

**RULES
OF
GEORGIA DEPARTMENT OF TRANSPORTATION
CHAPTER 672-11
INSTALLATION, RELOCATION, AND MANAGEMENT OF UTILITIES
ON PUBLIC RIGHTS-OF-WAY**

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672-11-.01 Definitions

The following words when used in Chapter 672-11 shall have the following meanings ~~unless the context thereof indicates another meaning:~~

- ~~(a) Annual Fee: The fee applied on a yearly basis for the permit issued pursuant to these rules.~~
- ~~(b) Long Distance Cables: Any cable utilized for the purpose of having long distance telecommunications transmitted through it, except those cables whose predominant use is to provide circuits required to carry communications traffic between telephone subscribers within a local exchange.~~
- ~~(c) Trunk Communication Cables: Any cable utilized for the purpose of providing a telecommunications link between two exchange areas except those segments of such cables whose predominant use is to provide circuits required to carry communications traffic between telephone subscribers within a local exchange.~~

- (a) “Annual Permit Fee” means the yearly amount due for a Permit approved by Department on or after January 1, 2021 and as calculated in accordance with this Chapter.
- (b) “Communication Cable” means any fiber optic, copper, media, or other cable utilized by a Communications Utility for the purpose of providing a communications service.
- (c) “Communications Service” includes, but is not limited to a wireline or wireless Telecommunications Service, Information Service or Cable Service as those terms are defined in Sections 153 and 522 of the Communications Act of 1934, as amended (47 U.S.C. §§ 153 and 602) and Broadband Internet Access Service as that term is defined in Section 8.1(b) of the rules and regulations of the FCC (47 C.F.R. § 8.1(b)).
- (d) “Communications Utility” means a utility that provides a Communications Service.
- (e) “Department” or “GDOT” means the Georgia Department of Transportation.
- (f) “Existing Permit” means a Permit that has been approved by the Department prior to January 1, 2021.
- (g) “FCC” means the United States Federal Communications Commission.
- (h) “Non-Communications Utility” means a utility that is not a Communications Utility, including, but not limited to, an entity that provides electric, gas, water or other power services, without regard to whether such services are subject to regulation by the Georgia Public Service Commission or other regulatory department.
- (i) “Permit” means the legal document by which the Department authorizes the use of and regulates the use and/or occupancy of the Public Rights-of-Way and as further defined in the UAM.
- (j) “Public Rights-of-Way” means the state highway system and those local roads and streets that are a part of the Federal-aid system, but excluding the interstate highway systems.
- (k) “UAM” means the Department’s Utility Accommodation Policy and Standards Manual, current edition.
- (l) “Utility” means a Communications Utility or a Non-Communications Utility.
- (m) “Wireless Facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network and includes, but is not limited to, Small Wireless Facilities as that term is defined in Section 1.6002 of the rules and regulations of the FCC (47 C.F.R. § 1.6002).

Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2

672-11-.02 Long Distance and Trunk Communications Communication Cables, Wireless Facilities; Issuance of Permits to Communications Utilities

- (1) With the exception of fees established pursuant to Section 672-11-.04 herein, the fees set forth in this Chapter shall apply only to Permits for use of the Public Rights-of-Way by Communications Utilities.
- (2) The fees set forth in this Chapter shall apply only to Permits for the installation of Communication Cables and Wireless Facilities on Public Rights-of-Way by Communications Utilities. The Department shall follow the same policies, procedures, and standards for approving ~~permits~~ Permits for the installation of ~~long distance Communication Cables and trunk communications cables~~ Wireless Facilities services on ~~public road rights~~ Public Rights-of-way Way as apply to other types of ~~communication cables utilities,~~ except that payment of ~~permit~~ Permit fees shall be required as set forth herein.
- ~~(2) — Permit fees shall be assessed as an annual payment to be based on miles of line installed along the rights of way of a public road. The annual fee is intended to cover direct costs associated with the administration of the permit, the inspection of work, and all indirect costs associated with continued occupancy by the permitted utility. The rate to be assessed shall be in accordance with the rate schedule set forth in 672 11 .03.~~
- ~~(3) — The initial annual fee rate shall remain in effect for the year in which the permit is issued and for a period of ten (10) calendar years thereafter. At the end of such ten year period, a new annual fee shall be charged and shall be based on the then established rate schedule.~~
- ~~(4) — The permit fees shall apply only to the state highway system and to those local roads and streets which are a part of the Federal aid system.~~
- ~~(5) — There shall be no fee charged for crossings of the state highway system that are not associated with a longitudinal encroachment.~~
- ~~(6) — The Annual fees shall be prorated from the date of issuance of the permit to December 31, of the year issued and the amount so determined shall be due upon issuance of the permit. For permits issued on or after December 1, of any year, the fee for the ensuing year shall also be due upon issuance of the permit. Thereafter, the annual fee amount shall be due on January 1 of each new year. All annual fees shall be paid within thirty (30) days after their due date. If the annual fee is not paid within the thirty day period the permit shall be subject to revocation by the Department.~~
- (3) The fees set forth in this Chapter shall not apply to crossing Public Rights-of-Way when not in conjunction with a longitudinal access.
- (4) The Annual (7) — Annual fees shall continue to be due each year so long as the property on which the utility Permit Fee shall be assessed annually for the duration of time the Communications Utility facilities are remain located remains public road right on or in a Public Right-of-way or Way, until said facilities are abandoned as evidence or until the

facilities are decommissioned as evidenced by written notification to the Department. The Department may cancel or revoke Permits upon written notice to the Communications Utility.

