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## PERMANENT ADMINISTRATIVE ORDER

**DOD 4-2025**

CHAPTER 734

**DEPARTMENT OF TRANSPORTATION  
DELIVERY AND OPERATIONS DIVISION**

**FILED**

12/11/2025 11:11 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopt rules to allow broadband providers to place infrastructure into some STIP projects

EFFECTIVE DATE: 01/01/2026

AGENCY APPROVED DATE: 12/11/2025

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### RULES:

734-054-0005, 734-054-0010, 734-054-0015, 734-054-0020, 734-054-0025, 734-054-0030, 734-054-0035

ADOPT: 734-054-0005

RULE TITLE: Purpose

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

### RULE TEXT:

The purpose of Oregon Administrative Rules 734-054-0005 through 734-054-0035 is to identify the criteria by which the Oregon Department of Transportation will select STIP projects that may accommodate a broadband facility of a third party; the process by which the department will select a broadband facility that may be added to a STIP project; and other requirements that may apply to the broadband facility as part of its installation in the state highway.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

As used in these rules, unless otherwise required by context:

- (1) "Broadband" means wide bandwidth transmissions over optical fiber, with an ability to simultaneously transport multiple signals and traffic types at a minimum transmission speed of 25 megabits per second for downloads and three megabits per second for uploads.
- (2) "Broadband coordinator" means the Systems Operations & Intelligent Transportation Systems Manager of the Department or a designee.
- (3) "Broadband facility" means infrastructure used to transmit broadband, including but not limited to underground fiber optic cable.
- (4) "Department" means the Oregon Department of Transportation.
- (5) "Interstate highway" means Interstate 5, Interstate 82, Interstate 84, Interstate 105, Interstate 205, Interstate 405, and other interstates as they may be designated in the future.
- (6) "Longitudinal" means trenching in a direction that is generally parallel to the centerline of the state highway.
- (7) "Provider" means any entity or person identified on the registry maintained by the Oregon Business Development Department, Oregon Broadband Office as required by ORS 184.916.
- (8) "State highway" means any road or highway designated as such by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways.
- (9) "STIP" means the Statewide Transportation Improvement Program developed by the department for statewide transportation projects.
- (10) "Trench" or "Trenching" means open trenching, horizontal direction drilling, jacking or plowing.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0015

RULE TITLE: Identification of STIP Projects for Broadband Coordination and Notice

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

(1) On at least an annual basis, the department will identify STIP projects that may accommodate a broadband facility based on the following criteria:

- (a) A STIP project that is for the construction, modification or improvement of a state highway and that;
- (b) Involves a minimum of 2,500 feet of continuous longitudinal trenching, as long as the trenching is not for culverts or other drainage facilities;
- (c) Is not for a project on an interstate highway; and
- (d) That may reasonably contain broadband facilities.

(2) The department will give notice to all providers and, at the department's discretion, any other interested person or business, when it identifies a STIP project pursuant to this rule. The notice will contain a list of the identified STIP projects, a statement of interest form and instructions as to how to complete the form and submit it to the department.

(3) The department will provide notice by:

- (a) Issuing a mass group email to providers at the email address identified by the Oregon Broadband Office;
- (b) By posting the selected STIP projects on the website maintained by the department; and,
- (c) By any other means as determined by the department.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0020

RULE TITLE: Review of Statement of Interest and Selection Criteria

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

(1) Upon receipt of a completed statement of interest, the broadband coordinator shall notify the applicant that review of the statement of interest has been initiated. The broadband coordinator may request additional information from the applicant or facilitate one or more meetings with the applicant to determine whether accommodation of the applicant's broadband facility is appropriate for the STIP project.

(2) The department will not select an applicant if installation of its broadband facility may:

(a) Increase the cost of the STIP project;

(b) Cause a change or delay to the STIP project schedule;

(c) Modify the scope of the STIP project;

(d) Require additional coordination, concurrence or permitting by a local agency, federal agency or other state agency;

(e) Conflict with another existing or planned transportation facility;

(f) Create any safety hazard; or

(g) Create additional impediments to traffic.

(3) If multiple applicants qualify, the department may select more than one applicant and more than one broadband facility for installation in a state highway based on the location of the STIP project, the need for multiple broadband facilities, the space available and other factors that are specific to the STIP project.

(4) An applicant's failure to submit a statement of interest form within the time required by the department, or an applicant's failure to provide sufficient information on the statement of interest form or in response to a request by the department for additional information may be grounds for the department to refuse to review the statement of interest.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0025

RULE TITLE: Final Determination on Statement of Interest and Protest Procedures

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

- (1) The department will make a final determination of whether a broadband facility is selected to be added to a STIP project.
- (2) The final determination will be made based on the criteria set forth in OAR 734-054-0020.
- (3) An applicant may protest the department's final determination by submitting a request to the department to review its decision. The request must be submitted to the broadband coordinator by certified mail within 14 days from date the department issues its final determination. The request will be considered timely if it is sent by the 14th day as shown by the date of the postmark.
- (4) The request for review must state the reason the applicant believes the denial was made in error in sufficient detail for the department to respond to the applicant's request.
- (5) The department will consider all of the information previously submitted and any new information the applicant provides with its request and provide a final written decision.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0030

RULE TITLE: Limitations and Conditions

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

- (1) The department will accommodate a broadband facility in a STIP project only as determined appropriate by the department in accordance with the criteria and procedures set forth in these rules, Oregon Administrative Rule Chapter 734, Division 55; and, as permitted by state and federal law.
- (2) An applicant selected to install its broadband facilities will be responsible for all costs required to integrate its broadband facility into the STIP project.
- (3) Accommodating a broadband facility in the department's STIP project shall not increase the cost of the STIP project or cause a delay to the STIP project schedule, or otherwise result in any added cost to the department. If the selected applicant is unable to install its broadband facility without causing additional costs or delays, the department may take any necessary action to ensure the project is complete, including, but not limited to, completion of the installation at the selected applicant's cost, cancellation the applicant's agreement or permit to install its broadband facilities, and, removal of the applicant's equipment at the applicant's cost.
- (4) When the department authorizes access to a STIP project for construction and installation of a broadband facility, the department may specify the location the broadband facility may be installed and may require the selected applicant to coordinate its planning and work with the department's STIP project contractor.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309

ADOPT: 734-054-0035

RULE TITLE: Permits and Agreements

NOTICE FILED DATE: 09/12/2025

RULE SUMMARY: Adopt rules to allow broadband providers to place infrastructure into some STIP projects.

RULE TEXT:

(1) A selected applicant will be required to apply for and receive a permit to operate on the state highway pursuant to OAR 734, division 55.

(2) The department may also require a selected applicant to enter into an agreement with the department to set the compensation for the selected applicant's use of the state highway, insurance and bonding requirements and any other provisions that may be necessary to accommodate the broadband facility in the state highway. An agreement made pursuant to this rule shall control as between OAR 734, division 55 in the event of a conflict.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.920(2), 184.925

STATUTES/OTHER IMPLEMENTED: ORS 184.911-184.925, 23 CFR 645.301-645.309