

Department of Public Works

City Engineering

July 21, 1998

Honorable City Council:

Re: Petition No. 0083. Lucent Technologies/Bell Labs Innovations (together with Wayne State University) Requesting permission to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rights-of-way. Purpose: To network Wayne State University-Main Campus buildings.

Petition No. 0083 of "Lucent Technologies/Bell Labs Innovations (together with Wayne State University)" requests permission to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rights-of-way, originating from "Wayne State University-Old Main" and branching all over "Wayne State University-Main Campus." The proposed cable system will network "Wayne State University-Main Campus" buildings. This is not a "common carrier" telecommunication cable system installation.

The petition was referred to City Engineering Division — DPW for investigation and report. This is our report:

Cable placement will involve subsurface boring construction methods and installation of manholes and/or hand-holes. Cable placement at some locations will involve installation entirely by pulling cable through existing Ameritech/Michigan Bell Telephone Company (AMBT Co.) conduit and man-holes. Further, crossings near properties addressed as: 5800 Cass, 5786 Cass, 5470-5482 Cass (stores), 87-89 W. Ferry (walk-up apartments), 616 W-Hancock ("Central Alliance Church"), and 4421 Woodward ("The Whitney") are involved. It is the responsibility of Wayne State University and their contractors to properly notify all other abutting property owners before starting any (permitted) open cut or boring operations within city public rights-of-way and/or easements of record. Permission for crossing Woodward Avenue, the John C. Lodge Freeway, and the Edsel Ford Freeway must be obtained from the Michigan Department of Transportation. Wayne State University (WSU) and/or "Lucent Technologies" must obtain permits from City Engineering Division — DPW (and the Michigan Department of Transportation, when necessary) for any street openings, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install the cable system.

The encroachments are shown on the following drawings, submitted by the petitioner(s): Western TelCom Inc., Lucent Technologies Conduit Layout; Project Location-WSU Campus; Project No. 97-438; sheet nos. 1 to 10; also sheet title "construction notes and details". Also, a set of reference drawings are marked "PEA of MI 'A through K'" for the purpose of this WSU encroachment petition only), prepared by "P.E.A. of Michigan, Inc." (consultant for Lucent Technologies).

A rights-of-way crossing table is attached to the resolution.

Ameritech/Michigan Bell Telephone Company requires site inspection and permits from WSU and their contractors.

Comcast Cablevision (CATV) reports the proposed WSU cable network affects their conduit system. Comcast will locate any CATV facilities for WSU and their contractors upon request.

Detroit Edison Company (DE Co.) reports the proposed WSU cable network affects their underground facilities. DE Co. can provide location maps to WSU and their contractors, but requests "Lucent Technologies" make use of "Miss Dig" facilities prior to any excavations.

Michigan Consolidated Gas Company (MCG Co.) reports the proposed WSU cable network crosses existing gas mains. MCG Co. requests "Lucent Technologies" make use of "Miss Dig" facilities prior to any excavations and/or cable crossing installations. The contractors for WSU can arrange for a "preconstruction meeting" with MCG Co. If damages to MCG Co. utilities should occur, then WSU and/or "Lucent" shall be liable for all incidental repairs and waives all claims for damages to the encroaching installations.

Public Lighting Department (PLD) reports high-voltage power, lighting, and traffic signal facilities at locations throughout WSU-Main Campus. PLD requires a minimum vertical clearance of one foot between PLD facilities and the proposed "WSU" cable system installations.

Water and Sewerage Department (DWSD) requires a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed "WSU" cable system installations.

In general, city departments and privately owned utility companies reported no objections to the proposed cable system placement; provided WSU and their contractors use "care and caution" in the "open cut" of rights-of-way. They request WSU and/or Lucent make use of "Miss Dig" facilities before cable system installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to the "WSU" network.

In this encroachment petition we consulted with the Cable Communications Commission and Recreation Department. Recreation advises the contractors for WSU to take precautions to protect trees during cable construction-placement operations. Both city agencies approved the proposed cable system encroachments.

Detroit Code Section 42 assigns the inspection of underground conduit installations within city rights-of-way to Public Lighting Department (PLD). PLD submitted a report to City Engineering Division — DPW (dated April 21, 1998).

