

7819.5100 CONSTRUCTION AND LOCATION REQUIREMENTS.

Subpart 1. **Installation requirements for telecommunications facility.** The installation of a telecommunications facility in the right-of-way must be done in conformance with part 7819.5000.

Subp. 2. **Installation requirements for gas or electric facility.** The installation requirements for an electric facility must comply with the construction standards established by the National Electrical Safety Code as directed by the Minnesota Electrical Act, Minnesota Statutes, sections 326.241 to 326.448, or any superseding authority. The installation requirements for a gas facility must comply with the construction standards established by Code of Federal Regulations, title 47, parts 191, 192, 193, and 199, as directed by Minnesota Statutes, section 299F.57, or any superseding legal authority.

Subp. 3. **Location of facility.** Placement of a facility in a particular location within the right-of-way must take into account the current and anticipated uses of the right-of-way and the distinct engineering, construction, operation, and maintenance characteristics of each type of use.

Subp. 4. **Access to nontraveled portion of right-of-way.** A local government unit shall not unreasonably prohibit the placement of a facility in the nontraveled portion of the right-of-way. The traveled portion of the right-of-way includes the shoulder of the road or highway.

Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

Published Electronically: *November 14, 2003*