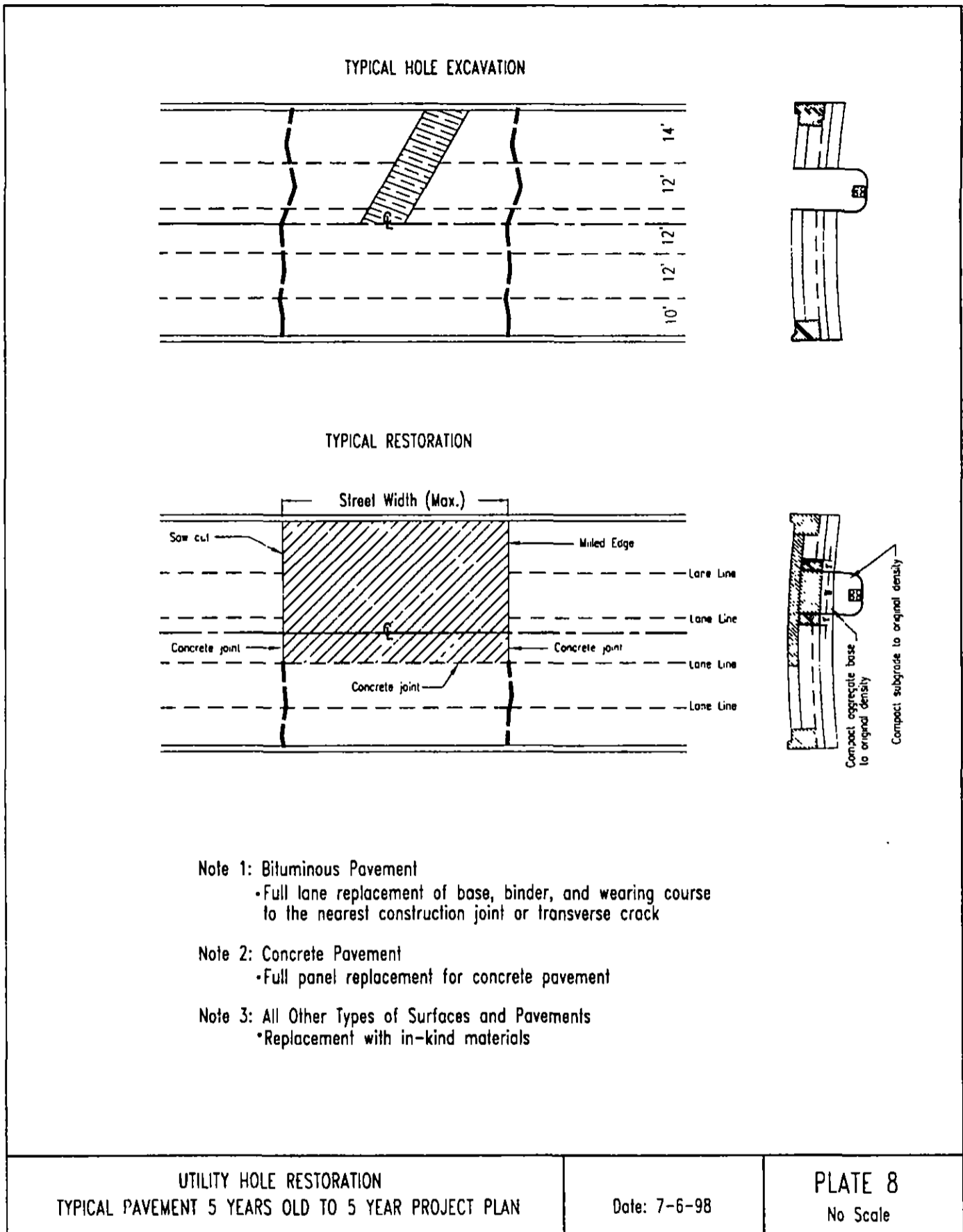
7819.9920 UTILITY HOLE RESTORATION; PLATE 7.



