



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204

PHONE: (317) 233-6938

Mike Braun, Governor
Lyndsay Quist, Commissioner

October 27, 2021

TO: District Permit Managers

**PERMIT
OPERATION
MEMORANDUM**

THRU: Todd May, INDOT Broadband Access Policy

FROM: Monica Hartke-Tarr, Statewide Permit Director

SUBJECT: Broadband Access Exception

BACKGROUND:

In the submission of a Broadband permit application there are instances in which the applicant will request an exception to the standards and the procedures outlined in the Broadband Access Guidelines and Broadband Access Policy (BAP). To ensure consistent application across the state, this memorandum has been drafted outlining the steps in detail required for an exception request submittal.

PROCEDURE:

Permit applicants requesting an exception to the [Broadband Access Guidelines](#) and [BAP](#) must submit via EPS their hardship request. The Broadband Access Exception form attached to this Policy identifies the information required from the Permit Manager to be included in the exception request, including a recommendation from the District. The 'hardship' justification for the request from the applicant can then be attached directly to the form. Once the information has been compiled it is then sent to the INDOT Innovation Director (INID) or their designee for their approval or denial. NOTE: The respective Technical Service Director (TSD) must be copied on all exception submittals.

Steps Required to be Followed when submitting an Exception Request:

1. District Permit Manager reviews the permit application and determines that work proposed deviates from the procedures outlined in the [Broadband Permit Guidelines](#) and [BAP](#).
 - A. Districts may elect to deny any permit application that does not comply with the [Broadband Permit Guidelines](#) and [BAP](#). When a permit application is denied based on [BAP](#), a note should be sent to the INID via EPS to ensure Central Office

is aware of the denial and has ready access to the file in case questions are raised or complaint is filed. Process is concluded.

- B. Districts Permit Managers reviews the permit application and finds that the applicant is claiming that proposed deviations are due to 'hardship' challenges. Then move to step 2.

2. Broadband Exception Request Requirements:

- A. Broadband Access Exception internal memorandum form (see [attached template](#)) is completed by the District Permit Manager outlining the following:

- 1) A brief project description including an explanation of the exception request.
- 2) Detailed description on alternatives including "do nothing" along with cost comparisons if available.
- 3) Identification as to whether the facility is a main or will there be service connections.
- 4) Comment on accuracy of submitted plans.
- 5) Recommendation from the District.

- B. Written justification letter from the applicant on company letterhead containing the following:

- a. Descriptions of alternatives, including a "do nothing" alternative, with all associated costs for the proposed plan and each alternative.
- b. Demonstration that all reasonable efforts to acquire private easements have been denied by adjacent property owners, including attached documentation showing denial of fair market values for easements and contact information for each property owner.
- c. Identifies whether the project is a main distribution facility, or if it be a distributor with service connections made available either at time of installation or in the future.
- d. Description of how access will be gained to the facility both during installation and future maintenance.
- e. Expected schedule for accessing the facility for both installation and future maintenance.

- B. Detailed plans, professionally prepared, showing exact locations and any above-ground appurtenances associated with installing Broadband with respect to right-of-way; edge of pavement; shoulder width; depth of new facility; and all existing utilities, drainage structures, and highway appurtenances (e.g., traffic signals, poles, interconnects, guard rail, signs).

- C. Plan sheet dedicated to maintenance of traffic, if applicable, based on the current [Indiana Manual on Uniform Traffic Control](#) (excerpts from INDOT Work Zone Manual are acceptable unless a unique plan is required).

- E. Any other acknowledgement letters (e.g., LPA support/remonstrations or letters from other governmental agencies).
- 3. Once all supporting documentation has been compiled and entered in EPS, INID will be sent a request to review and comment via EPS:
 - A. If additional information is needed the INID will promptly notify the district via EPS.
 - B. INID will approval/denial requests for **BAP** exceptions within 10 working days.
 - a. If INID does not have all requested and/or necessary materials within 10 working days, they may elect to deny the request based on insufficient information. If Districts do not receive all the information needed to make a final determination within 10 working days, the request may be denied, and the applicant will have to resubmit a new application when sufficient information is presented.
 - b. Approval/denial shall be documented by printing, signing, and checking appropriate box on the district recommendation memo (see [attached template](#)) and uploading form into EPS, along with a INDOT message stating approval or denial. **The district recommendation memo and INID approval are internal documents and communications.**
 - i. If INID approves the **BAP** exception, the district will complete the process and the permit will be approved by the Permit Manager. The district will attach appropriate special provisions, including one that states that the permittee understands and agrees that if an INDOT contract requires the Broadband to be moved, the owner of the Fiber will bear all expenses of relocation and relocate in a timely manner.
 - ii. If INID denies the **BAP** exception, the Permit Manager will be notified via EPS and the district will proceed with denial of the request and document in EPS. A letter of denial will be sent to the applicant from the district, on District letterhead. NOTE: All comments shared internally will be retained in the INDOT Attachments and INDOT Messages within EPS.

All exception requests must be clear and accurate, depicting all existing details and dimensions as well as proposed work to a degree of accurate constructability. Where applicable, clear zone must be addressed. Elevations for underground facilities shall be shown on plans.

If the exception is approved, and there are deviations from the proposed plans, they must be approved by the Permit Manager before construction and be shown on a set of final “as built plans”.

INDOT LETTERHEAD

Broadband Access Policy Exceptions

Internal Memorandum

DATE: _____

TO: Todd May, INDOT Innovation Director

THRU: _____, District Technical Services Director

FROM: _____, District Permit Manager

ROUTE/ROADWAY: _____ **TRACKING NUMBER:** _____

LOCATION: _____

SUBJECT: Request for an exception to the INDOT Broadband Access Policy.

Information to be included in the Request for Approval:

- 1) Project description:
- 2) Detailed description on alternatives including “do nothing” along with cost estimate comparisons:
- 3) Identify whether the facility is a main or will there be service connections:
- 4) Comment on accuracy of submitted plans:
- 5) District Recommendation:

Attach the applicant’s hardship letter, plan sheets of sufficient detail, and additional information relevant to the request.

JUSTIFICATION FOR APPROVAL OR DENIAL OF REQUEST:

FINAL DECISION AND SIGNATURE:

| | | | |
|---------------------------|-------|----------|--------------------------|
| _____ | _____ | Approved | <input type="checkbox"/> |
| INDOT Innovation Director | Date | Denied | <input type="checkbox"/> |

FHWA Oversight Required: Yes ☐ No ☐

| | |
|-----------------------------|-------|
| Approved: _____ | _____ |
| FHWA Division Administrator | Date |

cc: District Deputy Commissioner
District Technical Services Director
State Permit Manager
EPS file