

## ROCHESTER PUBLIC UTILITIES BOARD POLICY STATEMENT

### POLICY SUBJECT: JOINT-USE OF INFRASTRUCTURE AND LAND RIGHTS

#### POLICY OBJECTIVE:

The Board's objective is to reserve the operational use of RPU controlled infrastructure, lands, and dedicated easements for their intended purpose in providing utility services to the community. The Board recognizes that some limited joint-uses of RPU infrastructure, lands, and easements are compatible with their primary function in providing utility services.

#### POLICY STATEMENT:

##### 1. Priority of Users

- a. Priority for the joint-use of RPU infrastructure, lands, and easements will be given to the following entities in descending order:
  - 1) City of Rochester.
  - 2) Public safety agencies, including law enforcement, fire and ambulance services which are not part of the City of Rochester and private entities with a public safety agreement with the City of Rochester.
  - 3) Other governmental agencies, for uses which are not related to public safety.
  - 4) Private entities which are licensed, franchised, or otherwise authorized to provide services to the general public.

##### 2. Joint-Use of Infrastructure

- a. The availability of space will be determined by management, considering present and potential future use by RPU, safety, and relevant laws and regulations.
- b. The placement of equipment on RPU infrastructure must comply with the following requirements:
  - 1) The equipment will not interfere with the purpose for which the RPU infrastructure is intended.
  - 2) The equipment will comply with applicable zoning ordinances.

- 3) The applicant is willing to execute a lease agreement which includes equitable compensation for the use of the facilities and other necessary provisions and safeguards. The fees shall be established by considering any relevant laws and regulations, proportionate cost of allocated space, comparable rates, potential expenses, risks to the City, and other appropriate factors. Agreements shall be authorized by resolution of the Utility Board.
- c. The placement of equipment on water towers will be allowed only when RPU is fully satisfied that the following requirements are met:
  - 1) The applicant's access to the facility will not increase the risks of contamination to the City's water supply.
  - 2) The presence of the equipment will not increase the water tower maintenance costs to RPU.
  - 3) The presence of the equipment will not be harmful to the health of workers maintaining the water tower.

### 3. Joint-Use of Land

- a. The availability of space will be determined by management, considering present and potential future use by RPU, safety, and relevant laws and regulations.
- b. The placement of a permanent structure on City land controlled by RPU must comply with the following requirements:
  - 1) The permanent structure will not interfere with the purpose for which the RPU land is used.
  - 2) The permanent structure will comply with applicable zoning ordinances.
  - 3) The applicant is willing to execute a lease agreement which includes equitable compensation for the use of the land and other necessary provisions and safeguards. The fees shall be established by considering any relevant laws and regulations, proportionate cost of allocated space, comparable rates, potential expenses, risks to the City, and other appropriate factors. Agreements shall be authorized by resolution of the Utility Board.
- c. The placement of permanent structures on water tower or reservoir sites will be allowed only when RPU is fully satisfied that the following requirements are met:
  - 1) The applicant's access to the permanent structure will not increase the risks of

contamination to the City's water supply.

- 2) The presence of the permanent structure will not increase the water tower or reservoir site's maintenance costs to RPU.
- 3) The presence of the permanent structure will not be harmful to the health of workers maintaining the water tower or reservoir site.

- d. Construction or excavation work by adjacent property owners involving the City's lake bed property at Lake Zumbro will be allowed upon the issuance of all required permits for the specified work by the jurisdictional agencies unless the proposed work is determined to be unacceptable by management.
- e. Requests involving the temporary placement of facilities and structures on City land controlled by RPU for periods of less than one year will be reviewed by management and approved if the proposed joint-use is determined to be compatible with the current use of the land.

#### **4. Joint-Use of Easements**

- a. RPU procures on behalf of the City various right-of-way easements through the platting process and by monetary compensation. These easements are obtained to provide construction and maintenance access by RPU and to provide appropriate safety clearances.
- b. The joint-use of RPU infrastructure within RPU controlled easements will be allowed per Paragraph 2 above.
- c. The construction of structures which require support foundations, or which violate the clearance requirements of the National Electric Safety Code, will not be allowed.
- d. Other requested uses of easement lands which will not interfere with the intended purpose of the right-of-way may be approved by management. Fees will be established by management.
- e. Joint-trench installation of underground facilities is encouraged. The cost sharing of joint trenching will be negotiated by management.

#### **5. Reservation of Right**

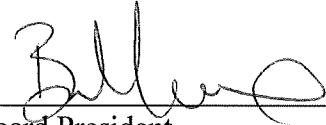
- a. Notwithstanding the above, the Utility Board reserves the right to deny, for any reason, the joint-use of any or all RPU controlled facilities, lands, and easements by any one or all applicants/users.

RELEVANT LEGAL AUTHORITY: Rochester Home rule Charter Sections: 15.00, 15.04, 15.05, and 15.07

EFFECTIVE DATE OF POLICY: April 27, 1984

DATE OF POLICY REVISION: March 19, 2021

POLICY APPROVAL: March 30, 2021

  
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Board President

3/30/21  
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Date