

Memorandum



CITY OF DALLAS

DATE September 25, 2015

Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),
TO Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT **Small Cell & Distributed Antenna Systems License Agreements with the City of Dallas Briefing**

On Monday, September 28, 2015, the Quality of Life and Environment Committee will be briefed on Small Cell & Distributed Antenna Systems License Agreements with the City of Dallas. The briefing materials are attached for your review.

Please feel free to contact me if you have questions or need additional information.

A handwritten signature in blue ink that reads "Jill Jordan".

Jill A. Jordan P.E.,
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Small Cell & Distributed Antenna Systems License Agreements with the City of Dallas

Quality of Life and Environment Committee
September 28, 2015



Presented by
PBW, SDC, CAO



Purpose

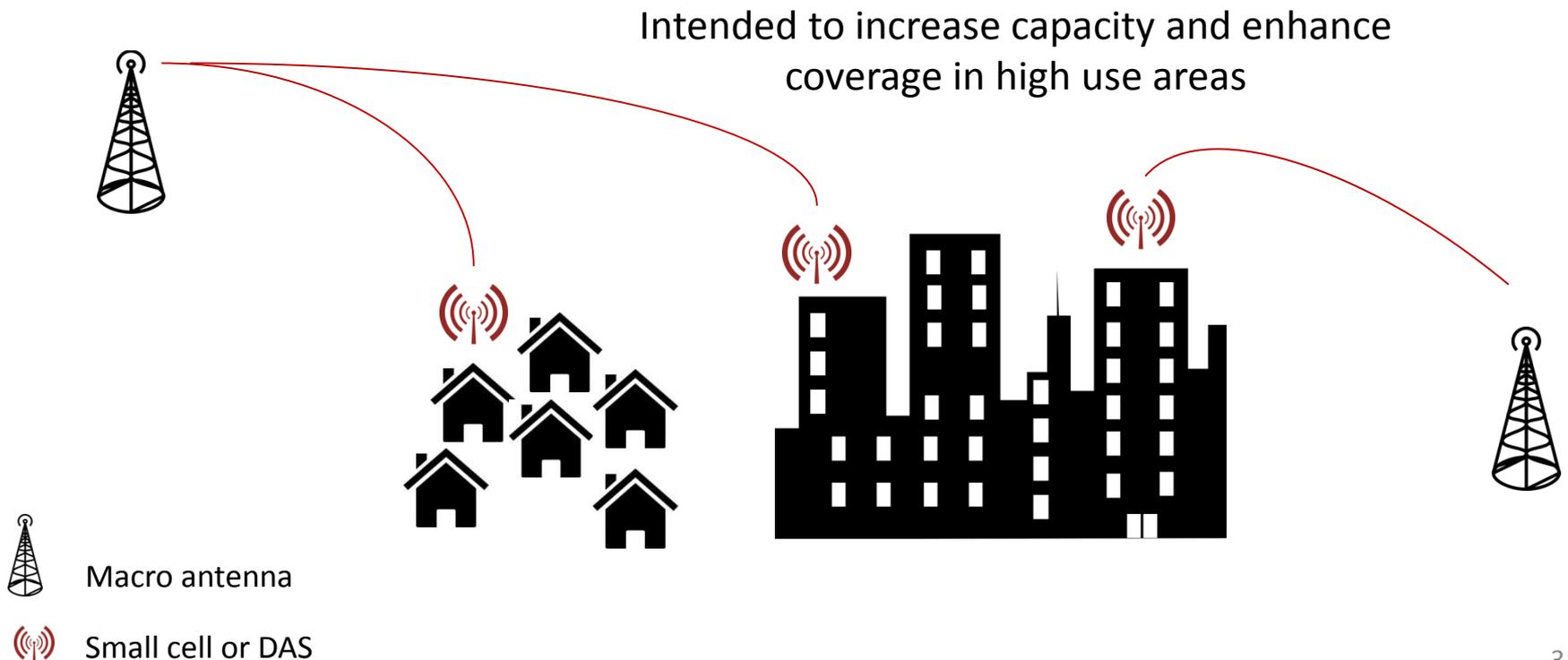
Establish a policy for the installation of Small Cell & Distributed Antenna Systems (DAS) within the City's right-of-ways

- Develop Installation guidelines
 - Types of installations
 - Allowable locations
 - Aesthetics
- Establish terms for the policy
 - Permit fee (initial one time)
 - Right-of-way usage fee (renewable yearly)

This is about the rental of public property – its not about zoning

What is Small Cell and DAS?

