Chapter Trans 29

UTILITY FACILITIES ON DEPARTMENT OF TRANSPORTATION RAILROAD PROPERTY

Trans 29.01 Purpose. This chapter prescribes policies and procedures for installing and maintaining utility facilities on department railroad property. Under this chapter, utility facility installation, modification and maintenance may be permitted if it does not adversely affect existing or anticipated railroad operations, otherwise impair department railroad property or conflict with any federal, state, or local laws. This chapter applies to all public and private utilities including: municipal and cooperative utilities, cable television companies and individuals desiring to install or maintain a utility facility on department railroad property. This chapter interprets ss. 85.02, 85.08, 85.09 and 85.15, Stats.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.02 Application. This chapter shall apply to all existing utility facilities retained, relocated, replaced or altered on department railroad property and to all new utility facilities installed on department railroad property. It describes the minimum requirements that any utility shall meet before installing or maintaining a utility facility on department railroad property.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.03 Definitions. In this chapter:

(1) "BORAH" means the bureau of railroads and harbors within the department.

(2) "Cable" means either a stranded conductor or a combination of conductors insulated from each other.

(3) "Carrier" means a pipe, pipeline or other container carrying or otherwise conveying a liquid, gas or other material, not including electric current or impulses.

(4) "Casing" means a reinforced protective outer covering, separate from the carrier, designed to withstand external forces that could damage the carrier.

(5) "Circuit" means a conductor or system of conductors through which electric current or light can flow or travel.

(6) "Conduit" means channels or tubes for enclosing and protecting communication or electric power lines.

(7) "Department" means the Wisconsin department of transportation or any successor to that department charged by law with administering Wisconsin's railroad programs.

(8) "Department railroad property" means railroad property or rail or land bank property owned, controlled or possessed by the state of Wisconsin or the department of transportation.

(9) "Duct" means a tube or pipe designed or used for enclosing and protecting wire or cable underground.

(10) "Installation" means the initial placement of a utility facility upon, over, under or within department railroad property.

(11) "Modification" includes changing or adjusting the physical location or capacity of an existing utility facility located on department railroad property by such actions as placing additional overhead wires; replacing existing overhead wires with higher voltage wires; changing the existing placement of poles, pedestals or other above-ground appurtenances; or replacing underground carrier pipes or casings.

(12) "Pipeline" means a utility facility installed to carry or convey a fluid, gas or other material underground and includes the casing and the carrier.

(13) "Plowing" means a mechanical technique for direct burial of a carrier, duct or cable in a furrow or groove cut into the ground by a single operation, without any intervening activity between the cutting of the furrow or groove and the burial of the carrier, duct or cable.

(14) "Railroad facility" means track, ties, drainage structure, bridge or related items used for existing or for anticipated railroad operations.

(15) "Rail or land bank property" means railroad property or facilities owned, controlled or possessed by the department for future rail or other transportation purposes and on which there is no current railroad operator.

(16) "Railroad operator" means a railroad carrier that provides rail service over a department railroad property or that is under an agreement with a transit commission to provide rail service over the department's railroad property.

(17) "Railroad property" means land, usually a strip, used in the operation, maintenance or construction of a railroad.

(18) "Routine maintenance" includes work concerning the normal upkeep and servicing of a utility facility and includes those utility facility changes not defined as an installation or modification; it does not include isolated maintenance, repair or replacement of lifetime components.

(19) "Separate utility installation" means a distinct utility activity or service without regard to ownership or management of the activity or service.

(20) "Track zone" means:

(a) The track structure, including, but not limited to, the rails, ties or fastenings; and

(b) The substructure upon which the track is located, including, but not limited to, the ballast, subballast or embankment, extending out from the track centerline a minimum of 12 feet on either side. In the following circumstances, however, the track zone extends beyond the 12 foot minimum on either side of the track centerline:

1. In embankments, the outer boundary of the track zone is the toe of the embankment slope, which is the intersection of an embankment slope with the ground surface; and

2. In cuts, the outer boundary of the track zone is the intersection of the plane of the roadbed with the cut slope.

(21) "Transit commission" means a local government commission formed under ss. 59.968, 66.30 or 66.943, Stats., for the purpose of preserving rail service.