Finally, City Engineering Division — DPW requires "Lucent Technologies for Wayne State University" to submit certified "as built" drawings, a map and survey, showing the exact location of the completed cable system installation.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

City Engineering Division — DPW
Amended Resolution

By Council Member Mahaffey:

Whereas, Petition No. 0083 of "Lucent Technologies/Bell Labs Innovations (together with Wayne State University)" requests permission to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rights-of-way, originating from the "Wayne State University-Old Main" and branching all over "Wayne State University-Main Campus"; also

Whereas, The proposed cable system installation will not be marketed as a "common carrier" service to the general public, but shall be used entirely as a privately owned inter-facility network between "Wayne State University-Main Campus" buildings; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to the "Wayne State University" and/or "Lucent Technologies" to install and maintain a privately owned telecommunication cable system, including fiber optic cable, encroaching beneath various city rights-of-way, originating from the "Wayne State University-Old Main" parcel site described as follows:

Lots 1 through 24, Block 2, and the reversionary interests in the vacated public alleys (18 and 20 feet wide; in the block bounded by Second, Cass, Hancock and Warren Avenues; said public alleys having been previously vacated by City Council on November 24, 1931) of "Cass Farm Company-Limited-Subdivision of Blocks 103, 105, 107 and 109 of the Cass Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 81, Page 81, Plats, Wayne County Records; commonly known as "Wayne State University-Old Main" site (a/k/a part of 4841 Cass Avenue);

Encroachment to consist of installing and maintaining a privately owned telecommunication cable system. The encroachments are shown on the following drawings (dated 1-29-98), submitted by the petitioner(s): "Western Tel-Com Inc., Lucent Technologies — Conduit Layout; Project Location-WSU Campus; Project No. 97-438; sheet nos. 1 to 10; also sheet title "construction notes and details". Also, a set of reference drawings are marked "PEA of MI 'A through K'" for the purpose of this WSU encroachment petition only), prepared by "P.E.A. of Michigan, Inc." (consultant for Lucent Technologies). Below is a table of the rights-of-way crossings (*italics denotes State M-DOT jurisdiction*):

R/W Crossing	Width	Sheet	Location	Type/Crossing	New MH	@ WSU Building(s)
Ferry Ave. [E/W]	80'	1	E of Woodward	Bore 1-4" PVC	No	5475 Woodward-Beecher House
Woodward Ave. [E/W]	120'	1	W of Ferry	Bore 1-4" PVC	No	5475 Woodward-Beecher House.
Ferry Ave. [E/W]	60'	1	W of Woodward	Bore 1-4" PVC	No	5454 Cass-University Services
Cass Ave. [E/W]	80'	2	N of Palmer	Bore 2-4" PVC	2 Handholes Quazite Boxes	5700 Cass-Academic Admin
Cass Ave. [E/W]	80'	2	S of Palmer	Bore 1-4" PVC	Tie to existing Ameritech	5454 Cass University Services
Cass Ave. [N/S]	80'	2	Palmer & Ferry Mall	Bore 2-4" PVC	3 Handholes shown Sheet #2	From 5700 Cass Academic Admin to 5451 Cass- E L Schaver Music
Ferry Easement [E/W] A/k/a Ferry Mall	60'	2	W of Cass	Bore 1-4" PVC	No	5451 Cass- E L Schaver Music
Cass Ave. [N/S]	80'	3	N of Kirby	Bore 1-4" PVC	2 Handholes Quazite Boxes	5415 Cass-Music Annex
Kirby Easement [E/W] A/k/a Reuther Mall	40' Ease.	3	W of Cass	Bore 1-4" PVC	1 Manhole	5401 Cass-WP Reuther Library
Cass Ave. [N/S]	80'	4	N of Warren	Bore 1-4" PVC	2 Handholes Quazite Boxes	5201 Cass-Prentis 5143 Cass-State Hall
Warren Ave [E/W]	146'	4	W of Cass	Bore 1-4" PVC	Tie to existing Ameritech	5054 Cass-Science Hall-
Warren Ave. [N/S]	146'	4	W of Cass	Tie to existing Ameritech	Tie to existing Ameritech	4841 Cass-Old Main
Second Easement [N/S] A/k/a Gullen Mall	100'	5	Palmer & Ferry Mall	Bore 1-4" PVC Tie to existing Ameritech	3 Handholes Quazite Boxes	468 Ferry Mall-Law School
Ferry Easement [E/W] A/k/a Ferry Mall	60'	5	E of Gullen Mall	Bore 1-4" PVC	1 Handhole Quazite Box	441 Ferry Mall-Alumni Relations 495 Ferry Mall-McGregor Memorial Conference Center
Ferry Easement [E/W] A/k/a Ferry Mall	60'	5	W'y and across Gullen Mall	Bore 1-4" PVC Tie to existing Ameritech	1 Handhole @ Gullen Mall	468 Ferry Mall-Law School
Second Easement [N/S] A/k/a Gullen Mall	100'	6	N & S of Reuther Mall	Bore 1-4" PVC Tie to existing Ameritech	1 Handhole @ Reuther Mall Tie to existing Ameritech	5425 Gullen Mall-Education 5221 Gullen Mall-Student Center
Kirby Easement [E/W] A/k/a Reuther Mall	40' Ease.	6	E of Gullen Mall	Bore 2-4" PVC and Bore 1-4" PVC Reuther	1 Handhole tie in Mall.	5244 Gullen Mall-G F Purdy Library
Kirby Easement [N/S] A/k/a Reuther Mall	40' Ease.	6	E of Gullen Mall	Bore 2-4" PVC	1 Handhole tie in Reuther Mall	5244 Gullen Mall-G F Purdy Library 450 Reuther Mall-Community Arts Center
Second Easement [N/S] A/k/a Gullen Mall	100'	7	N of Warren	Tie to existing Ameritech and existing 1-4" PVC	Tie to existing Ameritech	5125 Gullen Mall-Undergrad Library
Putnam Easement [E/W] [9-11-51 JCC p. 2116]	28' Ease.	7	W of Gullen Mall	Bore 1-4" PVC and 2 ties to existing Ameritech	No	5050 Anthony Wayne-Engineering 5047 Gullen Mall-Biological Sciences
Second Easement [E/W] A/k/a Gullen Mall	100'	7	NW'y. of Warren and across Gullen Mall	Tie to existing Ameritech	Tie to existing Ameritech	5047 Gullen Mall-Biological Sciences
Warren Ave. [N/S]	146'	7	E of Gullen Mall	Tie to existing Ameritech	Tie to existing Ameritech	5000 Gullen Mall-Life Sciences

