

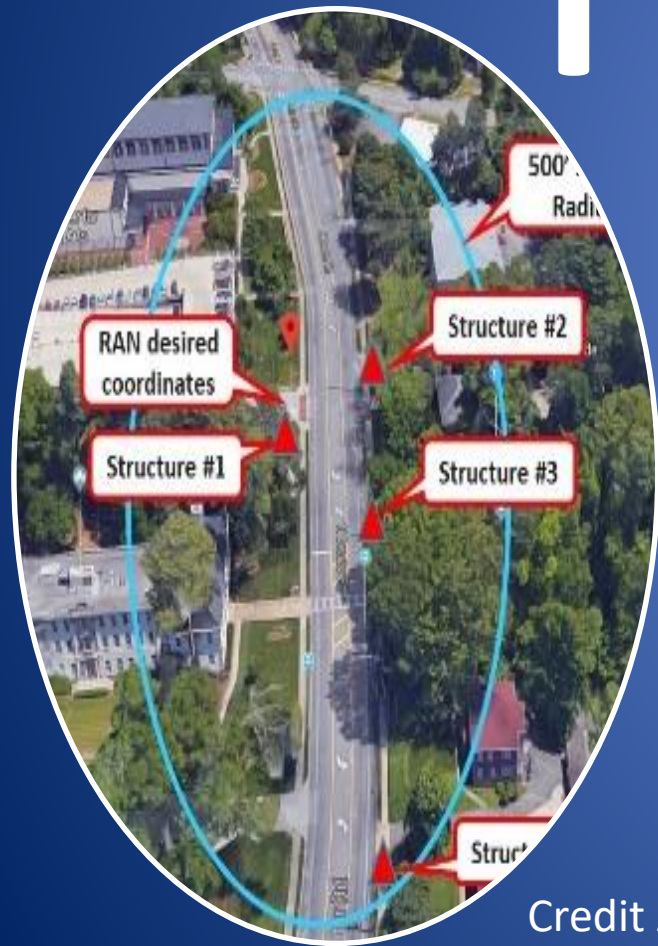


ORD 0521: Chapter 96 RIGHT OF WAY MANAGEMENT





Pflu5Gerville



Credit ATT

Texas Local Government
Code (TLGC)
Chapter 284:
Network Nodes in the
Right-of-Way

ROW Management Ordinances_9 Jun 2020





OUTLINE TOPICS: NETWORK NODES

- BACKGROUND:
 - Texas Local Government Code (TLGC) Chapter 283
 - Texas Legislature Senate Bill 1004
 - TLGC Chapter 284
- City's ROW Management Ordinance





TLGC Chapter 283



- September 1, 1999 Texas Legislature
- Established as HB 1777 for Chapter 283: Management of Public Right-of-Way for Telecommunications Providers
- Regulate Certified Telecommunications Providers to Compensate City for ROW Use



Senate Bill 1004

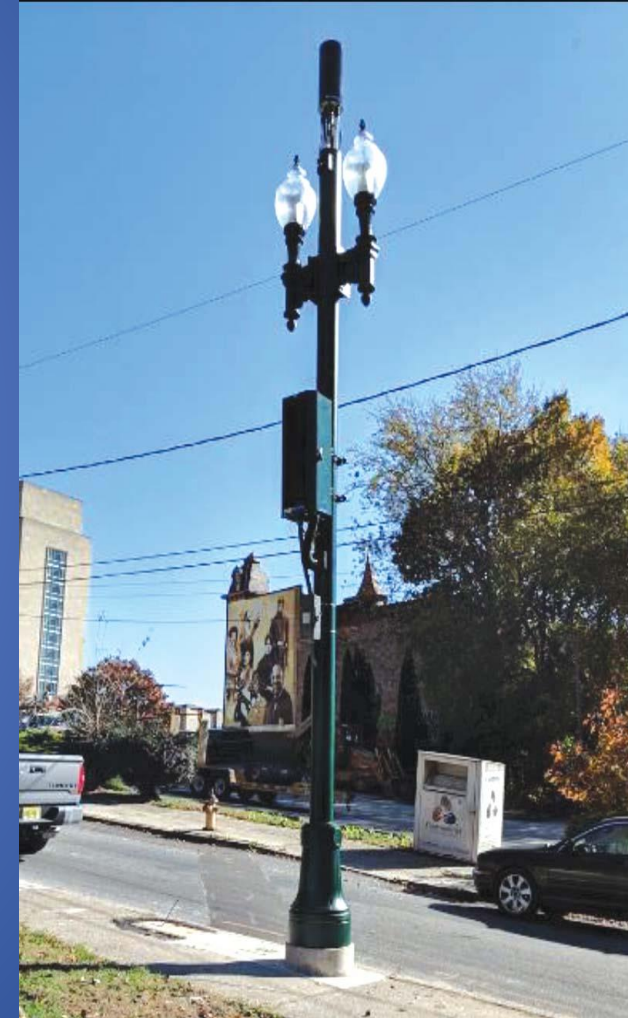
- Approved Texas Legislature September 1, 2017
- TLGC Chapter 284: Deployment of Network Nodes in Public Right-of-Way
- Regulations for City Requirements in Right-of-Way for placement of new "Small Cell" Wireless
- "Small Cell Nodes" or "Network Nodes" allow access to 5G technology, for faster data
- Supports Cellphone usage in large crowds
- Increased capacity needed for Smart Phones