(22) "Utility" means:

(a) Any corporation, company, individual or association, including their lessees, trustees or receivers, or any sanitary district, cooperative association, town, village or city that owns, operates, manages or controls any plant or fixed equipment within this state for the conveyance of messages or for the production, transmission, delivery or furnishing of power, electricity, light, heat, gas, oil, crude products, water, steam, waste or storm water.

(b) The owners, operators, managers, or controllers of cable television systems, publicly owned fire or police signal systems, traffic and street lighting facilities, or private utilities.

(23) "Utility facility" means all physical components of a utility located upon, over, under or within the department railroad property.

(24) "Utility permit" or "permit" means the document by which the department grants a utility permission to use or occupy department railroad property.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.04 Permits. (1) PERMIT REQUIRED. (a) A utility shall obtain a permit from the department before installing or modifying a utility facility on any department railroad property. It is the responsibility of the utility to apply for and obtain the required permit.

(b) A permit is required for every separate utility installation or modification.

(2) AUTHORITY GRANTED BY PERMIT. (a) By issuing a permit, the department:

1. Approves, subject to the permit conditions, a specified use and occupancy of department railroad property; but

2. Does not warrant that title to the department railroad property is free and clear of all encumbrances, that it has sole ownership or that it will defend the utility in its peaceful use and occupancy of the department railroad property.

(b) A permit from the department does not relieve a utility from the responsibility to comply with all applicable federal and state laws and local ordinances affecting the design, materials or performance of the permitted activity and does not supersede any other governmental requirements for plan approval or for authority to undertake the permitted activity.

(c) The department may terminate a permit at any time for any lawful reason. A utility shall not obtain any interest or estate of any kind or extent whatsoever in the department railroad property by reason of a permit or by reason of the occupancy or use permitted. The permit is personal to the utility and shall not pass to its successors or assigns. Upon request, however, to ease the burdens accompanying utility ownership changes, the department may allow a successor utility to obtain permits identical to those held by its predecessor; this may be done by filing a request to obtain permits identical to those held by the predecessor utility and shall not require the permittee to file a permit application under this chapter for each separate permit sought.

(3) FACILITIES WITHIN HIGHWAY RIGHT-OF-WAY. (a) The department may not require a utility permit for a utility facility existing or proposed within that portion of department railroad property that lies within a state trunk highway right-of-way. The utility, however, shall obtain a department highway permit. A utility facility authorized within department railroad property by a highway permit shall be constructed in accordance with this chapter.

(b) A utility shall obtain a permit under this chapter where a utility facility either exists or is proposed within a town, county, village or city highway or street right-of-way existing over, upon or across department railroad property.

(4) PERMIT APPLICATION PROCESSING. (a) A permit application shall be required for each separate utility facility, except for the placement of additional circuits, cables, tubes or appurtenances within an existing conduit or duct. A utility seeking a permit shall provide the department with 4 copies of a utility permit application. The department shall distribute the permit application for timely comment and review to the appropriate transit commission, to the railroad operator and to all appropriate department offices. The department shall seek concurrence, within 10 business days, from any affected railroad operator and rail transit commission, but the department may approve the permit application without first obtaining the concurrence of the railroad operator or the transit commission.

(b) Within 15 business days after receiving a fully completed application and the fee required under s. Trans 29.07, the department shall review and shall either grant or deny the application. This review period may be extended by the mutual agreement of the department and the applicant.

(c) If the department approves the permit application, the department shall issue a permit to the applicant utility. The department shall stamp all forms, plans, sketches or notes attached to the approved permit with the word "APPROVED." The department shall also distribute complete sets of the approved permit application to the utility, transit commission and railroad operator.

