

761—115.13(306A) Freeways.**115.13(1)** *Access to utility facilities occupying freeway rights-of-way.*

a. Except for emergency work, access to utility facilities during utility construction or maintenance activities is to be obtained from the areas other than the freeway or its ramps. More information is contained in subrules 115.8(3) and 115.17(2) regarding emergency work.

b. Fence removal and replacement will be determined by the district representative.

c. No gates or ladders are to be placed in or upon the right-of-way fence.

d. The department will coordinate approval from the FHWA for any request to access the interstate right-of-way for utility work.

115.13(2) *Freeway clear zone requirements.* The clear zone requirements of subrule 115.4(3) apply to freeways. In addition:

a. Personnel, equipment and materials are not allowed in the median or within the clear zone area during utility facility construction or maintenance operations, except as provided in paragraph 115.13(2) “*b.*”

b. Temporary poles may be allowed in the median during cable or conductor stringing operations at the discretion of the district representative.

115.13(3) *Aboveground appurtenances.* Aboveground appurtenances, including but not limited to poles, guys and other supporting structures, are not allowed within the rights-of-way of freeways.

115.13(4) *Existing utility facilities.*

a. A utility facility occupying land that subsequently becomes freeway rights-of-way may remain within the rights-of-way if the utility facility:

(1) Can be accessed from areas other than the freeway or its ramps.

(2) Does not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway.

b. If the conditions in paragraph 115.13(4) “*a.*” are not met, the department may request the utility facility be relocated outside the freeway rights-of-way.

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