

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 3—Utility and Private Line Location and Relocation

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-3.030 Location and Relocation of Private Lines on State Highways. The Missouri Highways and Transportation Commission is amending sections (2) through (5) and adding a new section (6).

COPY

PURPOSE: This amendment corrects the number of Department districts from ten to seven, clarifies the address of the commission to obtain a permit application, outlines the procedures to obtain permits for emergency work, and eliminates unnecessary restrictive wording.

(2) Private lines are permitted to cross the right-of-way of a highway on the state highway system in the same manner as provided for utility facilities in 7 CSR 10-3.010.

(3) Longitudinal use of the highway right-of-way by private lines is not permitted except as provided for in section (4) of this rule.

(4) Special conditions at specific locations which make adherence to this policy impractical may be submitted to the **Missouri Department of Transportation** chief engineer for consideration of an acceptable alternative. *[If prior concurrence of the Federal Highway Administration or approval by the administrator of the Federal Highway Administration is necessary, then the chief engineer shall submit the alternative to the Federal Highway Administration or its administrator and receive its decision before giving final approval.]*

(5) Except as herein described, all work to be performed on right-of-way of the state highway system in connection with the location, relocation or maintenance of private lines, and where the roadway, shoulders or right-of-way will be affected by the work, must be done only under a permit or agreement to be issued **prior to the commencement of the work** by authority of the Missouri Highways and Transportation Commission **and that specifies the nature of the work to be performed**. Application for permits may be made on forms provided for that purpose *[and shall state specifically the nature of the work to be performed]*. The chief engineer shall determine and order the location and relocation of private lines within the right-of-way of any state highway to prevent interference with the construction, maintenance and public use of state highways. A deposit or bond *[shall]* **may be required, in the department's sole discretion**, to insure completion in accordance with the permit issued. Applications for permits may be obtained at any of the *[ten (10)]* **seven (7)** district highway offices of the commission, **Missouri Department of Transportation's** website located at: **<http://modot.mo.gov/design/UtilityResources/Permits.htm>**, or by requesting the *[same]* **applications** from the office of the Missouri Highways and Transportation Commission at the **Missouri Department of Transportation Building, 105 W. Capitol Ave., P.O. Box 270, Jefferson City, Missouri 65102, or by calling (573) 751-2551.** *[Replacement of individual poles and attachments or other existing private line facilities where only spot excavation is required, and which excavation is not between the shoulder lines of the highway, may be considered as*

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maintenance, and a permit will not be required, provided the private line owner involved abides by all parking and access regulations contained elsewhere in this policy for the type of highway on which the maintenance work is to be performed. Where parking and access violations occur or if the right-of-way is left in an unsatisfactory condition, the offending private line owner may be required to secure a permit for future maintenance work on the right-of-way. The policies prescribed herein are intended to reflect general policies of the commission and specific application should be made and permit obtained for the contemplated work rather than to rely fully upon these rules.]

(6) When emergency operations work is necessary, the damaged facility may be accessed immediately and without a permit by leaving the through roadways at such points as may be necessary to effect emergency repairs, provided immediate notice is given to the Missouri State Highway Patrol and the commission's district engineer or his/her designee for the district wherein the work will be performed, and a permit for emergency operations is requested immediately upon discovery of the need for emergency operations. A permit for emergency operations work is to be obtained as soon as practical, but in no event later than two (2) working days after the emergency operations work has commenced. For the purposes of this section (6), emergency operations includes, but is not limited to, unplanned work in response to utility lines or facilities being so damaged as to constitute an emergency situation directly affecting or endangering traffic on the highway or public health or safety.

AUTHORITY: sections 226.020 and 227.240, RSMo (1986)[, and 23 U.S.C. 645.215 and 23 U.S.C. 1.23(c).] Original rule filed June 10, 1988, effective Nov. 11, 1988. Amended: Filed July 29, 1994, effective Feb. 26, 1995. Amended: November 14, 2017.*

**Original authority: 226.020, RSMo (1939) and 227.240, RSMo (1939).*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*