(5) INFORMATION REQUIRED FOR PERMIT ISSUANCE. (a) *General requirements.* Every utility seeking a permit shall provide the department with adequate information. The detail required may vary with the complexity of the utility facility proposed, but shall include appropriate permit forms, drawings or sketches and utility facility information so that the effect on railroad operations, maintenance, traffic safety and visibility can be properly evaluated.

(b) *Drawings or sketches.* A permit application shall include adequate drawings or sketches showing the existing or proposed location of all utility facilities within the department railroad property. The utility shall submit drawings or sketches, drawn to a scale appropriate to the information provided, showing:

1. Utility facility locations relative to those existing railroad facilities whose existence and location are a relevant consideration in determining the appropriateness, under this rule, of the utility facility installation or modification for which a permit is sought and relative to the department railroad property boundary lines;

2. All the minimum vertical and horizontal clearances of the proposed utility facilities and the minimum burial depth of underground utility facility installations;

3. Railroad engineering stationing and milepost numbers, when known, or land ties when railroad engineering stationing or milepost numbers are unavailable; and

4. The locations of any utility identification pipes and other aboveground appurtenances, which the utility shall supplement with an "as built" drawing or sketch reflecting field conditions whenever any identification pipe or appurtenance is added, or the utility facility is modified.

(c) *Description.* All applications shall include a general description of the size, nature and extent of each utility facility to be installed, modified or retained within the department railroad property and shall include a general description of the location and general method of facility placement.

1. Applications for utility facility installation or modification shall include detail of placement methods, special protection measures, effect on drainage, proposed access points, trees to be trimmed or removed, and, when appropriate, coordination of activities with the railroad operator. Applications for utility facility installation or modification shall also include a description of routine maintenance requirements.

2. Applications for pipeline installations or modifications shall specify the material transmitted; the maximum working, test and design pressures; and the design standards for the pipeline.

3. Applications for electrical utility facility installations or modifications shall specify the number of circuits and the proposed operating voltages. The permit drawing or sketch shall illustrate the proposed orientation of the circuits on the supporting structures.

4. Applications for communication or power line installation or modification shall specify the outside cable diameter or conduit dimensions, whether aerial or buried.

Note: Utility permit applications may be obtained from the appropriate department of transportation district office.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.05 Utility permit violations. (1) If a utility fails to comply with all provisions, conditions, and requirements of a permit, the department may revoke the permit. Modification of any term of an approved permit to meet changed or unexpected field conditions shall require prior approval from the department.

(2) The utility shall supervise its own forces and the forces of any of its subcontractors working on department property to assure compliance with all permit provisions.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.06 Permit at job site. The utility's work forces or its subcontractor's forces shall have a complete copy of the approved permit in their possession at the job site at all times when utility facility work is being done within the department railroad property. If a utility fails to have an approved copy of the permit at the job site, it shall be sufficient cause for stopping utility facility work within the department railroad property.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.07 Fees. (1) Upon application for a permit under this chapter, a utility shall pay to department an administrative and inspection fee as set forth in the following fee schedule:

UTILITY PERMIT FEE SCHEDULE
FOR RAILROAD PROPERTY

	Type of Facility	Fee
(a)	"Transverse utility crossings." Aerial or underground crossings involving the installation of a utility facility, the modification of a utility facility or the placement of additional components upon existing facilities previously permitted or legally erected on department property by other than the current permittee.	$175
(b)	"Longitudinal aerial utility installation." Aerial utility facility installations involving the installation of a utility facility or the modification of a utility facility within the department railroad property.	
	1. Permit for up to 5 miles of installation.	$235
	2. Permit for up to 10 miles of installation.	$390
	3. Permit for up to 15 miles of installation.	$545
	4. Permit for up to 20 miles of installation.	$700

(c) "Longitudinal underground utility installations." Underground utility facility installations involving the installation of a utility facility or the modification of a utility facility on the department railroad property. The fee is based on one pre-construction inspection and on one daily inspection for each day's work or fraction of a day's work.