Mobile phone voice and data relays placed strategically to add capacity, increase data speeds and enhance area coverage



Small Cell vs. DAS

Small Cell Antennas

- Placed by wireless service providers like Verizon Wireless and AT&T Mobile
- Facilities are not shared with other providers (but may soon change)
- Can result in more antenna installations to serve the same geographic area because of duplication of facilities

Distributed Antenna Systems

- Placed by “Carrier’s Carrier” like Crown Castle who does not directly serve the public, but instead sells their services to the wireless service providers
- A single DAS installation is equipped to serve multiple service providers and their customers

Where Are Small Cell Antennas and DAS Placed?

- They can be placed in multiple locations:
 - Power poles
 - Buildings and Facilities
 - Street and pedestrian light poles
 - Traffic signals



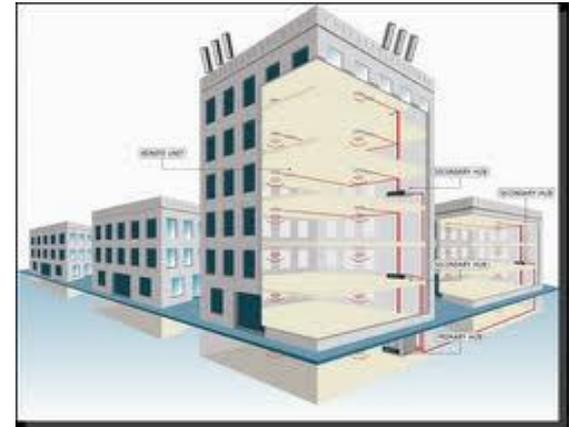
Why Now ?

- Recent increase in requests by private companies for the placement of small cell and antennas in the public right-of-ways
- No formal policies exists for handling these requests and are currently being handled on a case by case basis

How Does This Affect Us?

Requests are being made to place small cell antennas & DAS on City's right-of-ways, structures and facilities such as:

- City Traffic Signals
- Street Light Poles
- City Facilities
- Along Sidewalks



Current Status

- Each site is assessed a \$750 standard application fee
- Physical site placement considerations are handled on a case by case basis
- Since July 15, 2015, all new applicants have been informed of a new \$1,000/year license fee (allowed by code for use of right of way). This is in addition to the one time standard application fee of \$750
- There is a backlog of 121 pending permits with an additional 600 coming soon

The City Needs to Establish a Policy

Established policy brings consistency to all requestors and allows them to plan their networks

Considerations for a Policy

- Considerations for what the small cell or DAS installation should look like:
 - Size
 - Shape
 - Intrusive



Considerations for a Policy

- Considerations for where the small cell antennas can be placed:
 - Aesthetically appropriate
 - Consistent with environment
 - Not obstructive to pedestrians
 - Not visually obstructive to vehicular traffic
 - Not interfering with ADA standards



Policy Considerations Covered

- Treatment and locations for ground-mounted components
- Placement, size and color of obstruction and protrusions
- Number, spacing, location, placement and dimensions of pole-mounted components
- Plans and drawings requirements
- Local, State and Federal requirements
- City's process attaining permits
- Agreement requirements with private facilities
- Maintenance and removal requirements

* Detailed staff policy recommendations can be found in the attached appendix

Considerations for a Policy

- **Appropriate Fees:**
 - One time initial standard application fees to be used to recover the cost of processing the application for a license
 - Annual use of right-of-way fee to recover the market value rent for the use of public property by a private entity
 - Duration of license – annual revocable license

Staff Recommended Fees per Installation

- Keep the initial standard application fee of \$750 the same
- Increase the license fee for use of right-of-way to \$2,500/year
- Use current antenna rates on city facilities and structures
(considers type of facility/structure and its location such as facilities in the CBD)

Other Cities use of Right-of-Way License Fees

San Antonio \$1,500/year per installation

Phoenix \$3,000/year per installation

Houston \$2,500/year per installation(not finalized)

San Jose \$3,000/ year

(based upon a consultant's report of fees that included San Francisco, New York, and Phoenix)