**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*

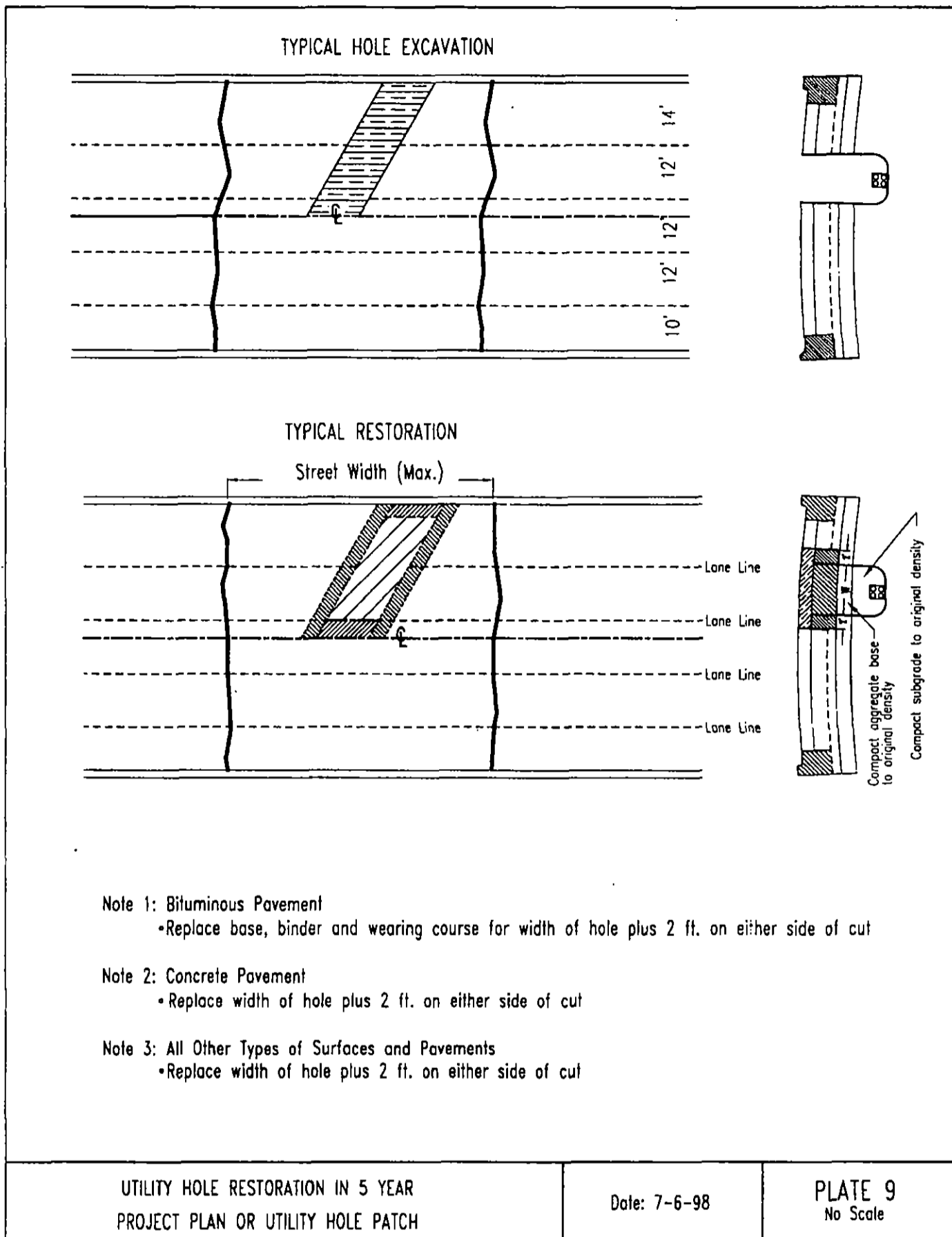
7819.9925 UTILITY HOLE RESTORATION; PLATE 8.