TLGC Chapter 284

- Promote competition by reducing barriers
- Empower wireless network providers “density”
- Provide an efficient method to add capacity
- Update regulations for new technology
- Establish uniformity for Right-of-Way access
- Allow reasonable municipal oversight and fees
- Wireless facilities can be placed on City poles
- ROW open for All Network Providers





TLGC Chapter 284

ROW Management: Network Nodes

Pursuant to Ch. 284 of Texas Local Government Code (TLGC)

- Public Rights-of-Way non-exclusive use and occupancy
- Requires compliance with the Design Manual
- General Construction and Maintenance Requirements
- Right-of-Way Permit Required
- Includes provisions for installation in:
 - Historic Districts or Design Districts
 - Parks and Residential Areas





TLGC Chapter 284

- Cities may require a permit for most work: 284.152
- Cities must act within certain time periods: 284.154

Network Nodes:

- 30 days to determine completion of application
- 60 days to approve or deny

Node Support Poles:

- 30 days to determine completion of application
- 150 days to approve or deny

Transfer Facilities:

- 10 days to determine completion of application
- 21 days to approve or deny



TLGC Chapter 284

Limits the fees that cities may charge

Network Nodes:

- **Application Fee:**
lesser of actual cost
or \$500
- **Annual Rental Rate:**
\$250 per year + CPI
adjustment

Node Support Poles:

- **Application Fee:**
lesser of actual cost
or \$1,000
- **Annual Rental Rate:**
\$250 per year + CPI
adjustment

Transfer Facilities:

- **Application Fee:**
lesser of actual cost
or \$500
- **Annual Rental Rate:**
\$28 per month



Right-of-Way Management Ordinance Ch. 96

PURPOSE

- Govern use and occupancy of rights-of-way
- Minimize congestion, inconvenience, deterioration
- Protect public health, safety and welfare, including security, appearance and condition
- Conserve and manage the limited physical capacity
- Preserve the physical integrity of public streets
- Control the orderly flow of vehicles and pedestrians
- Monitor and facilitate public and private interaction
- Incorporate All City facilities when planning uses
- Limit wireless telecommunications infrastructure impact
- Continue to improve process for efficiency of all



