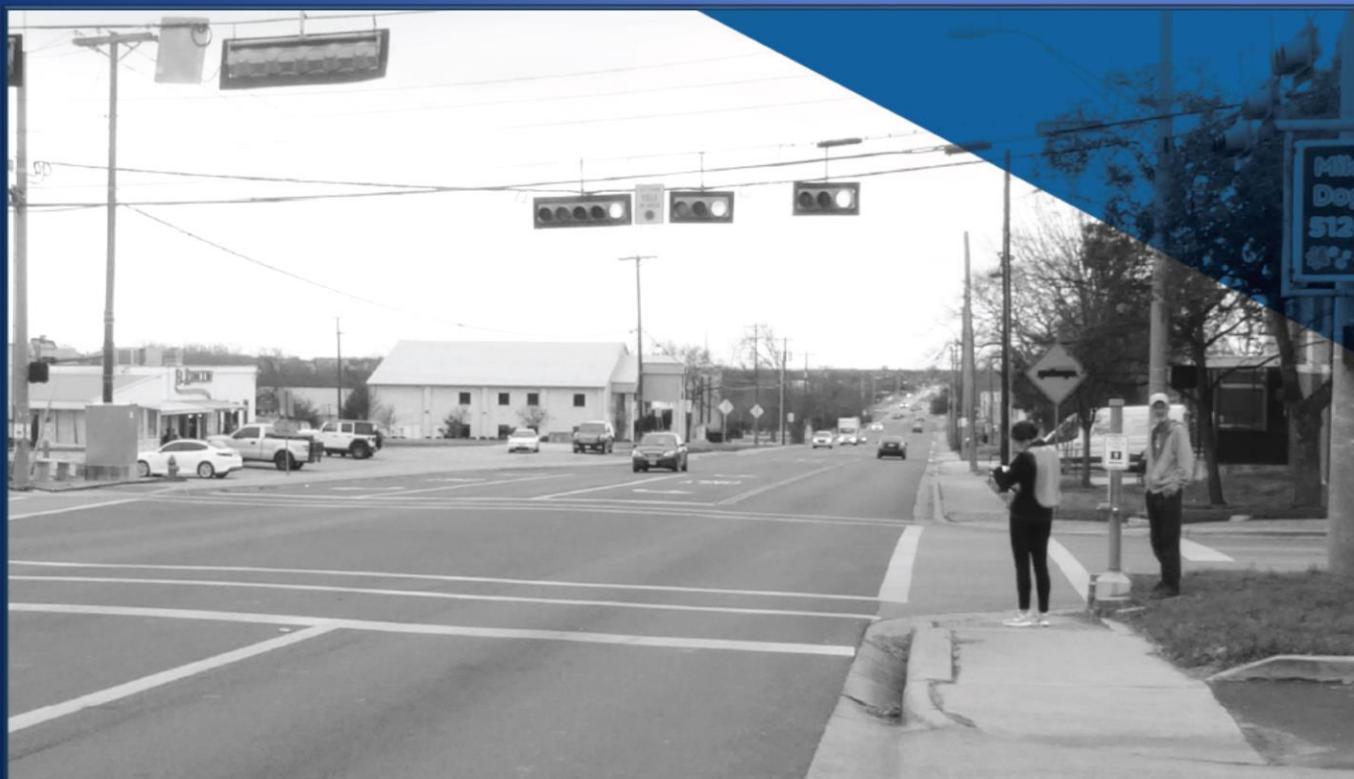




# ORD 0521: Chapter 96

## RIGHT OF WAY MANAGEMENT





# PfluGerville 5



# Texas Local Government Code (TLGC)

## Chapter 284:

### Network Nodes in the Right-of-Way

## Credit ATT

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



Credit: ABJ: 15 Aug 2018



# 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

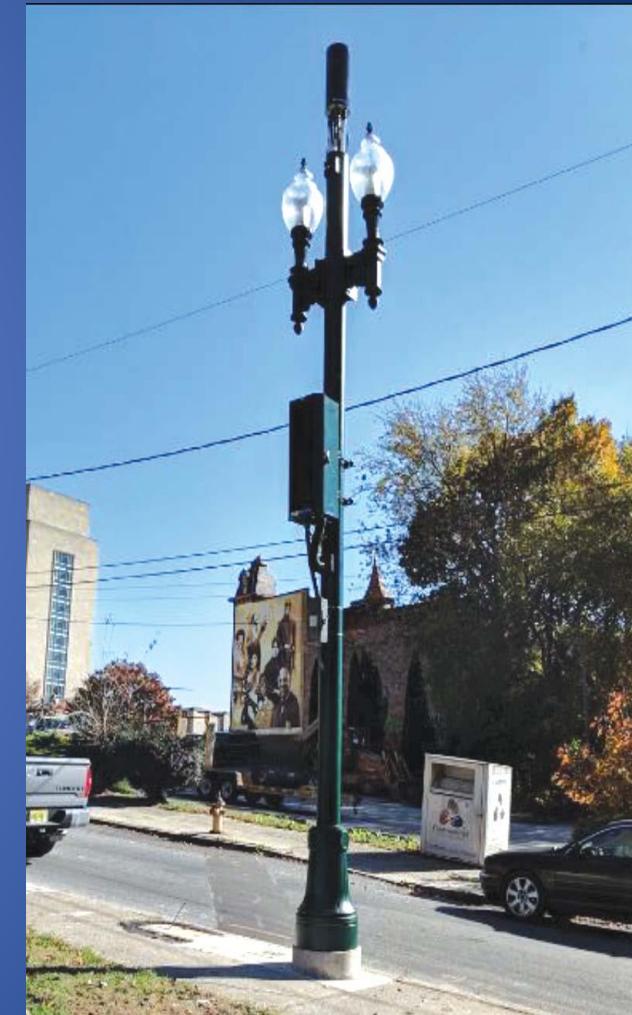
- Approved Texas Legislature September 1, 2017
- TLGC Chapter 284: Deployment of Network Nodes in Public Right-of-Way
- Regulations for City Requirements in Right-of-Way for placement of new “Small Cell” Wireless
- “Small Cell Nodes” or “Network Nodes” allow access to 5G technology, for faster data
- 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