1. Permit for up to 5 miles of installation.	$125*
2. Permit for up to 10 miles of installation.	$175*
3. Permit for up to 15 miles of installation.	$225*
4. Permit for up to 20 miles of installation.	$275*

* plus $50 for each daily inspection

(d) Where spot checking or regular inspections reveal the need for corrections or changes to comply with the permit, the permittee shall pay the costs of those corrections or changes and a $50 fee per required follow-up inspection.

(2) In addition to any fee paid under sub. (1), the railroad operator may require reimbursement from the utility for reasonable services rendered such as flagging, track removal and reinstalling, and other functions necessary to accommodate a utility facility installation or modification. Reimbursement arrangements for these services shall be solely between the railroad operator and the utility. Concurrence in the permit application by the railroad operator implies agreement between the utility and the railroad operator on service reimbursement.

(3) Whenever a "transverse utility crossing" is installed or modified within department railroad property where that department railroad property is also located within a town, county, village or city highway or street right-of-way, the department need not conduct its usual post-installation or post-modification inspection if, as a substitute for that inspection, the utility provides an affidavit of a professional engineer, duly registered to practice engineering in Wisconsin, certifying that the utility installation or modification has been carried out in accordance with the pertinent application, these rules, all other applicable rules or standards and sound engineering practices. The utility shall file the required affidavit with the department not more than 10 days after the utility facility is installed or modified. Whenever the provisions of this subsection are applicable and followed, the fee established in sub. (1) (a) shall be reduced to $100 reflecting the department's diminished inspection activities.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.08 Notification of work activities. (1) NOTIFYING DEPARTMENT AND RAILROAD OPERATOR. The utility shall notify the department and the railroad operator at least 48 hours prior to commencing any work upon, over, under or within the department railroad property. If a utility ceases work on a utility facility for more than 48 hours, except for holidays or weekends, the utility shall again give the department and the railroad operator 48 hours' notice prior to recommencing the work activity. At the conclusion of all work, the utility shall notify the department and the railroad operator within 72 hours, holidays and weekends excepted, that the work is completed. When notified, the department shall,

within 30 days, inspect the completed utility facility and inform the utility whether the work is satisfactory.

(2) EMERGENCY UTILITY WORK. If an emergency maintenance situation arises requiring immediate action within the department railroad property to protect the general public safety, the utility shall immediately notify the railroad operator, or the department when no railroad operator is in place, that an emergency exists and that the utility is proceeding to correct the emergency situation. Emergency operations by a utility may be performed on department railroad property whenever conditions or time considerations prevent application to the department for prior written approval. However, as soon as practicable, the utility shall apply to the department for the required permit under s. Trans 29.04.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.09 Restoration of railroad lands and facilities. The utility shall restore the department railroad property and the railroad facilities thereon to a condition that is as near as is reasonably practicable to its preexisting condition and that is mutually acceptable to the department and the railroad operator. Failure of the utility to satisfactorily restore those lands or facilities shall be grounds for the department to arrange to restore the deficiency; the utility shall pay the cost for this restoration.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.10 Utility facility specifications. (1) LOCATION. (a) *General.* A utility shall always locate its utility facilities to minimize the need for subsequent adjustments to accommodate future railroad improvements and to allow for the later servicing or expanding of its utility facilities with minimal obstruction to or interference with the flow of railroad traffic.

(b) *Longitudinal placement.* Utility facility longitudinal installations or modifications shall be located on alignments uniformly parallel to and as near as practicable to the outer limits of the department railroad property. No installation or modification may be approved within the track zone.

(c) *Transverse crossings.* Utility facilities shall cross the department railroad property on a line as nearly perpendicular to the railroad track alignment as is practicable.

(2) UTILITY FACILITY DESIGN AND INSTALLATION. (a) *General.* The utility shall provide the department with a design of each utility facility to be installed or modified within the department railroad property. The department shall review the utility's facility design with respect to its location and to the manner of its installation or modification. The department shall also review the facility design with respect to the measures proposed to preserve safe and free railroad traffic flow, structural integrity of the railroad facilities, ease of railroad maintenance and the aesthetic appearance of the department railroad property.

