

Appendix L – Middle-Mile Broadband Network (MMBN) Projects

Caltrans has been tasked to support the California Department of Technology (CDT) to construct the MMBN across California. In addition to Caltrans constructing segments of the network (i.e., Caltrans-delivered MMBN projects), CDT is partnering with private entities, including private broadband providers, to install broadband infrastructure within the State highway right-of-way as part of the MMBN infrastructure. The projects where CDT and the private entities are partnering to install MMBN infrastructure are known as MMBN Joint Build projects.

This guidance is to help administer Stormwater compliance in MMBN joint build projects administered through Encroachment Permits Office Process (EPOP).

On MMBN Joint Build projects, the private entity will work with Caltrans to obtain an encroachment permit and/or Right of Way Use Agreement (RUA) as applicable, to install MMBN infrastructure within the State highway right-of-way. Caltrans will provide inspection oversight for joint build projects, while the construction of Caltrans-delivered MMBN projects will be inspected by Caltrans like it inspects a Caltrans-delivered construction project.

All MMBN projects require CGP coverage as they are considered part of a larger common plan of development, and therefore, the 1-acre Disturbed Soil Area (DSA) threshold triggering a SWPPP for traditional projects does not apply. All MMBN projects are required to obtain a Waste Discharge Identification (WDID) number prior to commencement of construction activities.

Caltrans is the Legally Responsible Person (LRP) for all MMBN programmatic permit projects working under WDID SWBPP000001. MMBN projects which obtained Permit coverage prior to 12/17/2022 are covered under the 2009 CGP through 8/31/2025, when the regulatory transition (i.e., grandfather period) ends. From 9/1/2025 onwards, the 2022 CGP provides the programmatic permit option specific to MMBN projects. The Caltrans MMBN Programmatic Permit only covers Middle-Mile projects and does not cover Last-Mile projects. All MMBN Projects which are not covered under the programmatic permit may still be subject to Linear Underground/Overhead Project (LUP) or traditional requirements in the CGP.

The Caltrans MMBN Programmatic Permit coverage applies to projects when only MMBN work is included in the project (conduit, vaults, Maintenance Vehicle Pullouts and Network Hub Shelters). To be eligible for the programmatic permit, projects must exclusively support the MMBN program, they cannot be combined with any other non-MMBN construction activities. The State Water Resources Control Board (SWRCB) categorizes MMBN projects as LUPs which have unique stormwater requirements to streamline regulations for long, linear, utility type projects. If other project work is included, then the MMBN project will no longer meet the LUP definition and will not be eligible for programmatic permit coverage.

Caltrans MMBN Programmatic Permit projects will require a Linear Construction Activity Notification (LCAN). The LCAN allows the project to work under the Caltrans WDID number and the Caltrans developed [Common SWPPP](#). Each MMBN project working under the programmatic permit will be covered by the Common SWPPP. The LCAN and site-specific plan submittal provides details to supplement the Common SWPPP. You can click on this link to access the [Caltrans MMBN, Common SWPPP, LCAN Application and Site-Specific Plan Overview Guide](#).

The Common SWPPP will address all LUP types, construction activities and potential pollutant sources relevant to MMBN projects and includes electronic LCAN and Site-Specific Plan templates. The MMBN Joint-Build applicant will prepare LCAN and Site-Specific Plan to supplement Common SWPPP with LUP type, site specific details and BMPs, and Water Pollution Control Drawings (WPCDs). The LCAN and Site-Specific Plan; and LUP Type are to be submitted to Caltrans for review. Upon approval, Caltrans will upload LCAN and Site-Specific Plan; and LUP Type to the SWRCB's Stormwater Multiple Application and Report Tracking System (SMARTS) and the project will be assigned an LCAN ID number prior to allow commencement of construction activities. The Annual Report and Linear Construction Termination Notification (LCTN) are submitted to Caltrans for review and approval at termination of construction activities. Upon approval, Caltrans will upload Annual Report and LCTN to the SWRCB's SMARTS.

Alternatively, applicants can opt to not operate under the MMBN programmatic permit or choose to obtain individual project CGP coverage, are still subject to LUP or traditional requirements in the CGP. Requirements for coverage outside of the programmatic permit include a separate project NOI, Stormwater Pollution Prevention Plan (SWPPP) and permit fee submittals to obtain a traditional project-specific WDID number prior to commencement of construction activities. Permittee is the LRP for all MMBN non-programmatic permit projects working under such project-specific WDID number and will be responsible for CGP coverage.

The table on the following page identifies the CGP permit requirements applicable to both CGP permitting options for MMBN Joint Build projects.

Table 1. MMBN Joint-Build Project CGP Permitting Options

CGP Permit Requirements	Projects obtaining individual CGP coverage	Projects working under the Caltrans MMBN Programmatic Permit
Unique number documenting CGP coverage	Project-Specific WDID number	Linear Construction Activity Notification (LCAN) ID
Permit Fees	Annual CGP fees	n/a
Permit Application Type	Notice Of Intent (NOI)	LCAN
Required Site-Specific Document	SWPPP	Common SWPPP and Site-Specific Plan
Site-Specific Risk to Receiving Waters	Risk Level 1, 2 or 3 or LUP Type 1, 2 or 3	LUP Type 1, 2 or 3
Annual Report	Annual Report	Annual Report
Permit Termination Application Type	Notice Of Termination (NOT)	Linear Construction Termination Notification (LCTN)

Refer to the [2022 MMBN Stormwater Implementation Memo](#) (accessible to Caltrans staff only and applicants can request a copy from the District Encroachment Permits Office) for additional information.

MMBN projects fall under the 2022 Caltrans NPDES Permit. Most MMBN components have been exempt from post-construction treatment requirements by the SWRCB as non-contiguous non-highway facilities. This has included trenching and resurfacing associated with utility work, fiber optic conduits, vaults, Maintenance Vehicle Pullouts (MVPs), and network hub shelters with new impervious surface (NIS) less than 5,000 square feet (sf).

Network hub shelters are considered Non-Highway Facilities and must be analyzed to determine if the NIS is equal to or greater than 5,000 sf. The NIS determination for network hub shelters encompasses not only the shelter itself but also any associated impervious parking areas and access roads. Refer to the [2023 Project Planning and Design Guide](#) for guidance to calculate NIS for a list of approved post-construction Treatment BMPs for those projects with a treatment requirement (i.e., NIS equal to or greater than 5,000 sf).

Projects usually go through Project Delivery Quality Management Assessment Process (QMAP) for projects with a treatment requirement when NIS is equal to or greater than 5,000 sf. If the District decides to manage such projects through EPOP, a Stormwater Data Report (SWDR) would be needed. Hence, there is no change regarding SWDR requirements for Encroachment Permits projects.