## 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





# Right of Way Management Ordinance Ch. 96



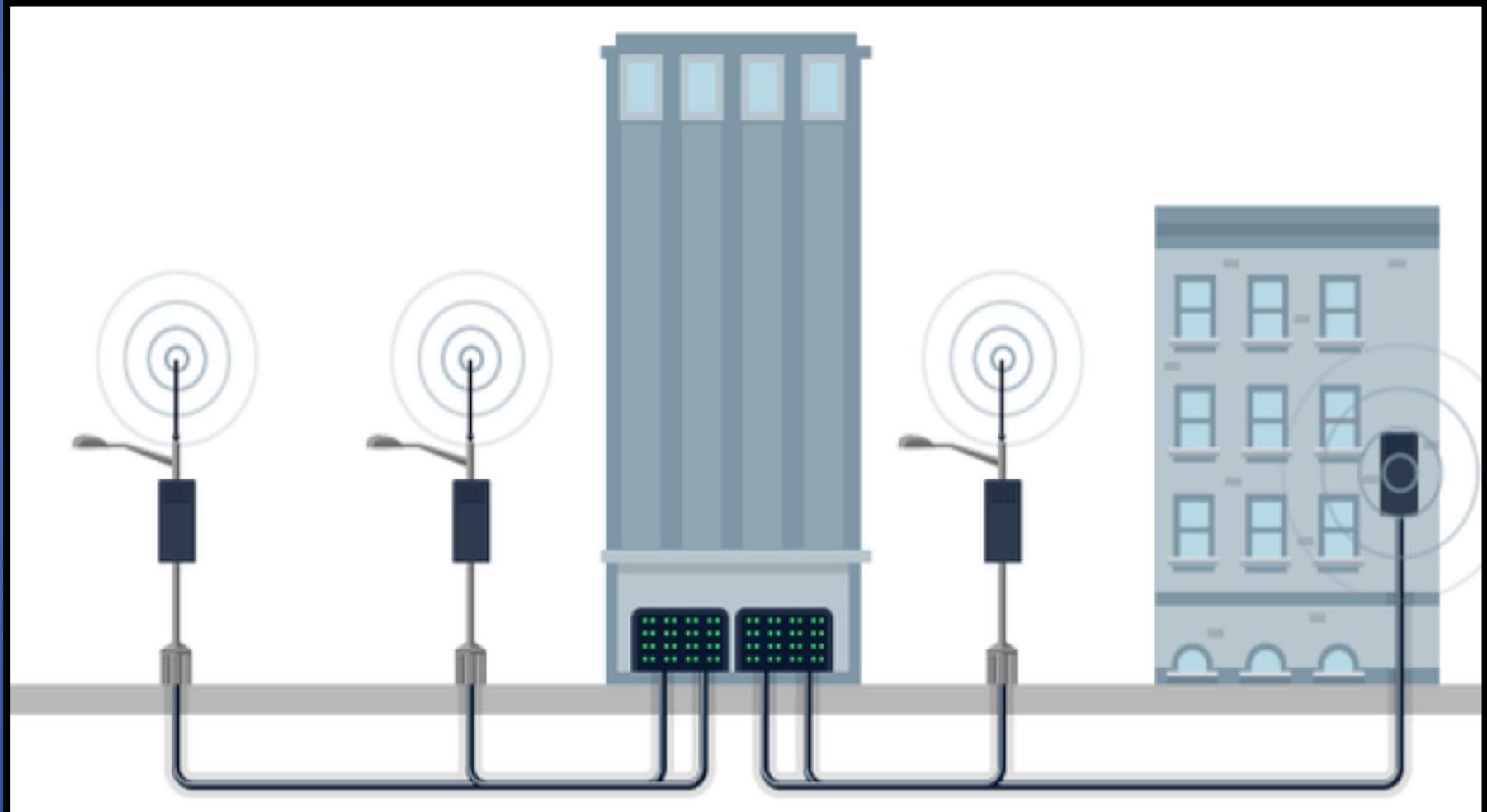
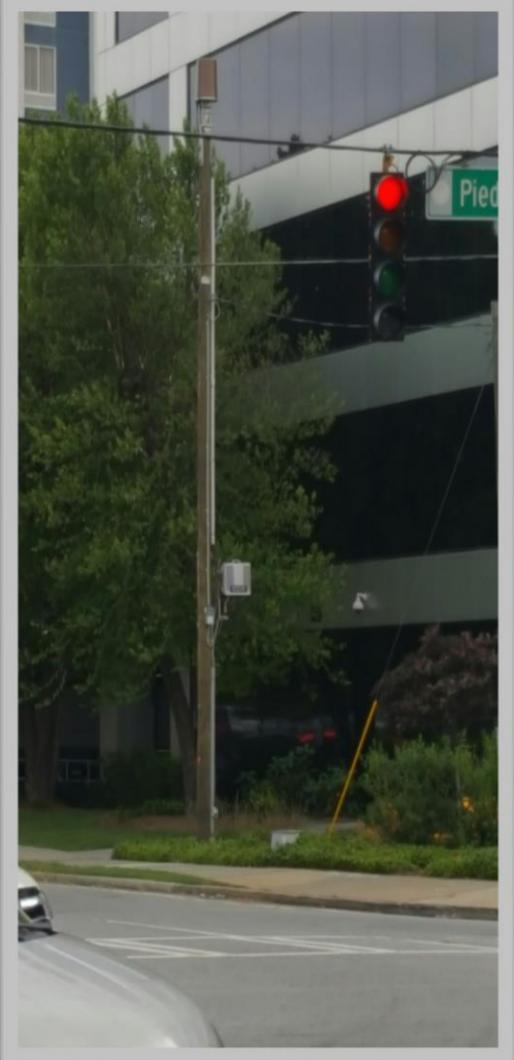
## Outline of Ordinance Divisions