(b) *Utility facility design standards.* The minimum new utility facility design, construction and operation standards shall be those found in the Wisconsin administrative code for the utility and the utility activity in question. If the codes, ordinances or laws of any governmental agency having jurisdiction over the utility or over its activities are more restric-

tive than this chapter, they shall govern. All new utility facility installations or modifications shall, as a minimum, meet the following requirements:

1. Electrical power and electronic communication utility facilities shall conform with ch. PSC 114, Wis. Adm. Code.

2. Water lines shall conform with the specifications of the American water works association and chs. NR 110 and 111, Wis. Adm. Code.

3. Pressure pipelines shall conform with the requirements of title 49, code of federal regulations, parts 192 and 195.

4. Liquid petroleum pipelines shall conform with the recommended practices of the American petroleum institute for pipeline crossings under railroads and highways.

(c) *Drainage and other utility facilities.* A utility shall take extreme care in installing or modifying a utility facility to avoid disturbing either existing drainage facilities or other previously installed underground utility facilities. Where appropriate, trenches for underground utility facilities shall be backfilled with previously excavated material, and necessary outlets shall be provided to prevent water entrapment. Underdrains shall be provided where necessary.

Note: Copies of the National Electric Safety Code, the American Water Works Association specifications, 49 C.F.R. Parts 192 and 195 and the American Petroleum Institute recommended practices are on file at the department of transportation, the secretary of state and the revisor of statutes offices.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.11 Utility facility maintenance and repairs. (1) GENERAL. A utility shall keep its utility facilities in good repair, both structurally and aesthetically.

(2) TREES. The utility may not spray, cut or trim trees on department railroad property unless the department gives prior written permission. When the removal of a tree is permitted, the stump shall be cut flush with the ground or be removed. All resulting debris, refuse, and waste shall be removed from the department railroad property.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.12 Pipelines. (1) LOCATION AND ALIGNMENT. The crossing location and alignment for pipeline installations or modifications shall be as follows:

(a) A pipeline shall not be located where conditions are unsuitable for pipeline crossings. Unsuitable locations include: in deep cuts, near footings of bridges or retaining walls, across drainage facilities where water flow may be obstructed, within the basin of an underpass drained by a pump or in wet or rocky terrain where it is difficult to bury the pipeline.

(b) Longitudinal pipeline installations or modifications shall be as close as practicable to the outer boundary limits of the department railroad property.

(c) Vertical and horizontal clearances between the pipeline and the railroad and between the pipeline and other utility facilities shall be sufficient to permit maintenance of the pipeline, the railroad and all other

utility facilities. Except in unusual circumstances, the pipeline shall be located outside the 45 degree cone of support for the footings of existing structures.

(2) DEPTH. (a) *Crossings.* For transverse installations or modifications, the vertical distance between the low point of the railroad cross section, usually the flow line of the ditch, and the top of the pipeline, or the pipeline casing when required, may not be less than 3 feet, unless special, suitable pipeline cover or protection is provided, or casing when required, and the base of the rails may not be less than four feet six inches on secondary or industrial tracks and may not be less than five feet six inches on main tracks.

(b) *Longitudinal installations.* For longtitudinal installations or modifications, the vertical distance from the finished railroad property surface to the top of the pipeline, or casing when required, shall be at least 54 inches if within 50 feet of the track centerline and shall be at least 24 inches if more than 50 feet from the track centerline. These distances may not be reduced unless the pipeline is satisfactorily protected with concrete, metal or other durable casing.

(c) *Alternate location.* If the minimum burying depths stated in pars. (a) and (b) are infeasible because of other utility facility placement, the water table, topographical features or an ordinance, a utility may locate the pipeline elsewhere so that the minimum burying depths stated are met.