ROW Management
Ordinances_9 Jun 2020



Right of Way Management Ordinance Ch. 96

Outline of Ordinance Divisions

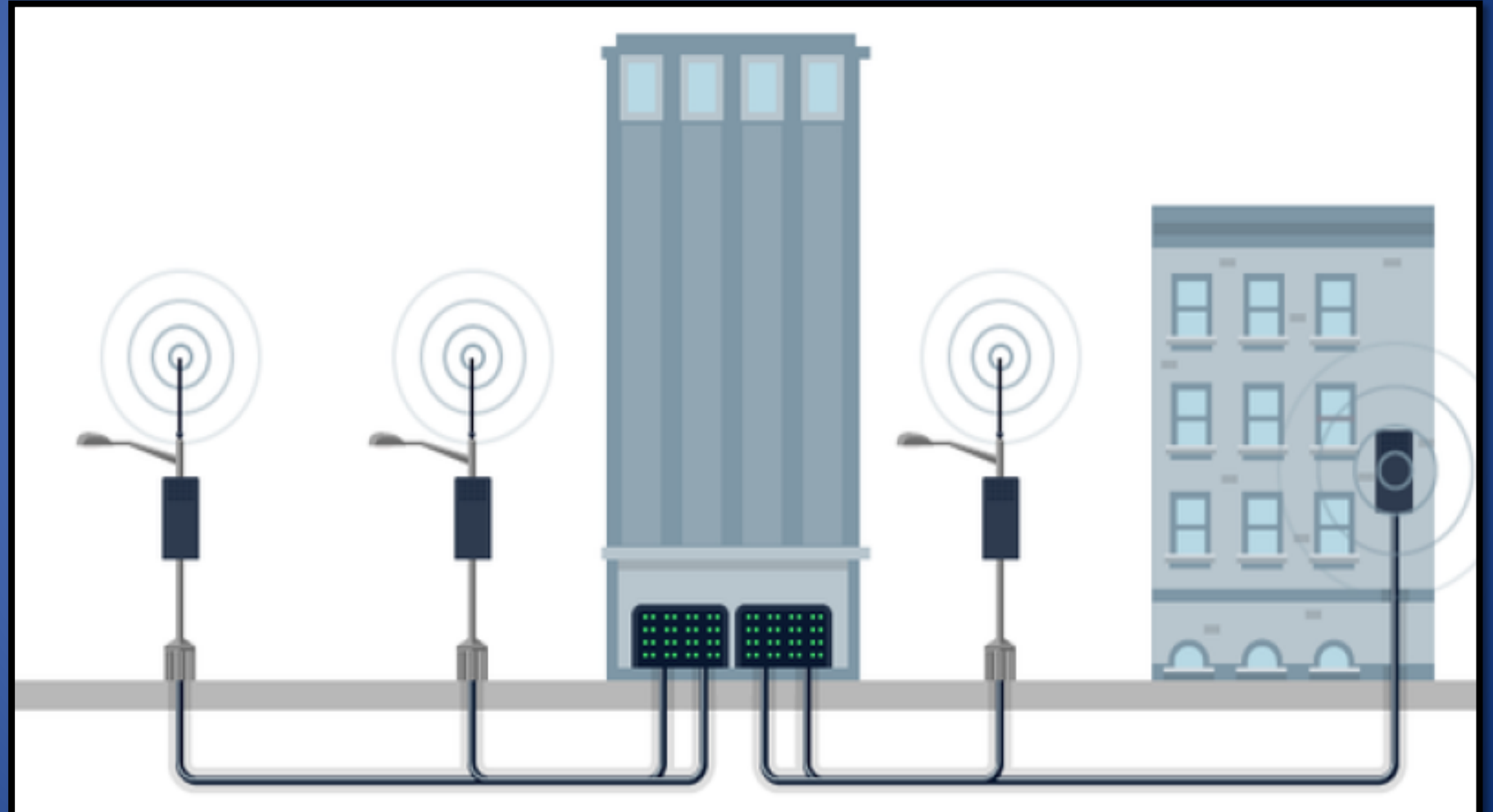
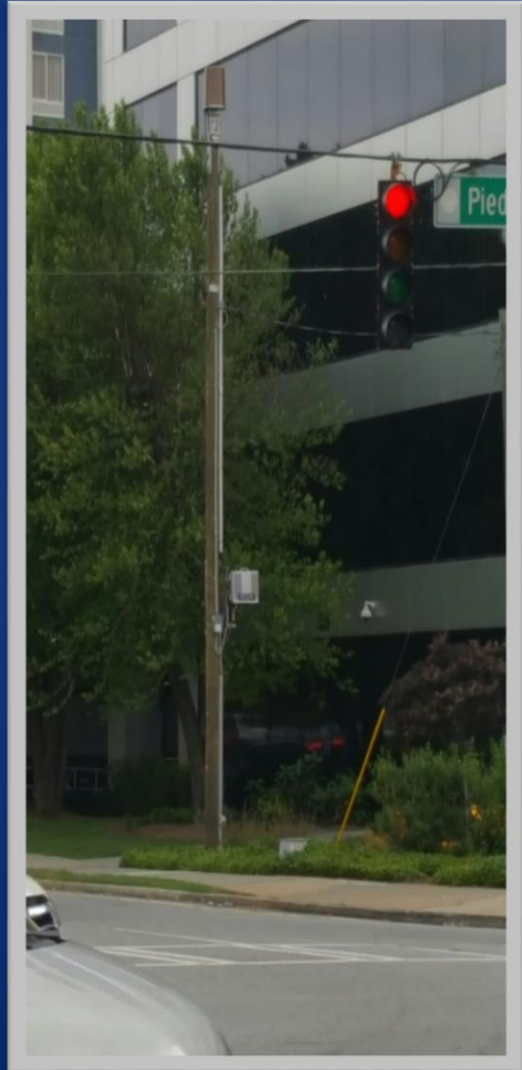


