



# CH. 25 REVISIONS: RIGHT-OF-WAY MANAGEMENT

OR-17-010

August 15, 2017

# SB 1004

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- Authorizes a Wireless Network Provider (“WNP”) to construct and operate network nodes and poles within the right-of-way
- City may not require a franchise agreement or other land use approval
- WNP is subject to right-of-way management ordinance
- City may adopt design criteria for the installation and construction of network nodes that does not conflict with the bill
- WNP must obtain city consent to locate:
  - ▣ in a municipal park or in certain residential areas; and
  - ▣ within historic district or design district with decorative poles
- WNP is entitled to file a consolidated permit application for not more than 30 network nodes
- City may require the WNP to provide engineering drawings to confirm that the applicant will comply with design specs and codes

# SB 1004 (continued)

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- Maximum Allowable Fees:
  - ▣ \$500 per application covering up to five network nodes, \$250 per additional node up to 30; \$1000 per pole;
  - ▣ Annual payment \$250 per node located in the right-of-way;
  - ▣ WNP may obtain permit to install its own transport facilities in the right-of-way, for \$28/month times the number of nodes in the right-of-way that the transport facility serves;
  - ▣ WNP may enter into agreement with the city to collocate on a city pole, including a traffic light pole, at no more than \$20/year, per pole
- Prohibits the city from requiring any payment not authorized by the bill
- Size and Height Limitations:
  - ▣ Network nodes in the right-of-way may not exceed a height of three feet above the pole or protrude more than two feet beyond pole/structure;
  - ▣ Poles may not exceed 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole

# Ch. 25 Revisions: General Requirements

- ❑ Update Backfilling, Excavation, and Resurfacing requirements to refer to City standard details and Infrastructure Design and Development Standards Manual (“IDDSM”)
- ❑ Require permittee to correct defects in restoration, upon notice
- ❑ Prohibit obstruction of the right-of-way and provide parking/loading requirements for vehicles during right-of-way work
- ❑ Require that poles not unreasonably interfere with traffic, and provide a minimum clearance height of 14 feet from the ground
- ❑ Provide for the removal/relocation of facilities upon notice as deemed necessary for operation/maintenance of the right-of-way
- ❑ Update application requirements to include proof of insurance and engineering documentation necessary to show compliance with design stds
- ❑ Provide for permit fees, annual fees, collocation fees, and telecommunications fees

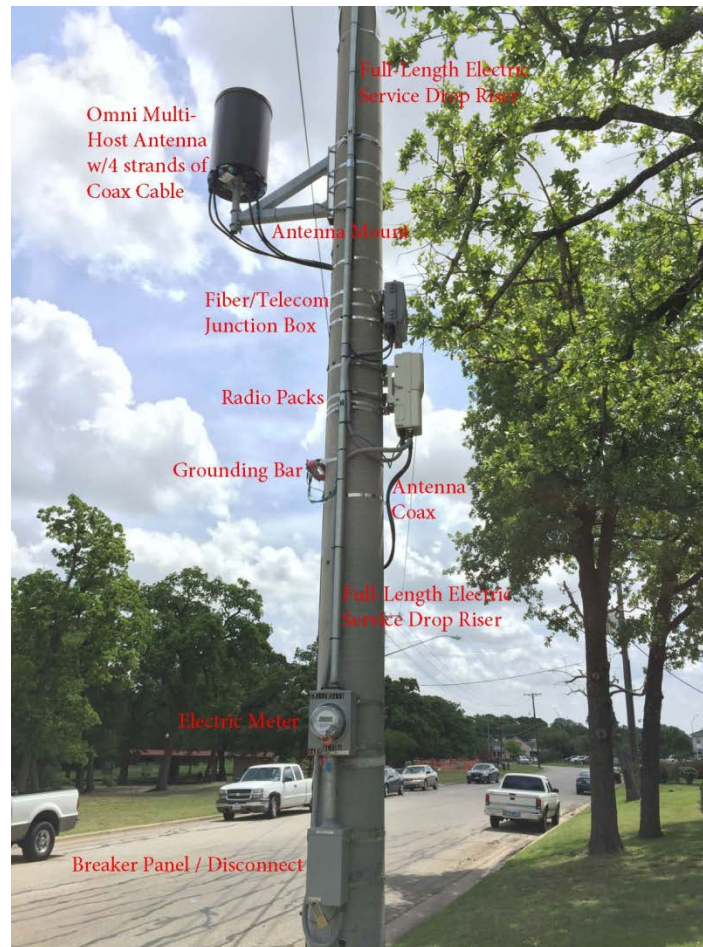
# Ch. 25 Revisions: Requirements Specific to SB 1004

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- ❑ Collocation agreement to attach nodes to city poles
- ❑ Advance approval from the City prior to installing nodes or poles within historic district or any future designated design district
- ❑ Compliance with forthcoming city design manual requirements for installation and construction
- ❑ Industry standard pole load analysis to be completed and submitted with the application indicating that the service pole to which the network node is to be attached will safely support the load
- ❑ Network node equipment placed on new and existing poles shall be placed more than 8 feet above ground level

# Equipment that may be installed in ROW

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# Recommendation

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- Staff recommends that City Council adopt the proposed ordinance by September 1<sup>st</sup>, which will:
  - ▣ provide for the safety of the public within the right-of-way; and
  - ▣ Provide for compensation for the use of the City's right-of-way and poles