

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

7 CSR 10-3.030 Location and Relocation of Private Lines on State Highways

PURPOSE: This rule defines private lines and establishes where private lines should be located on state highway right-of-way and provides a uniform system for regulating the location, construction, maintenance, removal and relocation of private lines on the right-of-way of state highways.

(1) Private lines are defined as privately-owned facilities which convey or transmit communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage or any other similar commodity, including any fire or police signal system or street lighting system but which is devoted exclusively to private use.

(2) Private lines are permitted to cross the right-of-way 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).

(4) Special conditions at specific locations which make adherence to this policy impractical may be submitted to the 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 [c]Chief [e]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 by authority of the Missouri Highways and Transportation Commission. 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 [c]Chief [e]Engineer [shall] **will** 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 be required 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 [c]Commission, **Missouri Department of Transportation's website**, or by requesting the same from the office of the Missouri Highways and Transportation Commission at Jefferson City, Missouri. *[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 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 State Highway Patrol and the Commission's District Engineer 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 shall be obtained as soon as practical, but in no event later than 2 working days after the emergency operations work has commenced. For the purposes of this paragraph, emergency operations may include, 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), sections 227.551-559, RSMo 2006, 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.*

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