

**State of South Dakota  
Department of Transportation**

**Telecommunications Master  
Networking Plan,  
And  
Application for Utility Permit**

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION  
TELECOMMUNICATIONS MASTER NETWORKING PLAN**

The purpose of this plan is to specify the terms and conditions proposed by the Department of Transportation with regards to allowing the installation of fiber-optic facilities within the South Dakota Interstate Highway System right-of-way.

It is the Department's desire to provide the citizens of South Dakota with access to the most sophisticated communications facilities at reasonable prices; and to allow access to communications services and facilities at a pricing scheme which is reasonable and affordable to them; and to attract future business opportunities and economic development infrastructure; and advancing Intelligent Transportation Systems technology by providing for the availability of an advanced telecommunications facilities.

It is further desired to provide the installations of fiber-optics facilities as governed by any and all State and Federal laws, regulations and requirements. Presently, South Dakota State Law does not allow for the compensation from private telecommunication service providers in exchange for allowing them to use public right-of-way. However, the Department has proposed pursuing Legislative Action to allow for such compensation.

If such legal authority is enacted, the Department will actively pursue agreements with Contractors allowing use of fiber-optic installations for Department benefit. Until such a law exists, the Department desires to continue permitting the installation of fiber-optic facilities within Interstate right-of-way in the context of previous practice without compensation in order to promote and advance the goals stated above. Such permits will continue to be forwarded to FHWA for approval. Any and all State and Federal laws, regulations and requirements that pertain to the installation of fiber-optics will govern the contractor.

Any agreements entered into or permits issued pursuant to this plan shall provide that:

1. Contractor will hold harmless and indemnify the State, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder.
2. Contractor in using the right-of-way shall maintain occurrence based commercial general liability insurance or equivalent form.
3. Contractor in using the right-of-way shall procure and maintain workers compensation and employers' liability insurance as required by South Dakota law.

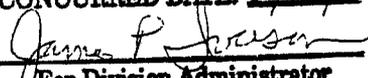
Based upon engineering standards and requirements of the Department and the Federal Highway Administration and construction practices mutually agreed upon by

the Department and Contractor, that Contractor can use State right-of-way for the placement of its cable.

4. Contractor will adhere to any and all of the South Dakota Department of Transportation rules, regulations and safety requirements, methods, and procedures in the construction and maintenance of these fiber-optics networks.
5. It is agreed that all fiber-optics facilities which are constructed on, appear on, placed over or buried in real property or using Interstate right-of-way owned by the Department shall retain their character as personality and shall not be considered as realty for any purpose, and shall forever remain the property of Contractor.
6. Any relocation of any fiber-optic facility allowed within Interstate right-of-way made necessary as a result of highway construction or maintenance operations, shall be made by and at the expense of the Contractor. The timing of Contractor's relocation activities shall be coordinated with the Department so as not to impede with the Department's construction or maintenance activities.

The use of Interstate right-of-way for fiber-optic facilities shall be by a "Utility Permit". Such permit will be required prior to actual work performed. A Department approved traffic control plan for installation, repair, maintenance and operation is a prerequisite to issuance. The provisions of the permit will require that the fiber optics line be installed in a corridor adjacent to the right-of-way boundary unless deviation is approved in writing by the Department of Transportation. FHW A.

7. Being permitted to use Interstate right-of-way does not allow permission to use bridges nor does it allow access from the Interstate. Any proposed use of bridges or other structures or access from the Interstate for the installation of fiber-optics must be proposed to and approved in writing by the Department of Transportation.
8. Contractor shall comply with the construction standards, location standards, and special marking techniques established by the most recent publication of 23 C.F.R. 645, as well as any special conditions imposed by the Department. Non-compliance without Department written approval will render any permit null and void.
9. The Department shall have authority to place inspectors on-site to monitor and observe the installation, maintenance and repair activities pursuant hereto, and/or to request the presence of State or local law enforcement agencies to assure the safety of highway travelers at such times and for such periods as the Department deems appropriate. All costs thereof shall be borne by Contractor.
10. Any damage to the right-of-way resulting from Contractor's installation, operation, Maintenance or removal of its' facilities shall be repaired by Contractor or, at Department's option, by the Department at Contractor's sole expense. Any repairs made by Contractor shall conform to the requirements of the Department.

