



# **INFORMATION MEMORANDUM**

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TO: Mayor and City Council

FROM: Charles S. Cox  
City Manager

DATE: August 7, 2017

SUBJECT: Ordinance No. 3457 -- Amending the ROW Ordinance regarding Wireless Network Node Installation within the City.

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During this year's regular session, the Texas Legislature approved Senate Bill 1004, which adopts a new Chapter 284 of the Local Government Code. In adopting this chapter, the Legislature provided a state-wide regulatory scheme concerning the installation of wireless network equipment in the public right-of-way. This legislation greatly limits the ability of individual cities to further regulate this type of equipment.

The wireless network equipment addressed by the bill primarily includes "network nodes", which is equipment that enables wireless communications between the communications network and the user's equipment, and related equipment. The provisions of Chapter 284 apply to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

The bill, which is effective September 1<sup>st</sup>, provides some regulations concerning size and location of the equipment, as well as maximum fees which can be charged. The bill does not allow cities to prohibit the installation of this equipment in the City, and prevents cities from denying network providers access to city service poles (i.e. traffic signal poles, signage, light poles), although the City can require a collocation agreement for such connections.

Since the bill was signed by the governor earlier this summer cities throughout the state have been working together diligently to determine what changes need to be made to implement the

provisions of SB 1004. After consulting with legal counsel, staff has determined that the best way to protect the interests of the City, in light of this legislation, is to:

- 1) Amend the City's Right-of-Way ordinance provisions,
- 2) Amend the Master Fee schedule to provide for the new fees related to the installation of this equipment.

This proposed Ordinance 3457 accomplishes both of these objectives.

City Staff strongly recommends approving Ordinance No. 3457 before September 1<sup>st</sup>, 2017.