



DELBERT HOSEMANN  
Secretary of State

**ECONOMIC IMPACT STATEMENT**

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A **PDF** document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.

AGENCY NAME Mississippi Department of Transportation	CONTACT PERSON Ray Goodman	TELEPHONE NUMBER 601-359-7101
ADDRESS P.O. Box 1850	CITY Jackson	STATE MS
EMAIL rgoodman@mdot.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Accommodation of Utilities on Freeway Rights of Way	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. § 65-1-8(2) (Rev. 2006)	Reference to Rules repealed, amended or suspended by the Proposed Rule: 37.1.7501.06001	

SIGNATURE <i>Charlene Dean</i>	TITLE Director, Central Services Division
DATE 8-28-15	PROPOSED EFFECTIVE DATE OF RULE September 28, 2015

- Describe the need for the proposed action:  
The current rule prohibits the use of bridge crossings throughout the state highway system and the hardship of being able to cross the Mississippi River by other means was presented to the Commission.
- Describe the benefits which will likely accrue as the result of the proposed action:  
This revision will open up the availability of fiber optic and other broadband communication s infrastructure across the Mississippi River to improve interstate communications and help aid in them reaching underserved areas adjacent to the Mississippi River Valley.
- Describe the effect the proposed action will have on the public health, safety, and welfare:  
The proposed action will have little to no impact on public health and safety, but will however improve the welfare of those that will benefit from interstate broadband and other communications across the Mississippi River
- Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:

The proposed action will have little effect on additional clerical processing regarding permits for the work described. There is the added procedure of presenting the case to the Commission upon request that will be the responsibility and negligible cost of the applicant.

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action:  
There will be a benefit to the utility companies that apply for permission to perform such action as well as a public benefit to the customers that they can now serve.
6. Provide an analysis of the impact of the proposed rule on small business:
  - a. Identify and estimate the number of small businesses subject to the proposed regulation:  
None
  - b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:  
Permitting requirements will be relatively the same as proposed utility installations elsewhere in the state. A professional engineer will be required to provide installation plans as with other permit documents and present calculations for alternatives including a cost-benefit analysis for a presentation of the justification of hardship.
  - c. State the probable effect on impacted small businesses:  
There should be little benefit on small businesses
  - d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:
    - i. The establishment of less stringent compliance or reporting requirements for small businesses;
    - ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
    - iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
    - iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
    - v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:  
As the nature of the regulation revision is a form of reduction in regulation limitations, there are no less intrusive or less costly alternate of achieving the purpose of the regulation.
7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:  
There would be negligible cost to the state or the public as a direct effect of this regulation revision. Various communication entities would see potential savings if their application is approved due to justifiable hardship. These cost or benefits are non-quantifiable as they are not yet realized.
8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:  
The crux of the proposed revision is to, in fact, provide a means for the less costly method of utility crossing as it pertains to the public company and end-user.
9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:  
There were no foreseeable alternatives other than making the revision to the rule to allow for this type of utility crossing.
10. State reasons for rejecting alternative methods that were described in #9 above: None

11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:

The methodology for the estimation of the benefits to any and all parties was solely empirical judgement based on the foreseeable scenarios that the revision presents. As there is no additional cost to the state and no data has been presented for potential benefits to communication companies, however a cost-benefit analysis is a requirement of the proposed revision in order to obtain a permit this type of activity.