




Matthew G. Bevin
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Greg Thomas
Secretary

MEMORANDUM

TO: All Chief District Engineers and KYTC Permits Staff

FROM: Patty Blain Dunaway, P.E.
State Highway Engineer 

RE: Policy Clarification
Permits Policy PE- 301 (Utilities)
Micro Cell Towers on KYTC Right of Way

DATE: June 19, 2017

Everyone:

With the current push for wireless broadband deployment nationwide, KYTC has been receiving a number of permit applications involving micro cell technology and small footprint cell towers. These requests range in scope from small units which can be attached to existing utility poles to small footprint towers in excess of 100 feet tall. This memo is intended to provide guidance to the districts on how these companies and facilities should be handled.

Within current KYTC Permits policy, utility poles and towers may be allowed on right of way for routes other than fully controlled access roadways such as interstates and parkways. While the smaller, pole mounted units would rarely be an issue, the larger tower structures in the right of way could be problematic in some areas because of issues such as mowing, access, future road projects, etc. The following issues should be considered when these applications are received:

- 1.) Is the applicant a public utility, regulated by the Public Service Commission? If so, the application should be treated in the same manner as applications from other public utilities. The Kentucky Public Service Commission maintains a database on their website which lists companies who have registered with the PSC.
- 2.) Has the applicant submitted acceptable documentation to support their request? All engineered plans and design of the tower must be stamped and signed by a licensed Professional Engineer, with a current Kentucky registration.



An Equal Opportunity Employer M/F/D

- 3.) Does the proposed tower and associated guy wires represent significant conflicts with KYTC activities such as mowing or anticipated future road projects?
- 4.) Has the applicant proposed a location for the tower and associated guy wires which are out of the clear zone and do not represent a safety hazard to the traveling public or workers performing mowing or other maintenance activities?
- 5.) Does the location of the proposed tower represent a safety concern due to roadway access for construction and maintenance of the tower?
- 6.) Is the proposed location of the tower adjacent to commercial or residential property which would be likely to generate significant public outcry?
- 7.) If the proposed location is in an area with a planning and zoning authority, does the applicant have a permit or letter of support for the proposed tower from the local agency of jurisdiction?

If the above conditions and considerations have been addressed, the structure may be permitted. It is at the discretion of the Chief District Engineer to make the determination to approve or deny the permit application. If the applicant disagrees with the decision, the permit policy allows for the decision to be appealed to the State Highway Engineer. That procedure is outlined in Permit policy PE-201.

For the purpose of reconsideration by the State Highway Engineer, according to policy, the applicant's request for reconsideration must be accompanied by information from a qualified Engineer documenting the reason for reconsideration. This justification should include reasons why the proposed tower can only be located on KYTC right of way, instead of off right of way at or near the proposed site. Additional information may include justification for the improvement of service to the public, which can only be accomplished by a tower of the proposed height at this location on KYTC right of way.

The State Highway Engineer will review the permit application and all supporting documentation. The State Highway Engineer will make a final determination and Central Office Permits Branch will notify the district of the decision. The district will then notify the applicant.

Please note that this guidance does not represent a change to the existing policy. The issues and questions outlined herein are items we should currently be addressing with all proposed utility installations on KYTC right of way.