**Statutory Authority:** *MS s 237.163*

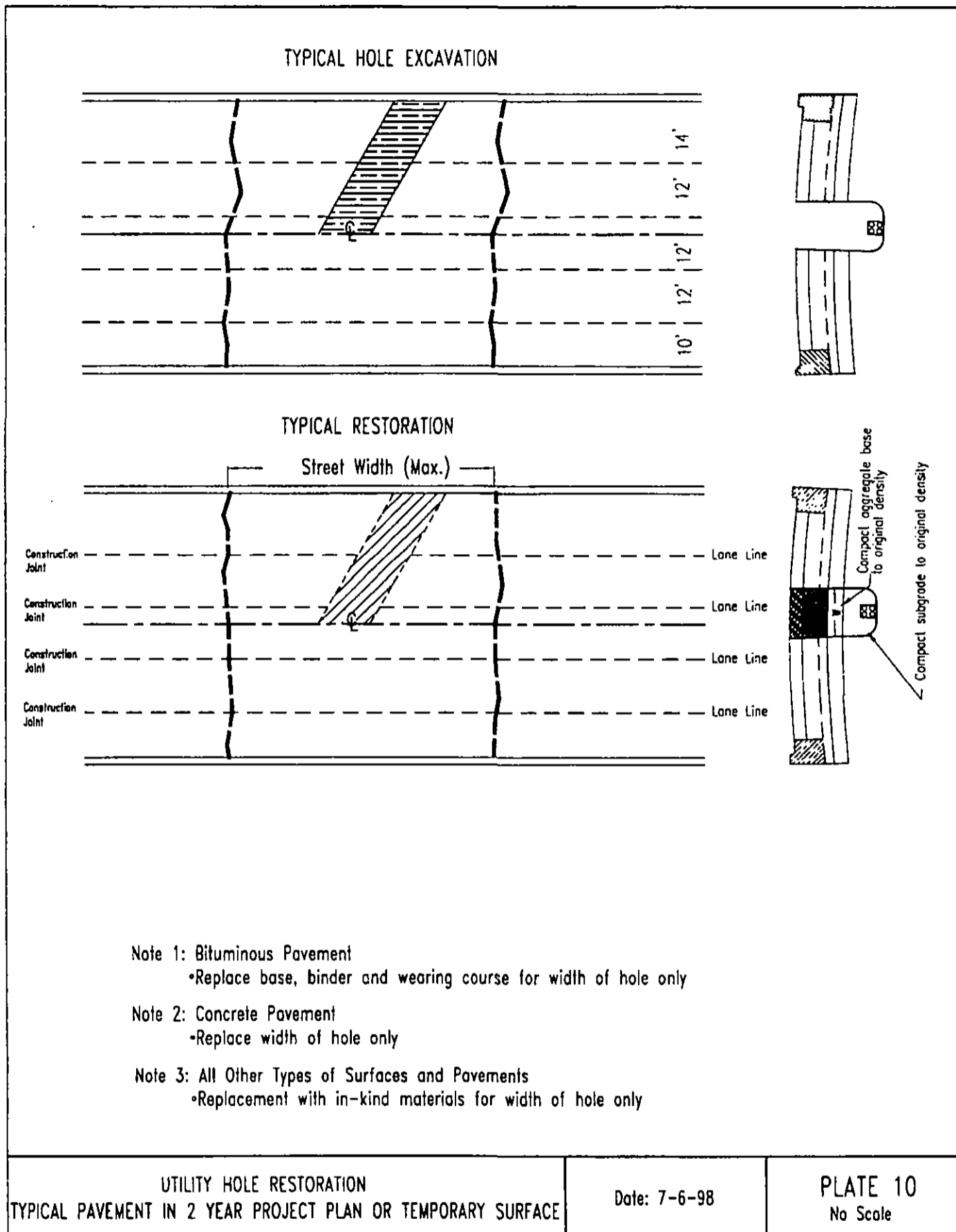
**History:** *23 SR 2004*

7819.9930 UTILITY HOLE RESTORATION; PLATE 9.



