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Austin City Council       Item ID       72906       Agenda Number       45.         Meeting Date:       8/17/2017       Department:       Telecommunications and Reg Affairs         Subject       Subject         Approve an ordinance amending chapters 14-11 and 15-7 and repealing Chapter 15-8 of the City Code related to right of way and on City-owned poles; declaring an emergency.       Arrount and Source of Funding         Aurount and Source of Funding       Arrount and Source of Funding         Purchasing Language:       Fiscal Note         Por for Gouncil Committee, Boards and Commission Action:       Rondella M. Hawkins, TARA Officer, 512-974-2422         Council Committee, Boards and Commission Action:       Additional Backup Information         The 85th Texas Legislature adopted new Chapter 284 of the Texas Local Government Code, effective September 1, 2017. The new state law obligates Texas municipalities to permit the use of municipal right of way and municipal poles (includes, traffic signal poles, non-decorative light poles, sign poles, and City-owned electric distribution poles) for placement of wireless network equipment and poles for use by wireless network providers. The new state law nestricts municipal authority to police power based public health, safety, and welfare, with a few allowances for municipal/sourced approved less. The new state law and poles. The new state law and poles. The new state law and concealment elements as well as discretion on terms for attaching to municipal/sourced approved by the time a "shot cock" runs out are decarated approved speets to attach to municipally-owned electric distribution poles are excluded from the permi	A G E N D A							
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of design districts and historic districts. Further, the new state law allows some municipal discretion over whether a network provider may place stand-alone "node support poles" in municipal park right of way or in right of way adjacent to residential areas.

In order to conform to the new state law and exercise the City's discretion retained in its provisions, the proposed ordinance declares findings and amends Chapters 14-11 and 15-7 where necessary in order to be effective on the effective date of the new state law. During review of 14-11 and 15-7, several provisions of code related to right of way permitting and pole attachment agreements were also modified to bring them into current practice and clarify existing language.

In summary, the ordinance includes the following substantive provisions:

- Makes finding necessary to administer the changes in state law, stating the importance and value of safe and accessible public rights of way and City infrastructure
- Modifies right of way management codes in Chapter 14-11 of City Code by accommodating new types of activities and facilities related to wireless networks
- Requires a permit for a wireless network facility to obtain review for appropriateness if the site is located in right of way adjacent to historical districts or landmarks
- Prohibits new wireless network node poles from being placed in rights of way in or adjacent to park roads or residential areas
- Clarifies discretion over and terms for City-owned pole attachment agreements in Chapter 15-7 of City Code
- Eliminates provision in Chapter 15-7 of City Code related to joint use of electric distribution poles
- Declares an emergency for immediate effect in order to conform City Code to the new state law that takes effect on September 1, 2017