CONCURRED DATE: 2/14/02  
  
\_\_\_\_\_  
For Division Administrator  
Federal Highway Administration

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPLICATION FOR UTILITY PERMIT

002099,00

DOT-200  
(6-92)

Highway No. I-29 County Lincoln Approximately \_\_\_\_\_ Mi.  N  S  E  W

from Junction Hwy 44 & I-29 for construction of telecommunications line  
(City or well defined point) (type of utility facility)

Begin Section 6 Township 98N Range 50W End Section 7 Township 100N Range 50W

Intended usage or rating \_\_\_\_\_  
Cable size and type 96 Fiber to start then 192 Fiber

Outsize pipe diameter \_\_\_\_\_ Maximum pipeline operation pressure \_\_\_\_\_  
Size and type of metal casing 2" Conduit

Minimum depth of cable or pipeline: (Rural Roadway 48") 48" (Curb-Gutter 24") \_\_\_\_\_ (Other Areas 36") \_\_\_\_\_

Method of installation Plow and Bore  
Approximate construction dates - Start 3-15-2000 Finish 11-30-2000

Special conditions \_\_\_\_\_

I, the undersigned, request permission to construct and maintain a utility facility on public right-of-way at the above location and as shown on the attached layout sheet and in accordance with provisions of Administrative Rules of South Dakota, Chapter 70:04:05. In consideration for this permission, I agree to abide by all conditions of said rules and in addition, the following:

- To furnish all materials, labor, incidentals and pay all costs involved with the construction and maintenance of the utility facility. To perform approved open cut trench operations in accordance with current DOT Open Cut Trench Policy. To restore any damaged portions of the roadway and right-of-way to equal or better conditions than existed prior to beginning work covered by this permit.
- To provide protection to highway traffic during construction and maintenance by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual on Uniform Traffic Control Devices."
- To indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of highway right-of-way designated in this application.

Company McLeadUSA Date 2-10-2000  
Address PO Box 66 City Irene State SD Zip 57037 Telephone 605-263-7021  
By: (Sig.) [Signature] (Typed) Tarz Mullinix Title Director of Transport & Sp

### To be completed by the Department of Transportation ###

Project (Const.) \_\_\_\_\_ Station \_\_\_\_\_ Milepost 64.33 to 75.47+  
Project (Maint.) 0291-271 Maintenance Unit 271

- Prior to commencing construction and upon completion of work the applicant shall notify MERVIN BULTSE - MAINT. SUPV. at SDDOT - SIOUX FALLS telephone 605-941-4477
- Special Conditions: INSTALLATION SHALL BE 5' FROM RW OR 3' FROM OTHER UTILITY. LONGITUDINAL INSTALLATIONS SHALL BE IN A STRAIGHT LINE. NO OPEN CUTS IN ROADWAY. RESTORE ALL DISTURBED AREAS TO THE SATISFACTION OF SDDOT. WHERE RW FENCES HAS BEEN INSTALLED AROUND WETLAND AREAS, LONGITUDINAL INSTALLATIONS SHALL BE INSTALLED BY DIRECT BORE.
- Failure to construct and maintain the utility facility in accordance with the provisions of this permit will automatically render this permit null and void and constitute grounds for its removal and/or full restoration of the site at the applicant's expense.

Recommended: [Signature] 19 \_\_\_\_\_ 19 \_\_\_\_\_  
City Representative/Date Bridge/Roadway Design/Date  
Recommended: [Signature] 5/24/2000  
Area Engineer/Date  
Approved: [Signature] 5-26-2000  
Region Engineer/Date

This permit to construct and maintain a utility facility is granted subject to all conditions as herein stated.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ PERMIT MANAGER

ATTACHMENT TO PERMITS  
DOT – 200 UTILITIES  
DOT – 232 APPROACHES

REVEGETATION PLAN

Shaping:

Disturbed areas will be topsoiled and leveled to promote vegetation growth and to remove obstructions of drainage.

Seeding:

All disturbed areas will be seeded within three weeks of completion of the operation with the following seed mixture:

Rural: Intermediate Wheatgrass	15 lbs. of pure live seed per acre
Alfalfa	3 lbs. of pure live seed per acre
Total	18 lbs. of pure live seed per acre

Urban: Blue grass will be seeded to the manufacturer's specifications.

Fertilizing:

Commercial fertilizer with a guaranteed analysis of 18-46-0 will be applied at the rate of 100 lbs. per acre.