- DIVISION I: General Provisions
- DIVISION II: Technical Specifications
- DIVISION III: Indemnification, Insurance, Bonding and Liability
- DIVISION IV: Certified Telecommunication Providers and Deployment of Network Nodes
- DIVISION V: Right-of-Way Licenses



Questions

engineering@pflugervilletx.gov





City staff requests approval of the Right-of-Way Management Ordinance



Engineering Design Manual Section 11

Per Chapter 284 TLGC, Section 284.108

Antenna

Radios

AC Meter (if required)
AC Disconnect
RF Warning Sign

- Installation and Construction of Network Nodes and New Node Support Poles in Public Right-of-Way
- Operational Standards related to avoid signal interference with other licensed communications and existing facilities
- Design Standards for antennae heights and camouflage techniques, equipment and environment
- Providers perform Industry Standard Pole Load Analysis Placement Network Node equipment more than 8 feet
- Network Provider shall comply with Design Manual

NOT SCALED – CONCEPT DRAWING



Engineering Design Manual Section 11

Per Chapter 284 TLGC, Section 284.152



- Permitting Process and Submittal Documents
- Design and Installation Standard
- Establish Abandonment, Relocation and Removal
- Considers Master Plans and City Facilities
- Consideration for Backfill requirements
- Comprehensive ROW Management Approach


NOT SCALED – CONCEPT DRAWING



Engineering Design Manual Section 11

Per Chapter 284 TLGC, Section 284.152, 284.153

- ROW Application required new construction or replacement, upgrading, expansion, relocation, excavation, installation, reconstruction, alteration, removal, maintenance, or repair work in the Public ROW; Removing a tree from the public ROW
- Network Providers who install a network node, node support pole, or transport facility
- Network Providers who install or collocate multiple network nodes in public ROW

 where quality meets life
PFLUGERVILLE
TEXAS

CASE # ROW _____ - _____

R-O-W/ EASEMENT PERMIT APPLICATION

(SMALL CELL & NETWORK NODES)

NOTICE: AS AUTHORIZED BY CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE, A NETWORK PROVIDER SHALL OBTAIN A PERMIT OR PERMITS FROM THE CITY TO INSTALL A NETWORK NODE, NODE SUPPORT POLE OR TRANSPORT FACILITY IN A CITY OF PFLUGERVILLE PUBLIC RIGHT-OF-WAY

DUE TO THE DIFFERENCE IN STATE REQUIRED REVIEW CYCLES, NETWORK NODES, NETWORK SUPPORT POLES, TRANSPORT FACILITIES, AND TRANSFER FACILITIES SHALL REQUIRE SEPARATE APPLICATIONS

Organization: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____

Email Address: _____

Signatures: (Required) _____



Ready For Service

NEXT STEPS:

- Upon approval of Ordinances second reading begin implement effective **6/23/2020 (Immediately)**
- Establish Website and MyPermit Now Links
- Recommendation that the City Council authorize the City Manager to execute agreements
- Implement Approved Fees for Right-of-Way Permits
- Provide Public Education regarding 5G
- Host Utility Coordination Meetings



Meeting
6/24/2020

Goals of Utility Coordination

- Maintain information sharing between City and Utility Providers for upcoming projects to be coordinated
- Maintain good communication all parties
- Collaboration among Providers for use of ROW
- Expectations communicated and confirmed

Email: Engineering@pflugervilletx.gov





City Ordinance 0522

City Response to Implement Ch. 284

Staff is proposing Ordinance 0522:

- ★ **Update Engineering Design Manual to include New Section 11 to include Network Nodes in Public Right-of-Way**
- ★ **Add Design Standard Details to complement Section 11 of the Engineering Design Manual**



Engineering Design Manual Section 11

Per Chapter 284 TLGC, Section 284.108

- Provides for Location Standards to minimize the construction of poles in the Right-of-Way
- Provides Operational Standards related to avoid signal interference with other licensed communications and existing facilities
- Provide Design Standards for antennae heights and camouflage techniques, equipment and environment



City Ordinance 0521

NEXT STEPS:

- ★ Upon approval of Ordinance second reading begin implement effective 6/23/2020
- ★ Bring Back Pole Attachment Agreement
- ★ Recommendation that the City Council authorize the City Manager to execute agreements
- ★ Implement the Approved Fee Schedule for Right-of-Way Permits
- ★ Provide Public Education regarding 5G



Goals of Utility Coordination

- Maintain information sharing between City and Utility Providers for upcoming projects to be coordinated
- Maintain good communication between all parties
- Collaboration among Providers for use of limited ROW
- Expectations communicated and confirmed

Email to projects@pflugervilletx.gov

Provide Contact Information by June 12, 2020