- (5) The Annual Permit Fee for each Permit shall be assessed by the Department as an annual payment in accordance with the schedule set forth in Rule 672-11-.03. The Department shall assess the Annual Permit Fee and send an invoice for each Permit on or about February 1st to the Communications Utility. The Annual Permit Fee shall be paid by July 1st of each year.
- (6) For Permits approved during the calendar year, the Annual Permit Fee will be prorated from the date of approval of the Permit to December 31st of the year issued, said amount shall be due upon approval of the Permit and before construction is authorized. Thereafter, the Annual Permit Fee will be assessed in accordance with subsection (5). For Permits issued on or after December 1st, the Annual Permit Fee for the following year shall also be due upon the approval of the Permit and before construction is authorized. Thereafter, the Annual Permit Fee will be assessed in accordance with subsection (5).
- (7) All Annual Permit Fees shall be paid within thirty (30) days after their due date. If an Annual Permit Fee is not paid within thirty (30) days of the due date, the subject Permit may be subject to revocation by the Department. Prior to revocation of any Permit, the Department shall send a final notice to the Communications Utility at least thirty (30) days before the revocation of the Permit shall become effective.
- (8) The Annual Permit Fee represents a reasonable approximation of the average cost to the Department associated with the administration of a Permit, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Communications Utility on the Public Rights-of-Way.
- (9) In addition to the Permit, all permittees will be required to enter into a written agreement with the Department agreeing to the fees set forth herein, the provisions of the UAM and any other requirements required by the Department.

Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2

672-11-.03 Long Distance and Trunk Communications Cables; Permit Fee Schedule
Schedule of Permit Fees for Communications Utilities

Rate	
Class Location	Annual Fee
L 1. Along local roads in rural areas	\$1,000/mile
2. Along State Highways in rural areas:	
R1 a. Where ADT is less than 2,000	\$1,000/mile
R2 b. Where ADT is 2,000 or more	\$2,000/mile

U ~~3. Along roads and streets inside urban areas \$5,000/mile~~

Note:

- ~~1. These rates are for a single cable installed aerially on a pole line or underground by direct bury or in conduit. Where conduit is used, one additional conduit may be installed simultaneously for use by the owner for future repairs or replacement of minor cable segments.~~
- ~~2. Where lines of two or more owners are installed simultaneously and in the same trench the above rates shall be reduced by 25 percent for each owner.~~
- ~~3. Where cables are installed on a pole line in joint use with another utility facility the above rates shall be reduced by 25 percent.~~
- ~~4. Fees shall be calculated to the nearest .01 mile.~~
- ~~5. Urban areas are those cities and environs having a population of 5,000 or more with boundaries defined by the Department and shown on its official highway maps for each area.~~

- (1) The rates used to assess fees for obtaining a Permit on or after January 21, 2021, shall be as follows:
 - a. Communications Cable: \$0.50 per linear foot for Communications Cables.
 - b. Wireless Facility: \$250.00 per Permit for each collocated Wireless Facility. \$500.00 per Permit for each new pole that will be used to support one or more Wireless Facilities.
- (2) The Annual Permit Fee for the first year and thereafter shall be based upon these rates.
- (3) For Existing Permits, the rates set forth in subsection (1) shall be applicable on the first day of January in the year following the year of adoption of these rules, provided that all previously invoiced amounts due for Existing Permits have been paid in full.
- (4) Notwithstanding otherwise applicable requirements of 47 U.S.C. § 253, the Department may waive the provisions of this rule and negotiate individual case basis pricing for Annual Permit Fees with any Communications Utility where the Department deems such individual case pricing necessary or appropriate to achieve the State of Georgia's objective of deploying facilities to provide Broadband Internet Access Service to unserved areas of the State of Georgia as identified by the Georgia Department of Community Affairs in conformance with the Georgia Broadband Deployment Initiative or with any other applicable state or federal law or broadband deployment policy. The Department may also waive this rule when deemed necessary or appropriate to deploy facilities to provide Broadband Internet Access Service to public and private elementary and secondary schools and to provide Broadband Internet Access Service to hospitals and other medical institutions including, but not limited to, emergency medical care centers.

- (5) Where two or more Communication Utilities install Communication Cables simultaneously and in the same trench, the rates set forth in subsection (1) shall be reduced by 25 percent for each Communication Utility.
- (6) Where Communication Cables are installed on a pole line in joint use with another Utility facility, the rates set forth in subsection (1) shall be reduced by 25 percent for each permittee.

Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2

672-11-.04 Alternate Procedure for Assessing Fees

The ~~In lieu of fees required under paragraphs 672-11-.02 and 672-11-.03, the Department and a Utility may at its option enter have previously entered~~ into an agreement with a utility for payment of blanket ~~(an annual lump sum) fees to cover all operations of the utility on State rights-of-way on an annual basis.~~ amount that represented a reasonable approximation of the average cost to the Department associated with the administration of the Permits of the Utility, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Utility on the Public Rights-of-Way. Such agreements and corresponding fees shall take may have taken into consideration the mileage and/or number of facilities in place ~~and~~ by the Utility, the amount of current and anticipated ~~permit~~ Permit work within the ~~rights-Public Rights-of-way~~ Way, and the estimated costs to the Department of the ~~utility's~~ Utility's operations. Any such agreements ~~shall provide~~ may have provided for annual adjustments of the fee amount. Agreements will remain in full force and effect if desired by the Utility and the Department or may be renegotiated. A Utility may enter into an agreement with the Department for payment of an annual lump sum amount that represents a reasonable approximation of the average cost to the Department associated with the administration of the Permits of the Utility, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Utility on the Public Rights-of-Way. For Communications Utilities, any such agreements shall be in lieu of the Permit Fees provided or under paragraphs 672-11-.02 and 672-11-.03.

Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2