(3) APPURTENANCE REQUIREMENTS. (a) Facilities appurtenant to pipelines, including manholes, vents, drains, markers, and valve and regulator pits, not located at the department railroad property boundary lines, shall be installed or modified so that their uppermost surfaces are flush and parallel to the adjacent surface.

(b) If a vent pipe is required, it shall be located and constructed so as not to interfere with railroad use or maintenance and shall not be concealed by vegetation. Vent pipes shall be placed as close as practicable to an existing fence or to a department railroad property boundary line.

(c) No drain for a casing, tunnel, or gallery enclosing a carrier of liquids, liquified gas, or heavy gas may be located upon department railroad property.

(d) A utility shall place readily identifiable markers, conforming to all applicable Wisconsin administrative code requirements, at the location at which any department railroad property line is crossed by one of the utility's pipelines carrying any flammable, corrosive, expansive, energized or unstable contents.

(4) CASING REQUIREMENTS. (a) *Casing required.* A utility shall place its carrier in casing in the following circumstances:

1. Casing is required by industry or company codes or policies or by public agency codes, laws or ordinances;

2. A coated carrier pipeline is to be jacked or bored under the department railroad property;

3. The minimum burying depth is less than that specified in sub. (2);

4. Future inserting, removing, replacing or maintaining of a carrier may be required and open trench construction is to be avoided;

5. The carrier pipeline is or will be exposed to damaging loads or shocks during railroad operations;

6. Leaking fluids or gases from the carrier pipeline may cause damage to railroad facilities;

7. The carrier pipeline contains flammable substances; or

8. The carrier pipeline is pressurized.

(b) *Casing standards.* 1. A casing shall be designed to support the load of the railroad and of any superimposed loads. Casing shall meet at least minimally applicable design requirements.

2. Casing under railroad tracks and across department railroad property shall extend to the greater of the following distances, measured at right angles to the centerline of the tracks:

a. 2 feet beyond the toe of the slope;

b. 3 feet beyond the ditch line;

c. A minimum distance of 22 feet from the outside rail of the outside track when the casing is sealed at both ends; or

d. A minimum distance of 42½ feet from the outside rail of the outside track when the casing is unsealed at both ends; or

3. If additional tracks are constructed in the future or the railroad operator determines that the roadbed should be widened, the casing shall be extended correspondingly to meet the requirements of subd. 2. The utility shall pay all costs of the extension.

4. The casing, when sealed, shall be properly vented. Vent pipes shall be of sufficient diameter, but in no case less than 2 inches in diameter, shall be attached near the end of the casing and shall project through the ground surface at the department railroad property line, or not less than 42½ feet, measured at right angles, from the outside edge of the nearest rail. Any vent pipe shall extend not less than 4 feet above the ground surface. The top of the vent pipe shall be fitted with a properly screened, down-turned elbow or with a relief valve. Vents in locations subject to flooding by high water shall extend above the maximum expected high water elevation and shall be satisfactorily supported and protected. Vent pipes shall be at least 4 feet from any aerial electric circuits.

5. Rigid casing or suitable bridging shall be used where track support would be impaired by a buried flexible carrier pipe.

6. All casing shall be sealed at the ends with a flexible material to prevent water or debris from entering the space between the casing and the carrier. If an end of a casing is below the ground, it shall be suitably sealed to the outside of the carrier pipeline.

(5) UNCASED PIPELINES. An uncased pipeline may be installed or modified beneath a department railroad facility if the installation or modification is made by open trench construction, if the carrier pipeline is not pressurized and if the utility agrees in writing to the following:

(a) To abandon in place, in a manner acceptable to the department, that segment of the pipeline beneath the tracks in which a leak or break develops;

(b) To tunnel, jack or dry bore any required replacement segment; and

(c) To provide for and comply with the following wherever applicable:

1. The pipeline shall conform to the material and design requirements of the utility industry and of the applicable governmental codes and specifications. The pipeline shall be designed to support the load of the railroad and of any superimposed loads.

2. Satisfactory bridging, concrete slabs, enclosures, tunnels, boxing or other appropriate measures shall be used to protect existing uncased pipelines that, because of their shallow burial or their location, may be vulnerable to damage from railroad operations.