Anthony Wayne Drive [N/S]	varies	8	S of Ferry Mall	Bore 2-4" PVC and Bore 1-4" PVC	2 Handholes Quazite Boxes	656 Reuther Mail-Faculty Administration
Anthony Wayne Drive [E/W]	varies	8	N of Reuther Mail	Bore 2-4" PVC	Tie to existing Ameritech	656 Reuther Mail-Faculty Administration
Ferry Easement [N/S] A/k/a Ferry Mail	60'	8	2nd E of Anthony Wayne Drive	Tie to existing Ameritech	1 Handhole tie to existing Ameritech	5515 Gullen Mail-Shapero Hall of Pharmacy
Ferry Easement [E/W] A/k/a Ferry Mail	60'	8	E of Anthony Wayne Drive	Bore 2-4" PVC and Bore 1-4" PVC	2 Handhole ties 1 @ Anthony Wayne	5515 Gullen Mail-Shapero Hall of Pharmacy
Kirby Easement [N/S] A/k/a Reuther Mail	40' Ease.	8	2nd E of Anthony Wayne Drive	Tie to existing Ameritech	No	5221 Gullen Mail-Student Center
Anthony Wayne Drive [2 N/S crossings]	varies	9	@ Williams Mall	Bore 1-4" PVC and Tie to existing Ameritech	3 Handholes Quazite Boxes Ties to existing Ameritech	5200 Anthony Wayne-Helen L. DeRoy Apartments
Anthony Wayne Drive [2 E/W crossings]	varies	9	@ Williams Mall	Tie to existing Ameritech	Tie to existing Ameritech	5200 Anthony Wayne-Helen L. DeRoy Apartments and 5125 Gullen Mail-Undergrad Library
Merrick Easement [E/W] A/k/a Williams Mall	70'	9	E of Anthony Wayne Drive	Bore 1-4" PVC	1 Handhole tie @ Anthony Wayne	650 Williams Mall-Chatsworth Annex
Warren Ave [N/S]	146'	10	W of Fourth	Bore 1-4" PVC and Tie to existing Ameritech	1 Handhole tie 1 Manhole tie	4855 Fourth-Engineering Technology
Part of N/S public alley N/S crossing to N/S	16'	10	Block bounded by Lodge, Fourth, Hancock and Warren	Bore 1-4" PVC	1 Manhole tie	4855 Fourth-Engineering Technology
Part of E/W public alley N/S crossing to Bldg	20'	10	Block bounded by Lodge, Fourth, Hancock and Warren	Tie to existing Ameritech	No	4801 Fourth a/k/a Bldg #166
Warren Ave [E/W]	146'	10	@ Anthony Wayne Drive	Bore 1-4 PVC	3 Handholes Quazite Boxes	5050 Anthony Wayne Drive-Engineering
Warren Ave [E/W]	146'	10	E Anthony Wayne Drive	Tie to existing Ameritech	Tie to existing Ameritech	5050 Anthony Wayne Drive-Engineering
Warren Ave [N/S]	146'	10	W of Fourth Easement	Bore 1-4" PVC and Tie to existing Ameritech	1 Handhole tie to existing Ameritech	906 W. Warren-A Manoogian Hall
Warren Ave [N/S]	146'	10	E of Fourth Easement	Bore 1-4" PVC	1 Handhole tie	841 Ludington Mall-General Lectures
Anthony Wayne Drive [N/S]	varies	10	N of Warren	Tie to existing Ameritech	Tie to existing Ameritech MHs	5050 Anthony Wayne Drive-Engineering
Putnam Easement [E/W] A/k/a Ludington Mall	70'	10	E of John C. Lodge	Bore 1-4" PVC	2 Handholes Quazite Boxes	841 Ludington Mall-General Lectures
Putnam Easement [2 N/S crossings] A/k/a Ludington Mall	70'	10	W of Fourth Easement	Bore 1-4" PVC	1 Handhole tie	918 Ludington Mall-St Andrews Hall 906 W. Warren-A Manoogian Hall
Putnam Easement [N/S] A/k/a Ludington Mall	70'	10	@ Anthony Wayne Drive	Bore 1-4" PVC	1 Handhole tie	5125 Gullen Mail-Undergrad Library (Match with Sheet #9)
Ferry Ave. [E/W]	80'	PEA of MI "A"	E of Woodward to John R	Bore 1-4" PVC	2 Handholes Quazite Boxes	5475 Woodward- Beecher House