- 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



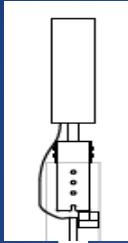


# **City staff requests approval of the Right-of-Way Management Ordinance**



# Engineering Design Manual Section 11

## Per Chapter 284 TLGC, Section 284.108



Antenna



Radios

AC Meter (if required)  
AC Disconnect  
RF Warning Sign

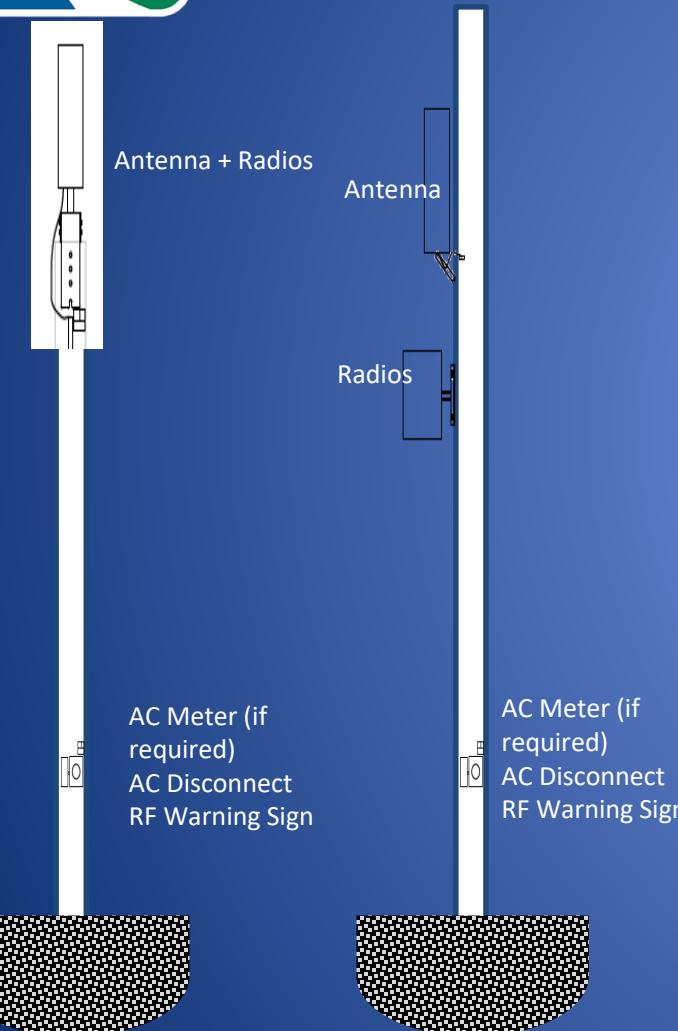


- Installation and Construction of Network Nodes and New Node Support Poles in Public Right-of-Way
- Operational Standards related to avoid signal interference with other licensed communications and existing facilities
- Design Standards for antennae heights and camouflage techniques, equipment and environment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



# Engineering Design Manual Section 11

## Per Chapter 284 TLGC, Section 284.152



NOT SCALED – CONCEPT DRAWING

- 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



# 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

The image shows a scanned copy of a permit application form. At the top left is the Pflugerville Texas logo with the tagline "where quality meets life". To the right is a field for "CASE # ROW \_\_\_\_\_". The title "R-O-W/ EASEMENT PERMIT APPLICATION" is centered, with "(SMALL CELL & NETWORK NODES)" in parentheses below it. A notice below the title states: "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". Another notice below that reads: "DUE TO THE DIFFERENCE IN STATE REQUIRED REVIEW CYCLES, NETWORK NODES, NETWORK SUPPORT POLES, TRANSPORT FACILITIES, AND TRANSFER FACILITIES SHALL REQUIRE SEPARATE APPLICATIONS". The form contains several lines for "Organization", "Mailing Address", "City, State, Zip", "Phone Number", "Email Address", and "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@pflugerville.tx.gov](mailto:Engineering@pflugerville.tx.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

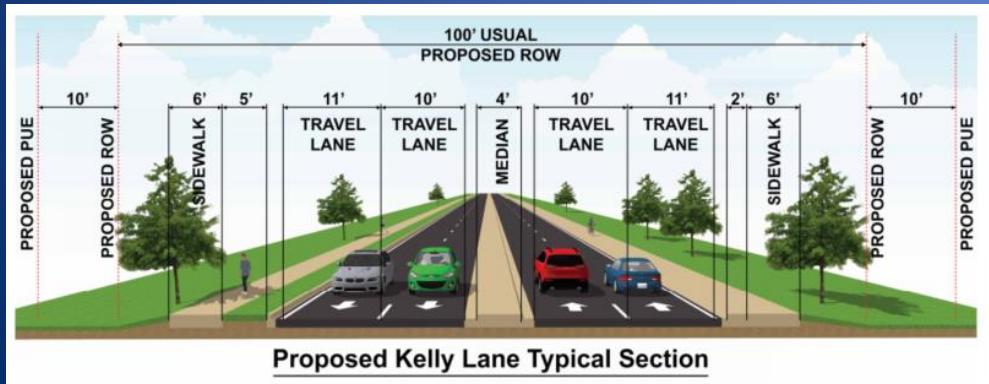
## NEXT STEPS:

- ★ 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](mailto:projects@pflugervilletx.gov)

Provide Contact Information by June 12, 2020