(6) TRENCHED CONSTRUCTION. (a) Trenched construction of pipelines may be by open excavation or plowing. The construction shall:

1. Restore the structural integrity of the railroad facility;

2. Avoid deforming the pipeline;

3. Assure that the trench does not trap excessive moisture or become a drainage channel; and

4. Assure that the railroad drainage is not blocked by backfill.

(b) In all trenched construction, a utility shall conform to the American railway engineering association's manual for railway engineering standards for earthwork, culverts or other utility work.

(c) As a special condition of the permit, a railroad operator may require that backfill and track resurfacing be performed by the railroad operator's forces or under its direction at the expense of the utility.

(7) UNTRENCHED CONSTRUCTION. A utility may install or modify a pipeline by tunneling, boring and jacking, coring or dry boring. Untrenched construction shall extend beneath the entire track zone. Boring shall result in a close fit to the casing or to the pipeline. The utility shall maintain the minimum satisfactory distances between the centerline of the track and the headers.

(8) ADJUSTING EXISTING PIPELINES. A utility shall adjust any of its existing pipelines as follows:

(a) The pipeline shall be protected as is required for a new pipeline by subs. (4) and (5).

(b) The pipeline shall be relocated if the pipeline bedding is depressed by railroad loads or if the pipeline may be damaged because of insufficient cover.

(c) If the pipeline is too weak to support superimposed railroad loads, the pipeline shall be replaced by stronger pipe or protected in some other reasonable manner acceptable to the department.

(d) A railroad operator shall notify a utility of any railroad construction affecting the utility's pipelines. The utility shall be responsible for

the security of each existing pipeline within the construction zone. If there are unusual utility facility hazards or if heavy construction equipment is used, the utility shall provide either a temporary protective cover of earth or a bridge over the pipeline.

(e) The utility shall bear all expenses incurred in adjusting utility facilities. This may include a new permit fee and reimbursement to the railroad operator for its expenditures.

Note: The American Railway Engineering Association manual material is on file at the department of transporation, the secretary of state, and the revisor of statutes offices.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.13 Attaching utility facilities to railroad bridges. (1) GENERAL. A utility may attach a utility facility to a steel or concrete railroad bridge where to do so does not adversely affect the structural adequacy of the bridge, the safe operation of the railroad, the efficiency of railroad maintenance or the aesthetic appearance of the bridge. If it is feasible at reasonable cost to locate a utility facility elsewhere, a utility shall not attach its facilities to a railroad bridge. Utility facilities may not be attached to wood trestles.

(2) BRIDGE ATTACHMENT. (a) A utility facility may be placed beneath a steel bridge floor inside the outer girders or beams or alternatively may be placed within a cell at an elevation above the lowest superstructure.

(b) Electric power facilities or communication line facilities shall be satisfactorily insulated, grounded and carried in protective conduit or pipe on the bridge structure. The carrier conduit or pipe shall be suitably insulated from electric power line facilities.

(c) Pipelines attached to a bridge may not exceed a normal operating pressure of 150 pounds per square inch. No pipeline conveying flammable materials may be attached to a steel bridge structure.

(d) A utility shall employ methods of suspending the utility facility, of allowing for expansion and contraction and of going through or around bridge abutments that are acceptable to the department.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.14 Electric power and communication circuits. (1) UNDERGROUND. (a) A utility may install or modify electric power or communication circuits by trenching, direct burial, plowing, boring or jacking. Boring without conduit is permissible where soil conditions allow. Underground utility construction shall conform with all applicable codes, standards and specifications.

(b) The vertical distance from the top of the finished railroad property surface to the top of the conduit, or top of the casing where required, shall be at least 2 feet. This distance may not be reduced unless the circuit is satisfactorily protected with suitable protective covering or conduit.

(c) All provisions of this chapter, except for s. Trans 29.12 (4) and (6) (b), shall apply to underground electric power or communications utility facilities unless clearly inconsistent with this section.