*** Study was made for right-of-way use license fees. Initial standard application fees vary per city**

Staff Request

- Seeking Council concurrence on:
 - Keeping the currently applied standard permit application fee of \$750
 - Charging \$2,500/year for use of right-of-way license fee for the installation of Small Cell & Distributed Antenna Systems within the City's right-of-ways
- Seeking Council concurrence on the staff recommended policy for the installation guidelines for Small Cell & Distributed Antenna Systems within the City's right-of-ways
 - * Detailed staff policy recommendations can be found in the attached appendix
- Seeking Council concurrence to amend the license ordinance for the installation of Small Cell & Distributed Antenna Systems within the City's right-of-ways

Further Considerations

- Digital infrastructure access to the internet is as critical today as the delivery of electricity, clean water and transportation
- Dallas' future must include the delivery of high-speed, high-quality and affordable Internet to all who live, work and visit in Dallas
- We are seeking to have all of Dallas' neighborhoods with high quality access to advanced communications networks, allowing residents and businesses to take full advantage of Internet capabilities

Project Linking Dallas

- The City (CIS) is working to prepare a Request for Participants (RFP) to identify one or more providers to commit to deploying advanced wireline and wireless networks for providing high-speed broadband services to all or parts of residences and businesses
- The RFP will make available many of the City's assets—real estate, traffic light poles, communication towers, streetlights, stormwater pipes to connect broadband so that providers can accelerate connecting Dallas
- Advantages:
 - Minimizing or eliminate the use of the City's tax dollars toward network development
 - Full control of installations and their appearance within the City's right-of-ways
 - Emphasis for installation in historically underserved areas

Next Steps

- Receive Committee input
- Draft an ordinance and seek Committee approval
- Schedule ordinance for City Council adoption by November

Questions & Comments

Appendix

Installation Policy Recommendations

- A Right-of-Way License Agreement must be obtained from the City of Dallas Sustainable Development and Construction Real Estate Division for each location. This will ensure the obtainment of a Right-of-Way Permit through the Public Works Department. Prior to any work occurring in the right-of-way, any electrical work will require a building permit and inspection from the City of Dallas Sustainable Development and Construction Building Inspection Division. Each installation will require inspection by the Public Works Department and (if electrical work is required) the Building Inspection Division
- Provide detailed engineering drawings for components and show all existing facilities [above ground for all & underground if any ground mounted equipment is proposed]. All components required for the facility must be included in the detailed plans and dimensions must be shown for all components and clearances

Installation Policy Recommendations

- Ground mounted components, in areas of high traffic volumes (pedestrian, vehicular, etc.) will be considered only if they are placed underground. If it is not possible to place them underground, they will have to be located above ground as described above. In addition installations must comply with all other federal and state statutes and local ordinances and regulations of the City such as electrical codes, minimum sidewalk standards, and visibility regulations
- All facilities must comply with current Texas Department of Licensing and Regulation and Americans with Disabilities Act requirements and must not create a visibility or accessibility issue as finally configured. Assure that facility components do not obstruct any traffic signage or signals
- All components must be positioned as to ensure that all intersection and driveway visibility requirements are achieved

Installation Policy Recommendations

- Provide agreement letters from facility owners that any components of the system will connect to or be mounted on. Provide a letter of agreement that states that all components will be maintained in conformance with current requirements, will be relocated to accommodate City infrastructure improvements, and will be removed if taken out of service or at the expiration of the license agreement
- External view must provide an “enclosed” look free of protrusions and colored to “blend” into the existing area for all components of the facility. Each unit must have identifying marks to identify the owner and a unique number to identify the unit. These must be as non-intrusive as possible, while still being able to be easily read from the ground
- The maximum dimension measured for the pole-mounted components of the unit shall not exceed 20-inches wide and 40-inches tall

Installation Policy Recommendations

- Pole mounted components must be at least 16' above ground level. Electrical meter bases can be less than 16' above the ground (must comply with Electrical Codes), but must be positioned as not to encroach into a walkway or ADA Path. The grounding rod and connection point must be configured to assure that it does not encroach into a walkway or ADA Path, nor shall it pose a tripping hazard
- Pole-mounted components must not encumber more than $\frac{1}{2}$ the circumference of the pole at any location on the pole and only one antenna installation shall be permitted on any pole
- Damaged or deteriorated components must be corrected within 48 hours of notification. If units are taken out of service, the components must be removed within 5 business days of being taken out of service