Ferry Ave. [N/S]	80'	PEA of MI "A"	W of John R	Bore 1-4" PVC	1 Handhole tie	87 E Ferry-Pauline Knapp Merrill/Palmer Institute
John R St [N/S]	60'	PEA of MI "A"	N of Ferry	Bore 1-4" PVC and Tie to existing Ameritech system	1 Handhole tie and Tie to existing Ameritech MH(s)	Merrill/Palmer Institute
Cass Ave [N/S]	80'	PEA of MI "B"	@ Canfield	Tie to existing Ameritech	Tie to existing Ameritech and 1 Handhole WSU property	4500 Cass-University Towers
Canfield Ave [N/S]	60'	PEA of MI "B"	E of Cass	Bore 1-4" PVC	No	77 W Canfield-CIT
N/S alley Easement [1 E/W crossing] 7-20-94 JCC pgs 1443-5	20'	PEA of MI "B"	First E of Cass, N of Canfield	Bore 1-4" PVC	1 Handhole tie	118 W Canfield a/k/a Marshall (NOTE: vicinity of Whitney Mansion)
N/S public alley [2 E/W crossings]	18'	PEA of MI "D"	First W of Second, N of Hancock	Bore 2-4" PVC	Tie to existing Ameritech MH	666 W Hancock-Physics (NOTE: vicinity of Central Alliance Church-616 W Hancock)
Hancock Ave [N/S]	70'	PEA of MI "D"	W of Second	Bore 1-4" PVC	Tie to existing Ameritech MH	621 W Hancock-Sherbrooke Apts (NOTE: vicinity of Central Alliance Church-616 W Hancock)
Second Ave [E/W]	100'	PEA of MI "D"	@ Hancock	Bore 1-4" PVC	Tie to existing Ameritech MH	4841 Cass-Old Main
John Lodge M-10 [1 E/W crossing]	varies	PEA of MI "F"	650' N of CL Warren	Bore 1-4" PVC	No	5101 John Lodge-Frederick Matthaei Physical Education Center 5150 John Lodge-Parking Structure #2
Edsel Ford 1-94 [1 N/S crossing]	varies	PEA of MI "G"	50' E of CL Second between Antoinette and Palmer	Bore 1-4" PVC	1 Ameritech MH Proposed	450 W Palmer-Parking Structure #1
Second Blvd [N/S]	150' and varies	PEA of MI "G"	Edsel Ford 1-94 and Antoinette	Bore 1-4" PVC	No	5900 Second-Music North
Palmer Ave [1 N/S crossing]	117'	PEA of MI "G"	@ Second	Bore 1-4" PVC	Tie to proposed Ameritech MH	450 W Palmer-Parking Structure #1
Second Blvd [E/W]	150'	PEA of MI "H"	N of Antoinette	Bore 1-4" PVC	1 Handhole tie @ Antoinette	5900 Second-Music North
Second Blvd [N/S]	150'	PEA of MI "H"	S of York	Bore 1-4" PVC	2 Handhole ties	5900 Second-Music North