**Statutory Authority:** *MS s 237.163*  
**History:** *23 SR 2004*

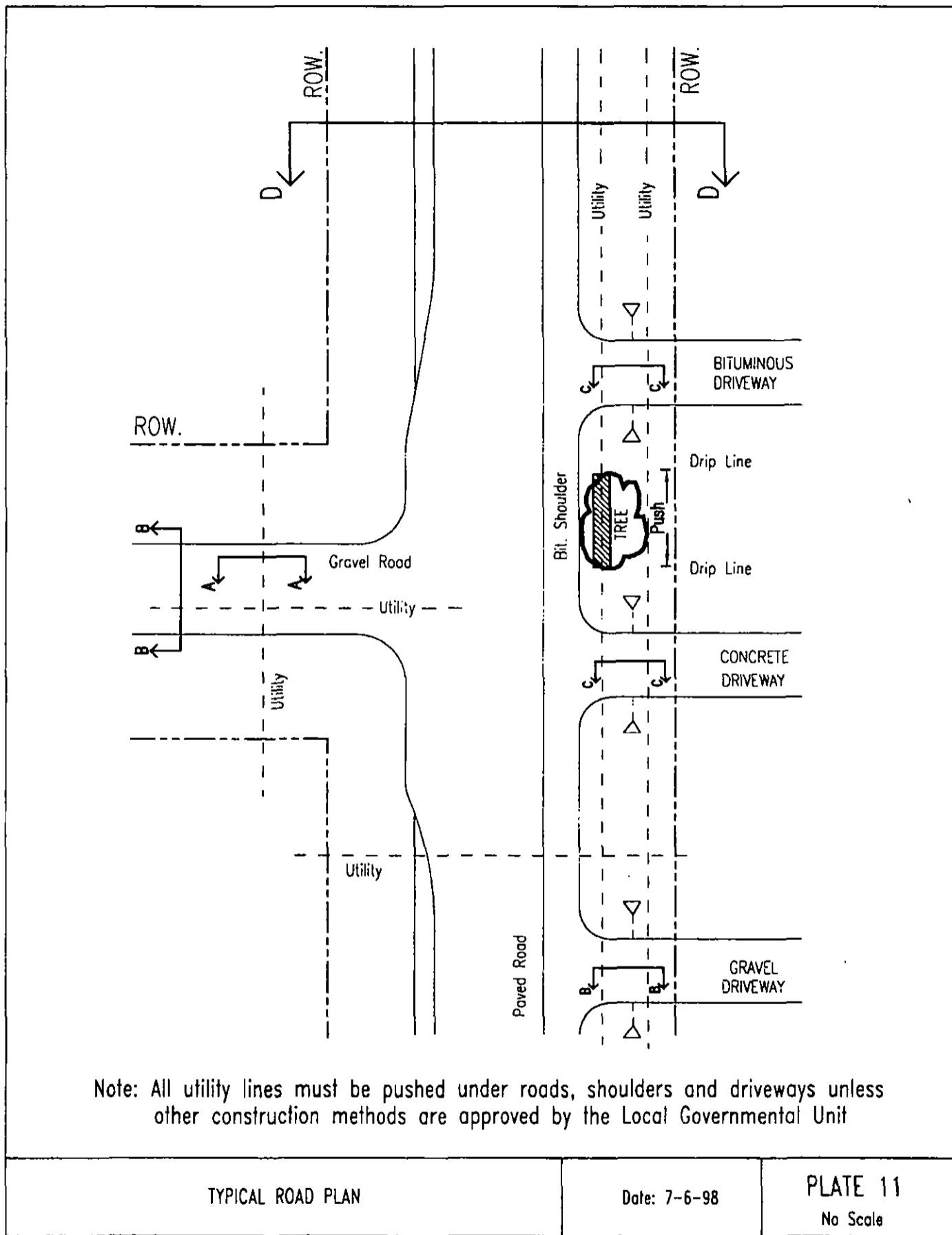
7819.9935 UTILITY HOLE RESTORATION; PLATE 10



Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

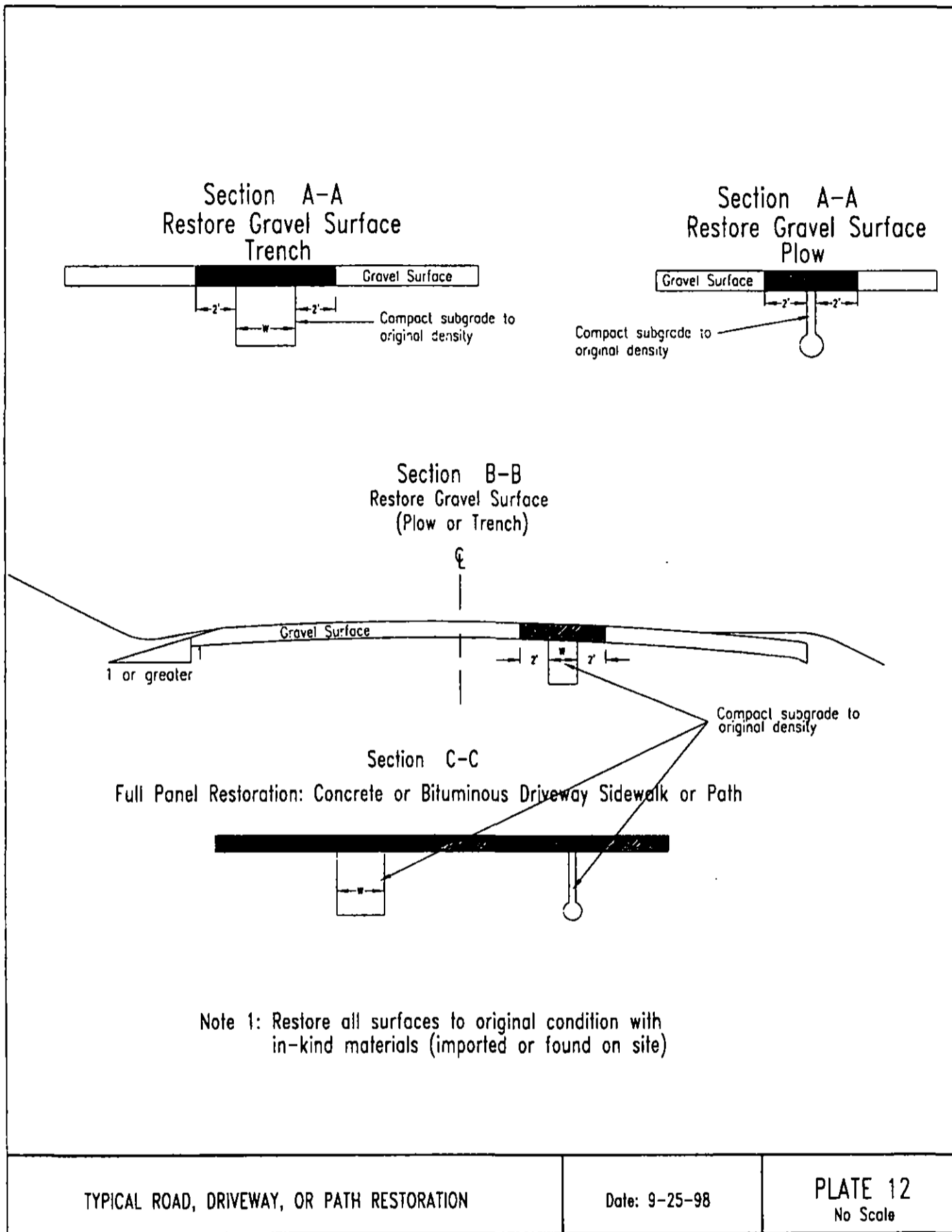
7819.9940 TYPICAL ROAD PLAN; PLATE 11.



Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

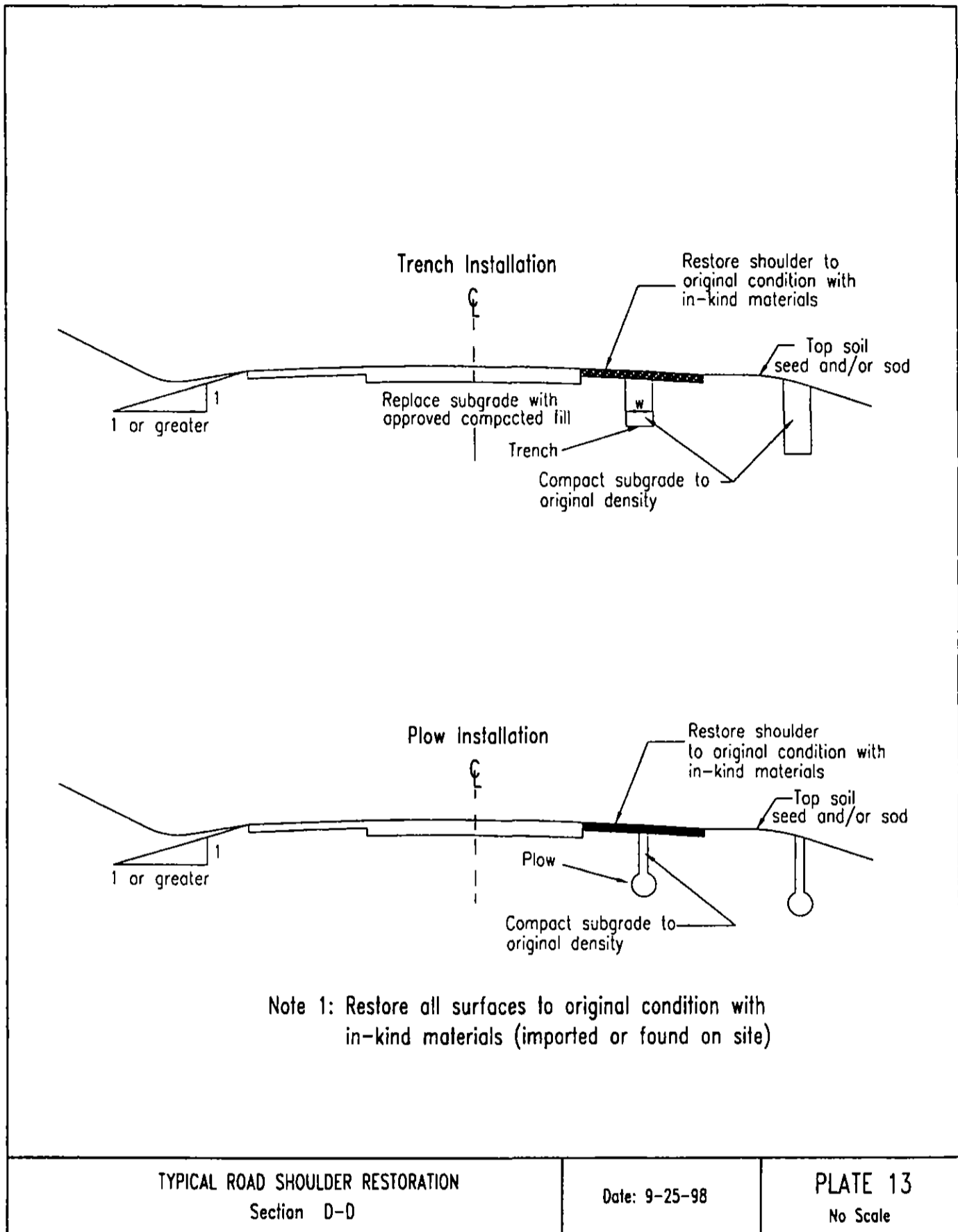
7819.9945 TYPICAL ROAD RESTORATION; PLATE 12.



Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

7819.9950 TYPICAL ROAD SHOULDER RESTORATION; PLATE 13.



**Statutory Authority:** *MS s 237.163*

**History:** *23 SR 2004*