



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 17-921, **Version:** 1

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Consider/Discuss/Act on an Ordinance Amendment for Deployment of Small Cell Network Nodes Technology within the City of McKinney

**COUNCIL GOAL:** Operational Excellence

**MEETING DATE:** September 19, 2017

**DEPARTMENT:** Public Works Department

**CONTACT:** David T. Brown, PE, Director of Public Works  
Alan Latham, City Attorney's Office

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of the Ordinance.

**ITEM SUMMARY:**

- Senate Bill 1004 (SB 1004) allows the deployment of network nodes in the public right-of-way (ROW) and became effective on September 1, 2017, at the sole discretion of the provider and without the typical control the City imposes on uses of the rights-of-way by third-parties. SB 1004 specifically restricts the ability of cities to regulate the use of City ROW for these network node installations. SB 1004 allows a city to adopt police-power-based regulations and a Design Manual that can be used to provide guidance to the providers on the technical criteria and details necessary for a proper installation so long as the requirements do not conflict with the rules set out in SB 1004.
- SB 1004 allows network node providers four options for installation within the public ROW, which are described below:
  1. On a "Utility Pole" - a non-City owned pole that provides electric distribution (i.e. Oncor power poles.)
  2. Installed via a "Transport Facility" - a path within the ROW, extending with a physical line from a network node directly to the network, for purposes of providing a backhaul for network nodes (i.e. a fiber line directly installed in the ground between network node and network tower.)
  3. On a "Service Pole" - on a pole owned or operated by the City and in the public ROW (i.e. a signal pole, sign pole, a light pole, or similar structure owned or operated by the City.)
  4. On a "Node Support Pole" - a pole installed by a network provider for the primary purpose of supporting a network node.

- The amendments to Chapter 90, entitled “Streets and Sidewalks,” of the Code of Ordinances, City of McKinney, Texas, and the City of McKinney’s Wireless Services (Small Cells) Design Manual that are adopted by and through this Ordinance provide technical criteria and details necessary for Providers seeking to install and construct network nodes and node support poles in the City’s ROW in strict accordance with the mandates of SB 1004. Some topics included within the Ordinance are:
  - Six new definitions specifically related to Telecommunications and Wireless Service Providers.
  - Regulations for use of the City’s rights-of-way by certified telecommunications providers, in accordance with Chapter 283 of the Texas Local Government Code.
  - Regulations for use of the City’s rights-of-way by wireless network providers, in accordance with Chapter 284 of the Texas Local Government Code.
  - Adoption of the City of McKinney’s Wireless Services (Small Cells) Design Manual.
  - Adoption of fees applicable to Network Providers for small cell networks.
  - Reservation of the City’s rights if SB 1004 is overturned by the courts as being unlawful.
- Some topics included within the manual are:
  - ROW permitting process and technical criteria for installation of a network node on a City Service Pole, a Node Support Pole and a Transport Facility.
  - Order of preference of installation method.
  - Electrical permitting process and technical criteria for power to all new network nodes.
  - Required structural analysis by a Texas licensed Professional Engineer for all network nodes on City Service Poles.
  - Size, placement, and aesthetic restrictions based on designated historic, design district, municipal parks or adjacent residential areas as identified by the City Zoning Ordinance.
  - Required equipment dimensions, signage, repair/maintenance procedures, GIS inventory information.
  - Required coordination of traffic signal maintenance activities and emergency response.
  - Required analysis and documentation that the network node will not interfere with the City’s communications infrastructure.
  - Abandonment, relocation and removal procedures.
  - Required application fees and annual rental fees.

#### **BACKGROUND INFORMATION:**

- The design manual has been reviewed by the City Attorney to verify that the City’s specific requirements are acceptable under the SB 1004 legislation.

#### **FINANCIAL SUMMARY:**

- Below is a summary of the permit application fees and rental fees that the City will collect for network node installations with the adoption of the Network Node Design Manual and ROW Ordinance amendment.
- This list of fees reflects the maximum fees the City is allowed to charge and collect under SB 1004.

**Network Node Installation Type Permit Application Fee Network Node Rental Fee**

Utility Pole (Non-City Owned) N/A N/A Transport Facility N/A \$28 per Node per Month  
Service Pole (City Owned) \$500 for the first 5 Nodes; \$250 for each additional node;  
with a limit of 30 network nodes per application. \$250 per Year per Node (plus annually  
allowed CPI adjustment) Node Support Pole \$1,000 per Pole \$250 per Year per Node  
(plus annually allowed CPI adjustment)

**BOARD OR COMMISSION RECOMMENDATION:** N/A