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The proposed cable system will network Wayne State University-Main Campus buildings; originating from the above described parcel (Wayne State University-Old Main site);

Provided, Said underground cable system encroachment shall be installed to conform to the National Electrical Code as adopted by the Michigan Public Service Commission; and further

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or cable system placement, such work shall be according to detailed permit application drawings (to be submitted by the petitioner, subject to city department review and stamp approvals; including approval from the Michigan Department of Transportation, if necessary) prior to any public right-of-way construction; and further

Provided, It is the responsibility of Wayne State University and their contractors to properly notify all other abutting property owners before starting any (permitted) open cut or boring operations within city public rights-of-way and/or easements of record; and further

Provided, Wayne State University cable installations within existing Ameritech/Michigan Bell Telephone Company [A/MBT Co.] conduit and manhole(s) shall be according to the permits and inspection of A/MBT Co.; and further

Provided, Wayne State University cable system installation and maintenance shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot between PLD facilities and the proposed cable system network. Also, said cable system installation shall be according to the specifications of the Water and Sewerage Department (DWSD), including the minimum vertical clearance of one foot and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-offs (and any other DWSD facilities) and the proposed Wayne State University cable system network; and further

Provided, That any encroaching privately owned manholes and/or handholes (including those permitted by A/MBT Co.; and/or those shown on drawings as "new build" within the proposed Wayne State University cable network system) shall be installed and maintained with a secure frame and cover, so as to fit flush within the public sidewalk, berm, or pavement grade. All public rights-of-way shall be maintained safe and convenient for public travel. The petitioner, Wayne State University, shall be liable for all claims, demands, costs, damages, expenses, and causes of action of every kind and character arising in favor of any person, or other legal entity on account of personal injuries or death or damage to property caused by or claimed or alleged to have

arisen out of failure to properly install and maintain any encroaching cable network system manhole and/or handhole. The installation and maintenance of said encroachment(s) shall comply with the rules and regulations of the City Engineering Division - DPW and Traffic Engineering Division - DPW; and further

Provided, All costs for the construction, maintenance, permits and use of said encroachment shall be borne by Wayne State University. If damages to utilities occur, then Wayne State University and/or their contractors shall be liable for all incidental repairs and waives all claims for damages to the encroaching installation-network. Also, the use and/or operation of said telecommunication cable, system shall comply with the rules and regulations of the Detroit Cable Communications Commission and Public Lighting Department; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in city rights-of-way (or any vacated city public right-of-way, having been previously converted into a private easement for public utilities as recited in City Council resolutions), by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary; and to restore the property affected to a condition satisfactory to the City Engineering Division - DPW at "Wayne State University", the cable system, owner expense; and further

Provided, The petitioner, "Wayne State University", shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That no rights in the public streets, alleys, easements of record, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at the expense of Wayne State University at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division - DPW at Wayne State University expense; and further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Wayne State University hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that Wayne State University

acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That "Wayne State University" shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, That any permits necessary to work in the rights-of-way under the jurisdiction of the State of Michigan shall be obtained from the Michigan Department of Transportation; and further

Provided, The placement and maintenance of cable system encroachments in city rights-of-way shall be construed as acceptance of the terms and conditions of this resolution by "Wayne State University". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, That this resolution does not permit any use or operation of fiber optics that would conflict with previously issued franchises for cable communication system, or cable television system in accord with Detroit Code Section 9.5; and be it further

Resolved, "Western Tel-Com, Inc., Lucent Technologies", contractor for Wayne State University and installer of the cable system network, shall submit two copies of "as built" drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division - DPW within 30 days after installing the cable system encroachments; subject to city specifications, permits and inspections. Said "as built" drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the of "encroachments" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" map(s) and survey(s) shall be an "appendix" to this City Council resolution. City Engineering Division - DPW in the Wayne County Register of Deeds shall record (or cause to be recorded) one copy of the "appendix".

Provided, However, That This Permit is granted subject to the requirement that any permits required under applicable cable television or telecommunications laws or City of Detroit Ordinances, as determined by the Detroit Cable Communications Commission, shall be obtained.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 9.

Nays — None.

Lucent Technologies

*July 31, 1998
D.C.C. 2110-2123*

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