(2) OVERHEAD POWER AND COMMUNICATION CIRCUITS. (a) The space between the track zone and the department railroad property boundary

lines shall be kept as free from obstructions as practicable. If an above-ground utility facility is permitted, it shall be located so as not to interfere with railroad operations or maintenance and may not be concealed by vegetation. It should be placed as close as practicable to an existing fence or to a department railroad property boundary line. Adjustments because of the terrain traversed may be made in locating poles, guys, and related facilities on the department railroad property.

(b) The minimum vertical clearance for overhead electric power and communication circuits above the department railroad property and the minimum horizontal and vertical clearances from bridges or from other railroad facilities shall conform to the Wisconsin state electrical code found in ch. PSC 114, Wis. Adm. Code, and to s. TC 3.14, Wis. Adm. Code.

(c) Any longitudinal installation or modification of overhead lines on department railroad property shall have single pole construction, unless the department shall approve another construction prior to installation or modification and then only in areas that are more than 40 feet from the nearest rail. Single pole construction with joint use is desirable where more than one utility requires longitudinal installation over the same segment of department railroad property.

(3) CASING REQUIREMENTS. (a) Electric power or communication circuits may be installed or modified beneath department railroad property without protective casing. Cable installation shall be by direct burial or small bores. Where soil conditions permit, cable installation may be by boring a hole about the same diameter as the cable and pulling the cable through.

(b) Where an underground circuit crossing is encased in protective casing, the casing shall extend to a minimum of 13 feet from the centerline of the track or, if more than one track is present, from the centerline of the nearest track.

(c) The department may require casing for any circuit having less than the minimum burial depth, located too near the footings of a bridge, or required by an industry or company code or policy or by a public agency code, law or ordinance to be encased.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

Trans 29.15 Indemnification and insurance. (1) HOLD HARMLESS. (a) The utility shall hold the department, transit commission and railroad operator, their officers, employees and agents, harmless from all liability, loss, demands or actions connected with, or claimed to be connected with, either any act or omission of the utility, its agents, employees or officials, or any accident or occurrence that happens, or is alleged to have happened, in or about a place where any utility act or omission occurs while the utility is performing its work, while a utility permit or an agreement between the utility and the department is in effect or while any of the utility's facilities, property or personnel are in or about the place where the utility act or omission occurs or are in or about the department railroad property.

(b) Nothing in this subsection, however, shall require a utility to hold the department, transit commission or railroad operator, their officers, employees or agents, harmless from that portion of any liability, loss,

demand or action arising out of the acts or omissions of the department, transit commission or railroad operator or of their officers, employees or agents.

(2) INSURANCE. (a) During installation, modification or maintenance of any utility facility and during the term of any utility permit, the department shall require the utility to provide the department adequate evidence of financial responsibility to meet the liabilities, losses, demands and actions from which the utility is required, in accordance with sub. (1), to hold the department, transit commission and railroad operator, their officers, employees and agents, harmless. Evidence of adequate financial responsibility shall be either appropriate evidence that the utility is self-insured and has sufficient resources to provide coverage equivalent to an insurance policy having combined single limits of not less than $500,000 or, alternatively, evidence of an appropriate insurance policy having combined single limits of not less than $500,000. If it chooses to provide evidence of an appropriate insurance policy, a utility shall furnish the department the requisite certificate of insurance showing that the department, transit commission and railroad operator, their officers, employees and agents, have the status of an additional insured under the insurance policy. The department may require greater evidence of resources or higher limits of insurance coverage if it determines that greater coverage is reasonably required to cover the risks presented by a particular utility facility.

(b) The utility shall furnish the department evidence of adequate financial responsibility, as required by par. (a), on or before the effective date of the utility permit. If at any time the department determines that the utility has not provided adequate evidence of financial responsibility, the utility shall immediately suspend any construction, installation, modification or routine maintenance on the department railroad property until adequate evidence of financial responsibility is again provided to the department.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.